



Village of Lemont
Planning and Zoning Commission

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

PLANNING & ZONING COMMISSION
Regular Meeting
Wednesday, June 17, 2015
6:30 p.m.

**Planning and Zoning
Commission**

Anthony Spinelli,
Chairman

Commission Members:
Deb Arendziak
Ryan Kwasneski
David Maher
Jerry McGleam
Jason Sanderson
Phil Sullivan

**Planning & Economic
Development Department
Staff**

Charity Jones, AICP, Director
Heather Milway, Planner

- I. **CALL TO ORDER**
 - A. **Pledge of Allegiance**
 - B. **Verify Quorum**
 - C. **Approval of Minutes May 20, 2015 meeting**
- II. **CHAIRMAN'S COMMENTS**
- III. **PUBLIC HEARINGS**
 - A. **15-06 508 Illinois Street Preliminary PUD continued.** Request preliminary PUD approval for one single-family detached home, one two-unit structures and one three-unit structure in a historic district.
 - B. **15-07 15800 New Avenue Rezoning.** Request zoning classification change from the B-3 district to DD District zoning district.
 - C. **15-10 La Dolce Vita Variation.** Request variation to exceed the 80% maximum lot coverage for a building in the DD zoning district.
 - D. **15-08 Estates of Montefiori Preliminary PUD and Rezoning.** Request preliminary PUD approval 52 townhomes and 35 single family homes and zoning classification change from the B-3 & R-1 to R-4 & R-5.
 - E. **15-09 UDO Amendments.**
- IV. **ACTION ITEMS**
- V. **GENERAL DISCUSSION**

VI. AUDIENCE PARTICIPATION

VII. ADJOURNMENT

Village of Lemont
Planning and Zoning Commission
Regular Meeting of May 20, 2015

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, May 20, 2015 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 6:34 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, McGleam, Maher, Sullivan, Spinelli

Absent: Arendziak and Sanderson

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

C. Approval of Minutes for the April 15, 2015 Meeting

Commissioner McGleam made a motion, seconded by Commissioner Kwasneski to approve the minutes for the April 15, 2015 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 everyone to stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. 15-04 - Lemont Nursing & Rehab Center.

Request for final PUD approval for expansion of existing Lemont Nursing & Rehab Center facility.

Chairman Spinelli called for a motion to open the public hearing for Case 15-04.

Commissioner Maher made a motion, seconded by Commissioner Sullivan to open the public hearing for Case 15-04. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Mrs. Jones said last month the Commission had heard an application from the Lemont Nursing & Rehab Center for a proposed expansion of their facility. After the public hearing staff was made aware that there was a miscommunication on the applicant side that they do want to increase the number of beds in the facility. At the last public hearing we had talked about leaving the number where it is in the existing special use ordinance which is at 160. The applicant is requesting that the number of beds be placed at 186. For that reason we have another public hearing tonight so that everyone has an opportunity to hear about that revision.

Mrs. Jones stated additionally, the applicant has presented some revised plans to address some of the conditions that the PZC (Planning and Zoning Commission) made as part of their recommendation last month and she will go through those briefly. The applicant has presented some additional material regarding the detention basin and tree preservation measures which was a request of the Village Arborist. Staff has not been able to complete the review so it is still pending. The applicant has also added a fire hydrant at the request of the Fire Marshall. The applicant has submitted a revised landscape plan that includes a berm that is approximately four and half feet higher than the elevation of the parking lot. They have also provided a sight line analysis that is included in staff's packet. She then showed it on the overhead projection. The landscape berm includes eight evergreen trees, 22 evergreen shrubs, six ornamental deciduous trees, and five deciduous shrubs. Staff feels that they should revise the plan further to try and make the berm a full five feet in height and use a higher percentage of evergreen material. The deciduous material loses its leaves in the winter time and does not provide a good screening. There should also be some additional evergreen plan material beyond just the berm. It should be placed in the landscaping border adjacent to the southern edge of the parking lot, particularly the southwest edge.

Mrs. Jones said the applicant did provide a revised plan for a trash enclosure, but it did not enclose the medical waste receptacles. Staff has informed the applicant that those need to be enclosed as well so they are revising that plan accordingly. They also did provide trash cans in the parking lot for staff use. The applicant has not met with the Village Engineer at this time but they are trying to coordinate a meeting in regards to the existing drainage issues that they were made aware of in the southeast corner of the property.

Mrs. Jones stated she used the same analysis for the parking. The parking has not changed since last month, however the number of beds has. She recalculated using the new number of beds and they still fall within the range of observed rates and nearby

similar facilities. Also, it still falls under what the Veteran Affairs would recommend for one of their facilities. However, something that is still questionable for staff is that the increase in beds increases the patient capacity by 12%, but the projected changes for staffing vary. This made it questionable when they were trying to do the analysis of the parking versus staffing capacity. She said this would conclude staff's presentation.

Commissioner Arendziak arrived for the meeting at 6:40 p.m.

Chairman Spinelli asked if there were any questions for staff at this time.

Commissioner Maher asked if she could elaborate on what further questions staff would have in regards to parking.

Mrs. Jones said the parking analysis that she did last month was really unchanged by the projected increase in the number of beds. In order to run the VA model she would have to input the staffing levels. Last month she had entered the current levels because the number of beds were not changing so staffing would not change. Now with the increase in beds, most likely there will be more staffing requirements. The question is the staffing increases weren't in direct correlation to the increase in capacity of the facility. She would just like the applicant to elaborate further on how the staffing ratios work and how they relate to patient capacity.

Commissioner Sanderson arrived for the meeting at 6:42 p.m.

Chairman Spinelli asked if there were any further questions for staff. None responded. He then asked if the applicant wanted to make a presentation.

Applicant Presentation

John Antonopoulos, attorney for the applicant, apologized for making staff, the Commission, and residents come out for a second time. There was a miscommunication between himself and his client in regards to the number of beds. He was under the impression that they were going to take residents at the existing facility and just put them in private rooms. When he had found out that they were making a six million dollar investment and that they could not restrain themselves but rather think about the future. He said he had met with Mrs. Jones and staff to try and work this out. Tonight, Ron Nunziato, CEO for Lemont Nursing & Rehab is present to address the issues of staffing.

Ron Nunziato apologized also for the miscommunication in regard to the bed capacity. It has always been their intention with presenting this project and moving forward with the amount of expense that they are putting into the building that there has to be a return on investment. Not only for the partners of the Lemont facility but also the bankers that are financing the project. They too want to see a return on investment. In regards to the parking, there really is not a huge increase in staffing as it relates to whether it is 20 or 25 additionally residents. With the exception of nursing no other

piece of the staffing model, vendors or consultants, would be increased. They don't necessarily need another cook just because they are adding an additional 20 beds, they would just make more food. This would be the same for housekeeping, dietary doctors, etc. so the parking would not change. Based on his calculations they would be adding three additional staff people to the day shift, two staff people to the evening shift and one person to the night shift. The day shift is when they are most compromised right now and they would be adding three additional staff people.

Chairman Spinelli asked if the increase of the 26 beds would incur immediately upon the completion of the addition or is there a staging that will occur.

Mr. Nunziato said it will be staging. There are regulations where the State of Illinois only allows facilities a certain percentage of beds that can be added every two years. Their theory is that they would be adding fifteen beds in a two year period.

Chairman Spinelli asked if they would still be regulated by the State.

Mr. Nunziato stated that is correct.

Chairman Spinelli asked if the facility that they proposed last month, parking and building, is not changing. He said he wants to make it clear for the residents that are here tonight.

Mr. Nunziato said there are minor changes but no changes to the size of the building.

Chairman Spinelli asked if any of the Commissioners had any questions for the applicant. None responded. He then asked if anyone in the audience wanted to come up and speak in regards to this case.

Public Comment

Pam Rea, 1313 Drawbridge Lane, said she has brought a letter tonight and will be reading that. She would like to express her opposition to the proposed expansion. Her family and her have lived behind this Center since 1999. They dutifully pay their ridiculously high Cook County property taxes every year and work hard to maintain their property. The original special use had limited this acreage to a single-family detached residential development. They are now faced with the possibility of a 24 hour, seven day a week, 125 staff car parking lot, 130 feet from their back yard. She can only imagine the adverse effect to their home value if this expansion is allowed. Immediately following the last meeting Lemont had quickly changed its plans to increase the number of beds to 186. Even though they were told repeatedly that there were no plans to change the number of beds.

Mrs. Rea asked if the Center had received approval of the Health Facilities Services Review Board allowing the increase in the number of beds. If not, do they know when they anticipated review and will they be notified. If the increase is not allowed are they

planning on going back to maintaining the current number of beds. She asked for the PZC to consider the threshold at which the number of parking spaces is determined. She understands that there is no “apples to apples”, but she is questioning if the VA facilities that were used for comparison are surrounded by residents on three sides.

Mrs. Rea stated the Village might want to do some research on the person who signed the Affidavit of Authorization. The name that signed it shows up in 124 lawsuits in Cook County alone. She can't say that it is the same person but it does show up in 124 lawsuits. Obviously they need to evaluate the engineering and parking situation which was clear at the April 15th meeting so it will not negatively affect the homes. Ideally they would love for this space to stay as it is. If not they should look into relocating the parking lot to the eastern most side of the property line or even eliminate a number of parking spaces. The berm or landscape plan that has been revised will not be sufficient to conceal lights and noise from their homes especially since their home is raised up a little bit. If the Village proceeds with the expansion that is proposed it sends a clear message that there is no concern for the residents and clearly puts business before the homeowners. She then gave a copy of her letter to staff.

Rick Seskauskas, 12486 Archer Avenue, asked if they are planning to expand the building.

Chairman Spinelli said their proposal right now is the building that they presented last month. If this gets approved, that building and sight plan is part of the PUD approval. So if they change the size or sight plan then they would have to come back before another public hearing. He would anticipate, but can't speak for the applicant, that his “not at this time” comment would be for this request to go to 186 beds and it would not require a building change as it sits right now. If the State was to allow them to increase for more than that number, and they would need additional building space, then they would have to come back for another hearing.

Mr. Seskauskas asked if there was any additional landscaping for the residents on the east side which was mentioned at the last meeting. He stated there are some trees marked on the property but he is not sure if they are staying or going.

Chairman Spinelli asked staff if there were any changes for the east side.

Mrs. Jones stated the changes that were proposed was to add the screening to the south end of the parking lot. There were no additional landscape materials proposed there. Her recollection were the concerns for screening of the parking lot from headlights and noise. The closer you put the screening to the parking lot the better it is for screening.

Mr. Seskauskas said this is a development so it should cover the whole area.

Commissioner Sanderson asked if the applicant was meeting the Village's landscape ordinance.

Mrs. Jones stated yes they are and the berm is in an excess to the landscape ordinance.

Commissioner Sanderson said they are meeting the requirements. What the Commission and the Village Board are trying to do is bargain with them so they can mesh some of the concerns that the residents have. He said he feels it will part of the discussion again tonight and where it goes from here is out of their control. The applicant should be hearing those residents again that are present tonight.

Mr. Seskauskas asked what he meant when he said "it is out their control".

Chairman Spinelli stated they are a recommending body to the Village Board. The Village Board ultimately has the say. The Commission can make recommendations to the Village Board. Sometimes they accept those recommendations, sometimes they don't, sometimes they modify them and sometimes they vote completely opposite of what the Commission voted.

Mr. Seskauskas said but the Commission controls the initial recommendation.

Chairman Spinelli stated yes.

Commissioner Sanderson said after the meeting last month there was a heavy rain. He drove out there and walked to the corner of their property line to see what was happening with the water. He stated he can see where the problem is at.

Mrs. Jones stated the Village Engineer and Public Works Department has not met with the applicant out on site yet. That is something that still needs to be addressed but has not been done yet.

Norval Galloway, 1305 Drawbridge Lane, said he opposes the expansion for all of the reasons that were expressed last month. He would like to add in an earlier staff report it was indicated that the residents on the back side of the property had an expectation of privacy. He does not feel that a five foot berm and some trees is adequate to address that expectation. As one of those residents, his expectation was that the property would be used for residential housing and not for an expansion to an on going commercial venture. He feels that the rules have been changed in practical fact if not actual fact. The expansion would make it worse for the residents in regards to drainage, noise, light and garbage. The expansion may be good for the business but it is clearly not good for the neighboring residents.

Don Conklin, 1446 Amberwood Lane, stated at the previous hearing they had talked in length about parking and keeping it at 156 beds. The needed increase parking was because the Center was going to become more of a rehab center where you would have more visitors daily then you do normally for senior care. Now they want to go up to 186 beds. He is not sure what that means for the number of vehicles; however there is only one access. If you are increasing the number vehicles to this great quantity what are they planning so there is safe access to and from the facility.

Ted Dziubek, 1331 Bailey's Crossing, said his concern is also the one access in and out of the parking lot. Bailey's Crossing dead ends right at the southern edge of the property. His concern is if they make that a through street for another ingress/egress to the parking lot. If it is true who would pay for that to be done.

John Rea, 1313 Drawbridge Lane, asked if there was any assurance as to what type of residents are going to be at this facility. The owners of this property have a bunch of other facilities and they have mentally ill residents, which have people that can be problematic. He asked if there were any assurances that these are going to be rehab patients.

Chairman Spinelli stated it is slated as a nursing and rehab facility.

Mr. Rea said it does not mean that they can't have people with mental illness there. He wants to know what type of residents are going to be there.

Chairman Spinelli stated mental illness does not mean that they are a threat to the community.

Mrs. Jones said they do not have anything at this point but maybe the applicant can speak more in regards to that. She stated it was an issue that they dealt with for Timberline Knolls in relation to care and being transferred.

Mr. Rea asked with this addition is there any more room for expansion, horizontally versus vertically, in the future.

Mrs. Jones stated theoretically yes, but financially she is not sure if they would get their return on investment.

Commissioner Sanderson asked what the setback is. He said they would not be able to do that unless they come back through this whole process again.

Mr. Rea said he understands that but here they are a month later and they want to increase the beds. He asked if this was being financed by private money or is the government financing this expansion.

Chairman Spinelli stated they are not privy to that information. It is not required for the applicant to disclose this. The applicant is taking notes and if they are willing to disclose their financing then they would answer that question.

Mr. Rea said if the government is financing it then they would be somewhat beholding to the government which may dictate the type of residents they bring into the facility.

Monica Andruszkiewicz, 12518 Archer Avenue, thanked Commissioner Sanderson for coming out and looking at the area. She stated her ejection pump runs 24/7 and all

seasons. She has a system that tries to take water away from there because it is such a ditch which was decided by the Village for Bailey's Crossing. That area is always wet back there. She asked to please keep in mind the drainage back there, which was originally a farm. She has kids that go out there to play and come back head-to-toe muddy. There is not only this expansion but the other townhomes and with the both together one is going to affect them somehow.

Chairman Spinelli asked for the site plan to be put on the overhead. Any water that is west of the addition and south of the addition, the grading plan is proposing to pick up all of that water. North of it is the existing building and courtyard so they are going to have drains there also. At the last meeting someone said towards the end that the drainage problem started with Bailey's Crossing. This facility is accommodating their water runoff to get it to their detention basin which is on the west side of the parking lot away from this area. The area towards the south and east of the parcel is remaining relatively undisturbed except for putting in the berm for the neighbors to the south.

Mrs. Andruszkiewicz said as long as it does not affect their drainage and the direction it needs to go.

Chairman Spinelli stated looking at the site plan it appears that her drainage does not go west. It is their drainage on the undeveloped portion that is going east towards them. With the additional improvements that they are making that water is going to be directed to their detention basin to the west. He said he wants to make it clear to everyone in the audience that it is not this facility pushing water off to you from a parking lot but rather water coming from Bailey's Crossing.

Commissioner Sanderson asked for the engineering plan to be put up on the overhead. The contours that are show on the plan does not show what is out there. He said walking that site there are more contours than what is shown on the plan. It makes a little pocket down in that corner. He stated staff will get the Village Engineer involved with this. Somehow they need to get the grades expanded out from the site. He agrees with Chairman Spinelli that it was caused by some other development than this one. This was supposed to be residential and given the opportunity to ask for more beds, even though they did not cause the problem they are asking for a favor. There is an opportunity here to help both sides out.

Mr. Seskauskas asked if the Village was going to control expansion in regards to height.

Chairman Spinelli said yes because this property is a PUD (Planned Unit Development) any changes to what they presented to the PZC and the Village Board would have to come back through this process again. That is why they are back here again this month because they want to increase the beds. What they presented last month is what they are going to build.

Stan Durkiewicz, stated he is directly east of the subject property. When the first owner came in for the Nursing Home, he had asked where all the water was going to go that used to be in the corn field. They decided to put in 34 inch storm sewers and put a nice swale in there. He said he has had no problems. If you go to the second five acres behind the nursing home they have completely forgotten about it. They only cut the grass twice a year. He asked why don't they put a nice sewer back there with a swale and bring it all back to where that person lives. He said there is no landscaping on his side except for willow trees that nobody takes care of. The willow trees are blocking the sewers. He marked a sewer back there that nobody knows about.

Chairman Spinelli asked if anyone else wanted to come up and speak. None responded. He then asked if the applicant wanted to come up and address any of the comments or questions that were addressed.

Mr. Antonopoulos stated that Mr. Nunziato will come up and address some of the questions that were asked in regards to the type of facility. In regards to the engineering issues, the Village Engineer will review it and they will have to comply with all the standards that are set forth by the Village.

Mr. Nunziato said whether they take government funding or privately fund this project they would be prohibited against discriminating against any person with any type of disability. This would include whether they were physically or mentally disabled. As a business model it would be detrimental to their business where they are providing care for the geriatric and physical rehabilitation to younger population that would be going home, to have residents with overt mental disabilities that would disrupt the operation of the facility. The neighbor that had inquired about their other facilities that they have in Cook County and the city of Chicago, they do have facilities that provide care for the mentally disabled. Those are exclusively for the mentally disabled. They are not mixed population facilities much like Lemont. He stated that is not to say there may not be someone there already who has a mental disability, but also has physical disabilities in which they have determined that they could meet their needs safely and appropriately. He asked if there were any other questions that he might be able to answer for them.

Chairman Spinelli asked if he was free to discuss the financing terms.

Mr. Nunziato stated it would probably be a combination of private and government funding.

Chairman Spinelli said there was a question regarding whether or not there would be a requested access to Bailey's Crossing. At this time the plan does not show it. He asked if staff anticipated a need to ever connect there. To him it would seem out of the way to connect there.

Mrs. Jones stated as a sight planning perspective it is not a logical connection. Again it would have to go through this process because they can't make any changes to the site plan once it is approved.

Chairman Spinelli said he wanted the neighbors to hear it from staff besides himself. He agrees that it is not a logical connection. He then asked if there was anyone else in the audience that wanted to come up and speak in regards to this public hearing. 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 15-04. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Spinelli asked if there were any questions for staff or comments.

Commissioner Maher asked if they wanted to increase the beds past 186 would they have to come back for another hearing.

Mrs. Jones said the current ordinance for the property has a maximum of 160 beds; their intention is that the new maximum would be placed in the ordinance. They would have to go through this process if they wanted to amend that. She feels this is appropriate because this type of facility the capacity for residents impacts things like parking that would have an impact on the adjacent residents.

Commissioner Maher stated he was not at the last hearing but reading the minutes and listening to the neighbors he does not understand if there was a mistake in the number of beds why was it not mentioned at the last session.

Chairman Spinelli said Mr. Antonopoulos had indicated it was a miscommunication on his end. He is not sure if the attorney had filled out the application for the applicant which indicated 160 beds.

Mr. Nunziato stated from the operation side of facility he did not know there was an ordinance that indicated 160 beds. In his mind with the planning of this project for the last year he had always intended and moved on the theory that Public Health Regulation would be the bearer of the structure and not the Village. Most municipalities do give that power over to Public Health. It was not until they heard Mrs. Jones speak in regards to this specific ordinance did they realize it was tied to 160. After last month's meeting they had met with the attorney in this very room to find out where did this come from because they had never heard about it.

Commissioner Maher said in the meeting last month it was asked if you were going to increase beds and the answer was no. He asked why it was never answered with a yes.

Mr. Nunziato stated he was never asked the question.

Mr. Antonopoulos said it was a miscommunication and he would take the blame. Initially they were not going to take any more beds, it was not until he found out their long term goal is that they could not be restricted. They need to have the flexibility to build a \$6 million dollar facility and not be tied to the original ordinance. He apologizes for having to bring everyone back out.

Commissioner Maher stated he believes that there were people with the facility present that night that knew. He does not understand why it was not brought up that night as a mistake.

Commission Sanderson said there was the option to continue the hearing. He stated the Chairman had asked if anyone from the facility wanted to come up and speak that night and nobody did. Someone had spoken tonight saying does the Village care about the residents or business. He feels they have to balance both. If there is anything here tonight that is not represented correctly he would expect them to get up and correct it now. It looks misleading and puts a lot of people in a situation that they do not want to be in.

Chairman Spinelli stated he agreed however they are not changing the building or parking.

Commissioner Sanderson said he understands but the load is changing. More people are there, more visitors, and more employees. The parking needs are going to change and that was a complaint last month where employees were parking on the street. He asked staff if the facility has made any attempts to clean the place up or talk with the residents regarding the issues within the last month.

Mrs. Jones stated she is not aware of anything.

Mr. Nunziato said over the last six months they have had staff out cleaning and walking around the neighborhood picking up debris. They have been reassigning their parking and having people park in their fire lane within their parking lot so they will not park on Walker. They have been trying to be accommodating. He has received hundreds of emails from one individual regarding the noise of the trash compactor. They have met with the police department and a mediator where they had someone come out and do a decibel level sound check of the trash compactor door slamming or closing. It came back no louder than a car door closing. He feels they have gone beyond what they can do to clean the area of the facility. He stated he is at the facility very often and there are people driving down that street at high speeds that are not their staff. It is easy for community members to focus on a business that is in a residential area and blame them

for all the problems or concerns for that area. The grasslands behind the building they use to mow but then the neighbors complained that they wanted it natural.

Commissioner Sanderson stated he knows that there are two sides. When he walked the area he did not notice anything out of the ordinary. Trying to bridge the gap between them and the residents makes a lot sense.

Chairman Spinelli asked if there were any more questions or discussion.

Commissioner McGleam asked if they can go back to staff's recommendations.

Mrs. Jones said the only other condition, besides the explanation that they provided regarding the staffing levels, was further revisions to the landscape plan. Staff feels what was provided did not address the concerns from last month. Additionally tonight some of the residents feel that the landscaping surrounding the parking is not sufficient. They would like to see additional landscaping along the east property line. She stated staff has reviewed their revised landscaping plan but has not had the opportunity to review the naturalized detention plantings in the detention area. They send that out to a specialized consultant who deals exclusively with naturalized detention facilities.

Commissioner Maher asked if that would be their responsibility to maintain.

Mrs. Jones stated yes.

Commissioner McGleam asked if the further revisions to the landscape plan was still a requirement of what was approved or are they requiring it to be added to this month.

Mrs. Jones said on page two of staff's report there are the five conditions that were included in last month. What staff was saying in this report is that condition two was not fully met. Staff feels they should do a five foot berm and the landscape material was not sufficient in and around the landscape berm area to provide the screening.

Commissioner McGleam asked what are they considering tonight. He asked if it was just the increase in the number beds.

Chairman Spinelli stated they are here with a new request. The five conditions that were included in last month should be included in a motion.

Commissioner Sullivan asked what is their average staff to patient ratio for nursing care.

Mr. Nunziato said it varies with shifts. He stated 1 to 20 is standard for nurses and 1 to 10 or 15 for CNA's.

Commissioner Sullivan stated he shows a 17% increase with the bed increase. He is not sure if the other calculations are correct since he came up with a different number.

Discussion continued in regards to how many extra employees will be needed for the additional 26 beds.

Commissioner Sanderson asked if the original PUD had single-family lots, did it state how deep those lots were.

Mrs. Jones said they were never platted.

Commissioner Sanderson asked what is their minimum depth right now.

Mrs. Jones stated it would be 138 feet deep.

Commissioner Sanderson said he is trying to understand if he had purchased a home and was told that last five acres would be residential how far away would a building be from him. He asked how far away is the parking lot.

Mrs. Jones stated the closest point of the parking lot to the closest point of a property line is about 130 feet. If the original plan had gone through and the south five acres sold for residential then the limit of the property would be closer to 30 feet from the end of the existing building. From the edge of the existing parking lot to the proposed parking lot is 190 feet. They are occupying 160 feet that could have been residential.

Chairman Spinelli asked if staff knew what the percentage of impervious area was for the proposed property.

Mrs. Jones said it was within the standard.

Commissioner Sanderson stated if he lived in one the houses that backed up to this then he would not want this. If he had to settle for this then he would expect a lot more landscaping around there. This is not what they bought into and he feels they are not doing much for the neighbors. He said if he lived there he would want landscaping wrapping from Walker around to the backside of the building.

Chairman Spinelli said they are meeting their ordinance right now and we are already asking for more.

Commissioner Sanderson stated he does not care.

Chairman Spinelli said it is unrealistic to require any applicant to have to go a substantial percentage above and beyond the ordinance.

Commissioner Sanderson stated the ordinance right now is written that the property is residential. He feels they are asking the residents who live behind there above and beyond what is expected. He said his vote is simple if they don't get the landscaping around there then he would vote no.

Commissioner Maher stated he feels that is consistent with what they have done when they have had commercial come into residential areas.

Chairman Spinelli asked at what percentage do you stop. There was a comment to wrap the whole building. The entire east property line, whether a person likes the species of tree or not, is lined with trees.

Commissioner McGleam asked if he could establish a baseline of what kind of landscaping he is looking for. He asked if he was looking for that whole south edge to comply with a parkway landscape requirement.

Commissioner Sanderson said he would want year round screening. The reasoning is when they bought their house they thought there was going to be residential behind them. Now they are going to be looking at a parking lot.

Commissioner McGleam asked what level of landscaping is he looking for.

Commissioner Sanderson stated he is just extending the berm along the south end.

Discussion continued in regards to the different standards for landscaping and what the applicant is proposing.

Commissioner McGleam said he understands Commissioner Sanderson's concern. Maybe they should forget the berm and just screen the south edge of the property line.

Commissioner Kwasneski clarified that the current landscape plan is over the required amount already.

Mrs. Jones stated that is correct. The reason why staff recommended the berm and the location was because as headlights shine out the light spreads. Staff felt that they could more effectively screen those lights if they pushed the landscaping toward the parking lot. If the issue is aesthetics and more of a general buffer of not having to see the development then along the property line would make sense. Staff was trying to mitigate the issue of seeing the headlights.

Mr. Durkiewicz asked about the east side of the property. He stated the applicant never said anything about his property.

Chairman Spinelli said the public hearing portion has been closed. His comments and concerns have been heard and noted.

Mrs. Jones stated this property is not zoned for commercial zoning however on properties that have commercial zoning they do have a transition yard landscaping option that might be appropriate. That would be four plant units per 100 linear feet plus an additional two evergreens per 100 linear feet along the rear and side lot line. It does

not have to be along lot lines if they want to make it closer to the improvements. That might be an appropriate level of landscaping.

Commissioner Sanderson said he feels that would work perfectly because that is what this is. He feels it should be along the south property line and from the east corner of the building going to the south property line.

Mrs. Jones stated normally if this was zoned a commercial property and they were just doing landscaping it would be the four plant units plus the two evergreens. However, doing an earth and berm with a minimum of three feet that would reduce the obligation to one plant unit per 100 feet so they might want to use a standard somewhere in the middle. If they use the term plant unit per 100 feet then staff would be able to apply that and they would certainly get a high quantity of landscaping.

Chairman Spinelli then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Sanderson made a motion, seconded by Commissioner Maher to recommend to the Mayor and Village Board approval of Case 15-04 Lemont Nursing & Rehab Final PUD with the following conditions:

1. Approval from the Village Arborist and Fire Marshall in regards to their comments and the applicant meeting those comments.
2. The applicant is to design and include some type of earth berm or masonry wall, to help screen the headlights from the parking lot. A cross sectional diagram needs to be approved by staff to ensure the berm is at a sufficient height. Staff should encourage that there are added trees as part of that berm, within reason, for all the adjacent neighbors.
3. The trash enclosure needs to be brought up to the current Village standards which includes using like materials for building construction. In an effort, they would like the applicant to do all they can to limit the noise caused by the slamming of the dumpster.
4. Trash receptacles need to be installed on sight.
5. Have staff meet with the Village Engineer and some of the neighbors, along with the applicant's Engineer, to see what can possibly be done to address the current conditions along the southeast corner of the property.
6. Include transitional yard landscape requirements for B-zoning around the area of the addition.

A roll call vote was taken:

Ayes: Sanderson, Maher, McGleam, Arendziak, Sullivan

Nays: Kwasneski, Spinelli

Motion passed

Commissioner Sanderson made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 15-04 as prepared by staff. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

Commissioner Kwasneski wanted to thank the applicant for considering bringing improvements of \$6 million dollars into the Village.

B. 15-06 – 508 Illinois Street Preliminary PUD.

Request preliminary PUD approval for two two-unit structures and one three-unit structure in a historic district.

Chairman Spinelli called for a motion to open the public hearing for Case 15-06.

Commissioner McGleam made a motion, seconded by Commissioner Kwasneski to open the public hearing for Case 15-06. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

Staff Presentation

Mrs. Jones stated the request is for a Preliminary Planned Unit Development (PUD) approval for two duplexes and one three-unit residential building with shared vehicular access. The proposal is adjacent to 508 Illinois Street which is a two flat building and it would not impact that lot. That building would all be under same ownership with the proposed buildings. This property does have R-6 multi-family residential district zoning. The property has been subject to a couple of different proposals over the years which is noted in staff's report. The current owner had an application to the TRC (Technical Review Committee) back in 2013 and has revised plans and is now back with this proposal. She then showed on the overhead pictures of the proposed site. Lot B is the Illinois Street frontage. There is a proposed three flat that would face Illinois Street. It would sort of mimic the same architecture as 508 next door. There is one unit that would not be provided with off street parking which would be the basement unit which is 900 square feet. The first floor unit would have a one car parking garage and the second floor unit would have a two car garage. Those garages would have access from the rear.

Mrs. Jones showed lots C and D and then showed the proposed duplexes that front onto Porter. There is a front loading garage and the entry to the first unit. The second unit is in the rear. The first floor is garages and the second floor and third floor are living spaces. She then showed some neighboring homes on Porter. The HPC (Historic Preservation Commission) reviewed the proposed buildings for compliance with the Historic District Standards and voted 4-0 in favor of the application to issue a certificate of appropriateness with the condition that the applicant receives final approval of the building materials from the HPC. The HPC felt the architecture of the

proposed buildings fit in the context of the surrounding properties within the historic district.

Mrs. Jones said it is a PUD and there are certain deviations that are being requested relating to lot size and width. These are all existing lots of record and they were platted a long time ago. The lots don't really conform to the R-6 standards in any way. There are requested deviations for the interior side yard setbacks as well as minimum front yard setbacks for lot C and D. Lot B which faces Illinois Street matches the front setback of the existing 508 building, so it is setback a 30 feet. There is also a request to reduce the rear yard setback. Lot B which faces Illinois Street has a proposed 10 foot rear setback, which is very small for Village standards but it actually mimics 508 Illinois Street so they would be inline with each other. The others are at 22 foot rear yard set back. As far as maximum lot coverage lots B and D comply. Lot C is 78% covered because that is the lot that has most of the driveway.

Mrs. Jones stated parking was an issue that was raised at the TRC when this was originally reviewed and the applicant revised their plan largely to provide more off street parking. Per Village Code duplexes are required to provide two off street parking spaces per unit and multi-family (which would be the three flat) are required to provide one and half spaces. The duplex units meet the requirement of the UDO and the three flat provides three versus the four and half that is required by code. Staff does find those deviations acceptable given that there is at least one off street parking space per unit. There is overnight parking permitted on the surrounding streets and the unit that lacks the parking is the smallest which will most likely be a single occupant.

Mrs. Jones said in regards to the surrounding land uses. The immediate surrounding area is a mixture of smaller and larger homes. Some of the larger homes are used as multi-family units. The property immediately east of the subject site is a multi-tenant building. There is the larger multi-family development across Illinois Street. There is really a mixed character of the area. The idea of the duplex product and the three flat staff feels there is not a compatibility issue based on the land use specifically. Staff's concerns are more about the proposed physical massing of the structures.

Mrs. Jones stated none of the lots here even come close to the R-6 standards. They are more of the size of a small R-4A lot. If you look at their proposed setbacks and then look at the R-4A setbacks they are way closer to meeting those than the R-6 setbacks. However if you use the R-4A standards to justify the reduced setbacks, the R-4A would limit building size to about 2,300 square feet for each of these lots. The proposed buildings are 3,200 square feet without the garages. Staff finds that although the massing of the building along Illinois Street is significantly large, do to the fact that the increased massing is providing for off street parking. Because the way the building was designed both with the setbacks and architecture to mirror 508 Illinois Street, staff is comfortable that the benefits of the increased massing are offset by some of the negatives with having this large home on a small lot. Staff is less convinced of that with the Porter Street units.

Mrs. Jones said Porter Street differs from Illinois Street. Illinois Street facing unit has 508 Illinois which is a significantly large size home. It appears really larger than it is because of the really large front porch. There is also the multi-tenant building which sits closer to Illinois than it does to Porter. There are these large buildings on either side of it that mitigates the perception of its massing. The buildings on Porter sit between the yard of the multi-tenant building and a few garages with a home further down the street. Across the street to the south there are a few smaller homes. The proposed height of the building is 33 feet, which is really mitigated by the difference in grade change. The concern is not so much as the overall height of the building but rather there is too much building mass for the size of the lots. Staff feels the applicant has done a really good job trying to work with a challenging site and also provide homes that have curb appeal to them. Ultimately staff feels that the two units along Porter Street are just too large for the lots. The other issue she wanted to raise was the Village Engineer had some concerns in regards to the slope of the proposed driveway. She then showed on the overhead where the driveway was located. The Village Engineer showed it had a 12% slope and during icy times of the year the off street parking might be unusable due to the slope of the driveway. The applicant is proposing to have the driveway heated but the Village Engineer was not convinced that was a really workable solution in particularly icy periods. The Fire Marshall's comments are included and he is also present to answer any questions.

Mrs. Jones stated staff is recommending approval with some significant conditions. The Porter Street buildings should be redesigned to reduce their bulk. The applicant should address the issues noted by the Village Engineer. Lastly, with a development like this there is limited opportunity for tree preservation but if possible they would like to see some kind of tree preservation along the property line.

Chairman Spinelli asked what is the dimension between the two houses on Porter Street.

Mrs. Jones said it appears that they are both 5.6 feet to the property line.

Chairman Spinelli asked what is the dimension of driveway.

Mrs. Jones said she would have to look it up. Unlike the last applicant, for the benefit of the audience, this is for Preliminary PUD. They go through this process and get a Preliminary Zoning Entitlement and then come back through the process when they have their final plans.

Chairman Spinelli stated he will wait for the applicant to answer his question. He then asked if any of the Commissioners had questions for staff before they would have the applicant come up. None responded. He then asked for the applicant to come up and make their presentation.

Applicant Presentation

Sal Alfano said he was the representative for the applicant. He stated staff had outlined pretty much everything. He is present tonight to answer any questions. In regards to the driveway there is 11 feet between the two buildings and they are expecting the driveway to be nine feet of paved surface.

Chairman Spinelli stated he would ask the obvious question, that they are expecting seven vehicles to use a nine foot wide driveway with a 12% slope and the buildings on Porter are only ten feet away from the sidewalk. He asked if the applicant saw any safety concerns with this.

Mr. Alfano said there is the parkway then a ten foot offset. He said there is a good twenty feet away from the curb.

Chairman Spinelli asked about the pedestrians who are walking down the sidewalk. His concern is that there are seven cars sharing a nine foot wide driveway. What happens when there is someone trying to leave and someone else trying to come home. If they both are on the driveway then someone has got to give. There is just too much traffic for a nine foot wide driveway. A residential home on a single-family sized lot have two or three car wide driveways.

Mr. Alfano asked if he would like to see a two car wide driveway.

Chairman Spinelli said he feels that there needs to be more than a nine foot wide driveway. He stated he knows what he is thinking that he needs this size building to make this work. The problem is that he sees that it is too much for these size lots. Not only are there seven cars sharing a nine foot wide driveway, there is also two two-car garages facing Porter. So there is a potential of five cars pulling out onto Porter within 80 feet of each other. There is only ten feet between the garage and sidewalk for the homes on the Porter. Those homes would never be able to legally park a car on their driveway because they will be blocking the sidewalk. There will be no off street parking. He understands that the setbacks are similar to the other setbacks on Porter but the other residents on Porter do not have a front load garage.

Mr. Alfano stated their original design did not have all this parking in there, but after meeting with TRC they had requested parking so they came up with this design.

Chairman Spinelli said there is parking for the homeowner in his garage, but there is no parking on the driveway on Porter.

Mr. Alfano stated they can work with staff to try and eliminate that concern; however he is not sure how it will be done.

Commissioner Sullivan said last month they had looked at 26 townhomes where there was no off street parking.

Chairman Spinelli stated yes however there was parking available on the driveway. There was no public sidewalk and they had room to park on the driveway between the curb and the house. There is no room for anyone to park here without blocking the sidewalk.

Commissioner Sullivan said they can park on the street.

Chairman Spinelli stated they would have to park on the street and parking on Porter is already a problem. There are four units on Porter and if they have guests there is no room to park on the driveway. There are too many units for these three small residential lots. He said he mirrors the comment of the Village Engineer questioning the safety of the 12% slope going down to the back. He also questions the 2 ½% slope from the sidewalk down to the curb. If someone owns a very low clearance vehicle they will be dragging that car.

Mr. Alfano said their engineer had looked at that and the way they are proposing it a car with low clearance would clear it.

Chairman Spinelli stated he would like to see it. The wheel bases that he has evaluated before would not make a 14% grade change. He asked if there were any other questions for the applicant. None responded. He then asked if anyone in the audience wanted to come up and speak in regards to this case.

Public Comment

Steve Slater, 514 Porter Street, said he has the little house that was shown in staff's report. If they are planning on putting these cars on the street for parking then there will be a problem. The gentleman that was working on the house even had a hard time with the parking because he wanted to park in front of the house while he was working on it. His concern is that this is going to be three stories tall in front of his house. He will not be able to see anything but buildings. He does not understand how they can put so much in that little space over there. He could understand single or a double family but not something that is three stories tall. He asked couldn't they go up from Illinois Street so they wouldn't have to share the driveway. The streets are narrow and the gentleman across the street has already lost his mirror.

Chairman Spinelli asked if they allow parking on both sides on Porter.

Mr. Slater stated that is correct and it is the main route for the high school.

Mike Laskowski, 512 Porter Street, said parking on the street is ridiculous. He can see two buildings in there but not three. In the winter the snow gets so deep on the street that you can't get through. If they put those buildings up, there will only be about nine feet between the buildings on Illinois Street. He asked where would they put all the garbage cans for the buildings and what type of people would they get in there. The high school is nearby and the students are parking on the street even though they have

their own lot. He stated that his truck has been hit twice already. He feels they should scrap this whole project and re-evaluate it. The owner of the property should talk to the neighbors to get their input about what they think. The contractor that is working on the house there will not talk to anybody. He has lived here a long time and it is a peaceful and quiet neighborhood. He said you are not sure what kind of people you will get in there and there can be issues over that driveway. He feels the applicant should talk to the neighbors then re-evaluate the whole project.

Therese Colby, 600 Illinois Street, said she lives just outside of the Historic District. The construction and remodel of the one family home that was split into two is just gorgeous, however, this project is not that. She is shocked that the Historic Commission would approve this. This is a single family home that was divided into four parcels not a single-family home with a mall in the middle of it. This is not in the spirit of the 20's, 30's or 40's style architecture. This is straight out of 2010 stock and not dated enough for historic purposes. Forgetting all of the parking issues, it is quant that those of us on the modest side of town are not familiar with the current situation that they are living in. There are a few owners and renters that are present tonight and they try not to regret their decision for investing in Lemont but this certainly does not help. She has lived here for 22 years and invested a lot money into their property. She also had to go through all the hoops with the building department, who is doing a good job because this homeowner is not very happy with all that they are requiring. The home is stunning however and it is a single-family home converted to two, not this garbage.

Ms. Colby stated the infrastructure currently is not supported by local government. Apparently there are no funds to help with policing. Speed limits are not enforced, parking is not enforced and the truck route is not enforced. The trucks going by at unregulated speeds are so loud that her neighbor's infants get woken up nightly by the noise. That is how neglected this side of town is before adding all of this. There is another multi-tenant building where the owner does not allow the tenants to park on her side of the street. She said that owner is very conscience and there is no guarantee with these people. There is no enforcement with posted truck routes, there is a business being operated out of a home next door and nothing is being done about this.

Paul McLaughlin, 506 Illinois Street, said he is concerned also with the driveway and the slope of the hill. He has been here for over two years and has seen what the winters are like. He had talked with some of the neighbors and his understanding is that the house that is there has no firm footing underneath which can cause a real problem if they dig down. That is one of the reasons why the original house was built so close to the property line and his house. The other side of the property was excavated and checked out years ago and they would not be able to have firm footings there. It was mentioned about putting a driveway off of Illinois, but the slope on Illinois is worse. The work they did on the house is great and they put a lot of time and money into it. These lots are just too small for them to put three buildings in here so they can get a return on their money.

Tracy Splitt, 608 Illinois Street, stated she agrees with what has been stated already. She is one of the only driveways on Illinois Street and with all the cars that are parked out there she can barely see getting out. Even in the winter when there is odd parking days it is never enforced. So to add more cars if they had to go street parking would be horrible. Within four houses there are eight kids under the age of fifteen and the speed limits are never enforced. She has had the cable line snap from her house to where it pulled the siding off of her house. There is nothing that can cause that damage besides a semi going through and now she is responsible for the damages. To add more people to the noise and the traffic within a couple of blocks radius is very unsafe.

Tom Van Howe, 414 Illinois Street, said 20 years ago he had moved to Lemont and first resided at the old school building at the top of the hill. He decided to raise his family here and like the character of the town. They had sat and waited for certain homes to come up for sale. He stated he could have moved to Covington Knolls or McCarthy Point but this area was different. The unique character of the neighborhood that you can't build or fabricate in 2015. He understands that the lots have been undeveloped for a long time and the single-family home was not being maintained under the previous owner. The previous plan for this property was never approved because of the density. The plan looked very similar to this one. When you look at the houses across the street on Porter this proposal would look completely out of character with the neighborhood. He said some of the houses in the neighborhood are a little rundown or not appealing, but they are not all like that. He also does not understand how this got past the Historic Preservation Committee. He stated that Mrs. Jones commented that it did not meet the specs of a R-6 but with an R-4 this is over 2,300 square feet.

Mr. Van Howe stated 20 years ago people had bought these old homes hoping to fix them up because they believed in this vision that they could improve the neighborhood. It has not happened in their neighborhood. The crime in the area is ridiculous. He wakes every morning and goes outside to pick up the beer cans and smokes left in his yard. This is not coming from homeowners. He apologizes to people that are younger and if he is being bias here but he has seen what happened here with the sea of townhomes that are here now. This is not an improvement to the area. He is not against improvement or construction and has been at past meetings for support. However, this project is not appropriate for the Village or neighborhood.

Mr. Van Howe said he wanted to know how many multi-family housing units there are in his neighborhood. He created a plot of the area around Illinois, Stephens, McCarthy and Julia. He showed the plot to the Commission of all the lots that are already multi-family. He stated they do not need more and he does not understand how this is improving Lemont. He commends the owner on the wonderful job that they did on that home, but it does not give them the green light to do the rest of the property. He feels that there are other options out there with lower density for this property. All of the other properties as you drive up and down Illinois and Porter are two lot houses. The house sits on Illinois street, yard in the middle and the garage faces Porter. They could do that at 508 Porter and put a house next to it so they could have a family move there

and have a community. He understands that the return on investment is not as big as it could be but he can't believe that they would lose money either.

Mr. McLaughlin stated he wanted to echo what they heard in regards to traffic on Porter. You have to take turns with the length of the street in the mornings. The school buses have to pull over and it is usually very neighborly. However, if you add nine more cars to that then it is too many.

Mr. Laskowski said in regards to the truck traffic going down Illinois Street, there is a lot of chemical haul going down there from KA Steel. Those trucks carry sulfuric acid, hydrofluoric acid, and ferric acid so they better hope one of those trucks don't get into an accident. They would have to clear that neighborhood out real quick. He walks the neighborhood to get exercise and he has seen those trucks come through that area so fast. Then they have to try and stop at Illinois and Stephen Street. If you say anything to the Police they just tell you that they have to catch them. He then asked the applicant to get together with the neighbors so they can talk things over respectively.

Holly Van Howe, 414 Illinois Street, stated she agrees with everything that her husband has said. She feels bad for the gentleman who had to leave earlier during the other public hearing. She said he is a brand new owner and lives at 504 Porter with two little children. That gentleman was appalled at the density that is being requested. He moved from the Lofts because he felt that was not a place to raise his kids and found this house. If this goes through he will have a bunch of apartments right next door to him. She stated speaking for that gentleman, she would not want to raise her kids in that environment and neither would he. As for the parking, it is a huge issue. There is that big beautiful home that was meticulously done which is also a two flat. There is no garage so those people are also on the street. There are too many people. She is lucky that she has a driveway that comes out onto Fremont Street; however pulling out onto Illinois Street is dangerous with all those cars parked there. You can't see and it is just a blind jump and you have to pray that there is not a car coming. She feels the duplex does not fit and looks nothing like what is in their neighborhood.

Commissioner Kwasneski asked if staff could look into the enforcement of all the concerns that were mentioned by the neighbors. He said he is very familiar with Illinois Street and he has also seen what they have mentioned.

Mrs. Jones stated she has made note of the speeding and the trucks. The Village can enforce their speed limits, but Illinois Street is an IDOT owned road and a FAU Route. They would not be able to preclude trucks from using it.

Chairman Spinelli said there may be justification to lower it to 20 because of the traffic and cars parked. Adding a stop sign would just increase noise and pollution. Right now the speed limit is set at 25 mph and they are probably going 35 mph. If they set it at 20 mph maybe they will slow down to 30 mph. Enforcement is always an issue wherever you are at in any municipality.

Mrs. Jones stated to change the speed limit they would have to get IDOT involved.

Ron Gilbert, 610 Illinois Street, said he concurs with his neighbors. He feels this project is too dense; however he does have compliments for the house at 508 Illinois Street and thinks it looks beautiful.

Mr. Alfano stated when the house is completed at 508 Illinois they do plan on having an open house for everyone to see. He said they are not trying to be “not neighborly”.

Chairman Spinelli asked if there was anyone else that wanted to come up and speak in regards to this public hearing. None responded. He then asked if the applicant wanted to come back up and speak.

Mr. Alfano said they are open to redesigning it. This design came about because their other design was much smaller but they could not get parking within those buildings. These buildings became a little larger by trying to get the parking into the buildings.

Mr. Slater asked couldn't they be made to look like the rest of the block rather than something just thrown there.

Simon Batistich, architect for the applicant, stated there is a long history as everyone knows with this site. They presented this project about 18 months ago with smaller buildings which were much more in character with the street. The difficulty was trying to meet the Village Ordinance for parking. By doing that and the narrowness of the site there is just nowhere to put all the garages that are required by ordinance. This idea is a little different than what was presented a long time ago. They are trying to work with the slope and grade so they do not have to re-grade the whole site.

Chairman Spinelli asked if there were any further questions or comments from anyone in the audience. None responded.

Mrs. Jones said before they close the public hearing the Commission always has the option to continue the public hearing.

Chairman Spinelli stated the applicant had stated that he is interested in working with staff and is concerned about neighbor's comments.

Mrs. Jones explained the different options the Commission has for voting.

Commissioner Maher said he does not want to do a recommendation on a redesign of architecture. He feels they would be better off with a continuation or his vote would be a no. The density in the area is too dense and it does not fit in character with the neighborhood.

Commissioner Arendziak stated she agreed with Commissioner Maher.

Commissioner Sullivan said some of the older areas in town there are a lot of nice homes but there is a lot of blight in this area. The improvement that this developer is trying to put in on a monitorial base is probably more than what this whole neighborhood has had in the past 20 years. I understand that homeowners put flowers in and windows in their old homes. Architecturally there is no architecture guideline for this neighborhood except for old and many are dilapidated. He commends any applicant that wants to come into this neighborhood and try to improve it. It is not an easy task trying to please the Village, neighbors and your bottom line. A developer has to make money on their investment or they will walk away just like the last developer. He would love to see the Village, neighbors and this developer, or the next, come up with a way to make this work. Improvements to this community is nothing but a positive. He stated he will have to abstain from voting when the time comes because he has had a past relationship with the applicant and architect.

Commissioner Sanderson stated he agrees with Commissioner Sullivan and is pro-development and bringing in families. However, this is a lot for these size lots. The density for this size lot is huge. He would love to work with the applicant and would like to see something here.

Commissioner Kwasneski said he would concur with Commissioner Sanderson and Sullivan on several things. He stated based on the height he does not want to affect the skyline as well.

Commissioner McGleam stated he thinks the right development for these lots are three single-family homes. It is not suited for multi-family properties.

Chairman Spinelli said his opinion has not changed from his initial comments that it is too dense. The Commission is not considering their improvements on what the applicant has to do to make money. The Commission is looking at it as a whole perspective. We have to consider what is good for the Village, neighbors, builder and community and carry that into one recommendation to go forward to the Village Board. He asked after hearing what was said does the applicant want to the continue the public hearing or have the Commission vote as presented.

Mr. Alfano stated he would like to continue the hearing and redesign it. He asked which one is more important, size or parking. That is the direction they would go in. They have already redesigned it twice with the first not having parking and the second being to big.

Commissioner Maher stated what he is hearing tonight is that density is an issue.

Commissioner Sanderson asked what is allowed on the lot.

Mrs. Jones said the conflict here is arising from the fact that the lots are a small single-family lot and the zoning is multi-family. The developer is trying to get multi-family units on it but the lot size is very constrained. She stated she would echo the comment

that Commissioner Maher was saying and they would have to lose a unit or two at least to make things work. You want to be able to accommodate parking safely while still making the massing fit in with the character of the area. Both can't be done with keeping two duplexes on Porter and a three flat on Illinois. They could try and design it but she does not see how it would all fit.

Mr. Alfano stated he would like to continue the public hearing.

Chairman Spinelli then called for a motion to continue the public hearing for Case 15-06 for 508 Illinois Street to the next regular meeting for the Planning and Zoning Commission.

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to continue the public hearing for Case 15-06 to the next regular meeting for the Planning and Zoning Commission on June 17, 2015. A roll call vote was taken:

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

Nays: None

Motion passed.

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

Chairman Spinelli welcomed Heather Milway to the Village as the new Village Planner.

Chairman Spinelli stated that the Rugby Facility had an event this weekend and it went very well. The Police tagged all the streets, there were people out directing traffic, and nobody had parked on the shoulder of the road. The people attending the event weren't cutting through houses or parking on people's grass. He was glad to see that they honored the Commission's request. He said it also looks like they are starting to build a garage over there and asked if they had applied for a permit.

Mrs. Jones said she believes so and will check.

Chairman Spinelli asked about Sun and Shade Landscaping and the fence they had installed.

Mrs. Jones stated they have a fence permit.

Chairman Spinelli said it is not posted on the property.

Discussion continued in regards to possible new businesses opening in the Village.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURNMENT

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper



Village of Lemont
Planning & Economic Development Department

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

TO: Planning & Zoning Commission
FROM: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Case 15-06 508 Illinois Street Planned Unit Development
DATE: June 10, 2015

SUMMARY

Pam Zukoski, on behalf of Zen Dog Properties, LLC, owner of the subject property, has requested a preliminary planned unit development (PUD) approval for one single-family detached home, one duplex, and one three-unit residential building with shared vehicle access for two of the buildings. This proposal will not alter the existing two-unit structure at 508 Illinois Street. Staff recommends approval, with conditions.



PROPOSAL INFORMATION

Case No. 15-06
Project Name 508 Illinois Street PUD

General Information	
Applicant	Pam Zukoski, Zen Dog Properties, LLC
Status of Applicant	Property Owner
Requested Actions:	Preliminary PUD Approval
Purpose for Requests	One single-family detached home, one duplex, and a three-unit structure
Site Location	508 Illinois Street (PINs: 22-20-429-006, 014, and 015)
Existing Zoning	R-6 Multi-family Residential District
Size	Approx. 0.3 acres
Existing Land Use	Lot A Existing two-unit structure and Lots B, C, and D vacant
Surrounding Land Use/Zoning	North: parking lot for multi-family building, Downtown District (DD) South: Single family and multi-family homes, R-4A Single-Family Residential Preservation and Infill District East: Multi-tenant building, R-6 Multi-Family Residential District West: Single family homes, R-6 Multi-Family Residential District
Lemont 2030 Comprehensive Plan	The Comprehensive Plan map designates this area infill residential land use.

BACKGROUND

Prior actions. For a full description of this property’s zoning history, please refer to the May PZC staff report for this case.

PZC Hearing. The Planning & Zoning Commission conducted a public hearing on the preliminary PUD application on May 20, 2015. The applicant included a proposal for two duplexes on Porter Street and one three-flat on Illinois Street. Staff was supportive of the general site design and the proposed three-flat on Illinois Street. However, staff did not recommend approval of the proposed duplexes on Porter Street, stating that the proposed buildings were too large for the context of the neighborhood. Additionally, staff had concerns related to the proposed driveway, particularly the proposed 12% slope, which may have rendered the driveway unusable during a portion of the winter. Staff recommended approval with the following conditions:

1. The proposal for the Porter Street buildings should be redesigned to reduce their bulk. At a minimum the buildings should meet a 5 ft side yard.
2. The applicant should address the issues noted by the Village Engineer, particularly as they relate to the usability of the off-street parking in winter months.
3. The applicant should attempt to provide tree preservation where possible, as determined by the Village Arborist, near the property line.

Several neighbors spoke at the public hearing and expressed concerns related to the density, massing, and architectural design of the proposed buildings. Residents expressed concerns related to parking and the proposed driveway as well.

Revised Application. The applicant submitted a revised proposal. One of the duplex units along Porter Street has been converted to a single-family detached dwelling and the other duplex has been substantially reduced in size. No changes were made to the proposed Illinois Street three-flat.

HPC. The Historic Preservation Commission reviewed the revised architectural plans on June 11 and approved a certificate of appropriateness for same, pending final building material selections.

DEPARTURES FROM ZONING STANDARDS

Section 17.08.010 of the Unified Development Ordinance [UDO] describes the purpose of PUDs: “Within the framework of a PUD normal zoning standards may be modified. The resulting flexibility is intended to encourage a development that is more environmentally sensitive, economically viable, and aesthetically pleasing than might otherwise be possible under strict adherence to the underlying zoning district’s standards.” The table below illustrates how the application deviates from the current standards of the UDO. Below is a summary of current UDO standards, how the proposed PUD differs from those standards, and staff’s recommendations related to those deviations.

Note: The two existing lots along Porter Street (lots C & D from the original proposal) are proposed for consolidation and are treated as one lot under the current proposal.

UDO Section	UDO Standard	Proposed PUD	Staff Comments
17.07.010	10,000 sf minimum lot size in R-6	Lots B and C are under the 10,000 sf lot size.	The existing lots are lots of record and have multi-family zoning; no new lots are being subdivided, therefore staff finds this deviation acceptable.
17.07.010	2,500 sf minimum lot area per unit	When calculating the lot area per unit based on the three affected lots, the lot area per unit is 1,973 sf/unit, up from the prior proposal of 1,884 sf/unit.	Staff finds this deviation acceptable given the site’s proximity to downtown and the Lemont 2030 vision for increased density in/near downtown.
17.07.010	80 ft minimum lot width in R-6	The lot width for all existing lots is 43.84 ft. The applicant is proposing to consolidate the Porter Street lots into one 87.68 ft wide lot.	The existing lots are lots of record; therefore staff finds this deviation acceptable.
17.07.010	15 ft minimum interior side yard setbacks in R-6	The proposal includes 5 ft interior side yard setbacks on all lots, up from the prior proposal of 4.5 ft setbacks.	The 15 ft. side yard setback is inappropriate for lots of this size and inconsistent with the surrounding area.
17.07.010	25 ft minimum front yard setback in R-6	Lot B, which faces Illinois Street, complies with the front setback (30 ft proposed). Lot C, which faces Porter St., has 10 ft proposed setbacks.	The proposed setbacks for the Porter Street units are more consistent with the setback of existing homes along Porter Street and are therefore acceptable.
17.07.010	30 ft minimum rear yard setback in R-6	All lots do not meet the required setback. Lot B, which faces Illinois Street, has a proposed 9 ft setback while the duplex on Porter has a 22.75 ft setback and the single-family home complies with the 30 ft setback.	The reduced setback on Lot B is more consistent with the existing 508 Illinois Street building.

UDO Section	UDO Standard	Proposed PUD	Staff Comments
17.08.030.D	All PUDs with a residential component must include 15% open space for the benefit of residents within the PUD.	Common open space is not displayed on the preliminary PUD document.	Given the location of the PUD, with proximity to downtown and many open space amenities, as well as the limited size of the proposed development, staff finds the deviation acceptable.
17.10.01 (Table)	Duplexes and single-family detached homes are required two off-street parking spaces per dwelling unit. Multi-family are required one and a half spaces per dwelling unit.	The buildings facing Porter Street meet the UDO requirement. The three-unit (multi-family) building facing Illinois Street includes a three car garage; it does not provide the 4.5 spaces required by the UDO.	Staff finds the deviation for the three-unit building acceptable given that there is at least one off-street parking spot per unit and overnight street parking is permitted on the surrounding streets.

GENERAL ANALYSIS

Consistency with Lemont 2030. As noted last month, staff found the proposed use of infill multi-family development near downtown consistent with Lemont 2030’s goals for housing diversity and a thriving downtown. The architecture of the proposed buildings, particularly the building proposed along Illinois Street, is of good quality. Staff had concerns that the proposed size of the structures compromises their ability to be consistent with the established character of the area, which have been addressed in the revised application (see following).

Consistency with PUD Objectives. As noted last month, staff found that the proposed PUD supported three of the UDO’s eleven objectives to be achieved through planned unit developments. The applicant’s plan revisions have had no impact on the PUD objectives.

Compatibility with Existing Land Uses. As noted previously, the immediately surrounding area is a mixture of small and larger homes. A majority of the homes are used as single-family residences while several others, particularly the larger homes, have been converted to multi-unit buildings and are currently used as such. The property immediately to the east of the subject site is a multi-tenant building. The property to the north of the subject site, across Illinois Street is a multi-family development; its parking lot is directly north of the subject site. Immediately south of the subject site, across Porter Street, are single-family residential buildings, one of which has been converted to a multi-family building. Given the mixed character of the area, staff sees no compatibility concerns related to the proposed land use. However, since the existing housing stock is well established, it is critical that the site design and physical massing of the proposed structures are compatible with the surrounding area as well. See the discussion in the following sections on Building & Site Design.

Landscaping & Tree Preservation. The applicant submitted a tree survey indicating that all but one tree on the subject site are proposed for removal. Several large trees are currently present on the site; the applicant notes that some of these trees are dying. The

size of the lots and the need to provide off-street parking make any tree preservation difficult. Staff recommends that the Arborist review the development plan and recommend preservation measures that may allow the preservation of a portion of the trees located near the exterior property lines of the development. Additionally, the applicant has indicated they will comply with the UDO requirements to provide mitigation for the removal of healthy existing trees.

Site Design. Given the zoning history of the site, the existing topography, and the code requirements related to off-street parking, the site presents numerous design challenges. The proposed site design, with vehicular access off Porter Street only, is a favorable approach to provide access to all three lots. The location of the first proposed access point (curb cut) on Porter is roughly 90 feet west of the intersection of Holmes and Porter. The second driveway is very close to the first. The submitted plans are not to scale, but the applicant will need to ensure that the centerlines of the driveways are at least 20 feet from one another per the requirements of the UDO.

The original submittal indicated a 12% slope for the driveway off Porter; the applicant's revised plans indicate that they will be able to provide a 9% slope. The Village Engineer believes a 9.5% slope resolves his concerns regarding the usability of the driveway during icy times, but the applicant will need to provide preliminary engineering plans to show that the 9.5% slope can be accomplished.

The applicant has widened the shared driveway to address the PZC's concerns from last month. The area within which the driveway is proposed was originally 11' and is now 17' 8". Additionally, the applicant has provided a sight line analysis showing the view a driver would have of pedestrians along Porter St from a car exiting the shared driveway.

Building Design. Given the varied surrounding built environment, the site presents challenges for architectural design as well. As noted last month, the three-flat building proposed along Illinois Street mirrors the setbacks and architecture of the existing home at 508 Illinois Street. Staff believes the proposed design is an elegant solution to provide the owner with high yield for the site, remain true to the character of the area, and still accommodate necessary off-street parking. Although one unit will not have designated off-street parking and one unit has only a single-car garage, these units are relatively small (900 sf) and likely to each only have a single occupant. Additionally, the reduced rear yard setback is acceptable because it mimics the setbacks of 508 Illinois Street and allows for the proposed off-street parking without any unnecessary additional paved area.

As noted previously, the proposed Porter Street units do not meet the required setbacks for the R-6 zoning district. However, the lot sizes of the proposed units are significantly undersized as compared to a standard R-6 lot. The existing lots are more similar to an R-4A lot (e.g. the lot depth is about twice its width) but are even smaller than the standard R-4A lot, which is 5,000 sf. Given these conditions, in the last report staff evaluated the applicant's proposal against the R-4A standards to provide an analysis of how the proposed buildings' setbacks and massing fit into the surrounding context of the area. As shown in the following table, the applicant's revised plans are substantially more in line with R-4A standards than the original proposal. In particular the floor area allowance (FAA), which measures the bulk of a structure as compared to the lot on which it sits, is significantly improved.

	R-4A Requirements <i>(based on existing lot dimensions)</i>	Original Duplexes	Revised Duplex	Revised Single-family
FAA	2,300 sf	3,200 sf not including garages	2,800 sf including garages	1,400 sf including garage
Front Setback	25 ft or avg. of adjacent lots	10 ft	10 ft	10 ft
Side Setback	5.2 ft	4.5 ft	5 ft	5 ft
Rear Setback	30 ft	22 ft	22.75 ft	30 ft

Note: The floor area of the revised buildings is approximate as the exact garage dimensions were not provided (staff assumed 400 sf garages).

The revised architecture of the proposed Porter Street units were approved for a Certificate of Appropriateness by the Historic Preservation Commission, pending final building materials, on June 11, 2015. Staff would not typically support a single-family home where the entire first floor façade is occupied by a garage door. However, for this particular block of Porter Street the design is fitting, as it creates the appearance that the garage is a coach house accompanying the proposed duplex. The placement also blends in to the pattern of detached garages to the immediate west of the site. However, the PUD will need to include provisions to ensure that the style and color palette of the single-family detached home and duplex building remain similar in perpetuity.

Engineering Comments & Stormwater Management. As noted, the Village Engineer will need to see preliminary engineering plans that demonstrate a 9.5% slope is achievable for the proposed shared driveway. Additionally, although the property would not be subject to stormwater detention requirements, the Village Engineer recommended that the property include some stormwater volume control measures. An MWRD permit will be required for the sanitary connection for the three-unit building.

Fire District Comments. The Fire Marshal commented that the three-flat building will need a sprinkler system.

CONCLUSIONS & RECOMMENDATIONS

This is a challenging site that has been subject to several different design proposals over the years. Although the property has multi-family zoning, it is not sized for multi-family development; it is more the size of a three small single-family lots. Last month, the PZC recommended that the applicant address the following conditions:

1. The proposal for the Porter Street buildings should be redesigned to reduce their bulk. At a minimum the buildings should meet a 5 ft side yard.
2. The applicant should address the issues noted by the Village Engineer, particularly as they relate to the usability of the off-street parking in winter months.
3. The applicant should attempt to provide tree preservation where possible, as determined by the Village Arborist, near the property line.

Staff believes the applicant's revised proposal addresses condition #1 and the applicant has indicated that they will work with staff to meet condition #3, if feasible. With regard to condition #2, the Village Engineer has agreed that the applicant's proposal of a 9.5% slope for the shared driveway is acceptable, but the applicant needs to provide

additional plans substantiating their ability to accomplish a 9.5% slope. Therefore, staff recommends approval with the following conditions:

1. The applicant provide preliminary engineering plans demonstrating that a 9.5% slope can be achieved on the proposed shared driveway;
2. The proposed driveways on Porter Street demonstrate compliance with UDO requirements for minimum separation; and
3. The PUD ordinance include provisions related to ownership and maintenance of the subject site to ensure design consistency and proper maintenance in the future.

ATTACHMENTS

1. Site photos
2. Revised application package
3. Original application package

Attachment 3
Site visit Photograph 1



Figure 1 Existing single family and multi-family homes along the south side of Porter Street.



Figure 2 Two-flat and single family homes along the south side of Porter Street.



Figure 3 Multi-family structure along the north side of Illinois Street.



Figure 4 Parking lot for multi-family along the north side of Illinois Street.



Figure 5 Existing garages two lots west of the subject property on the north side of Porter Street.



508 ILLINOIS PLANNED UNIT DEVELOPMENT

VILLAGE RECOMMENDATIONS (from 5/17/15 Staff Report to PZC)

1. The proposal for the Porter Street buildings should be redesigned to reduce their bulk, possibly losing a unit or two. At a minimum the buildings should meet a 5 ft side yard.
2. The applicant should address the issues noted by the Village Engineer, particularly as they relate to the usability of the off-street parking in winter months.
3. The applicant should attempt to provide tree preservation where possible, as determined by the Village Arborist, near the property line.

PLANNING & ZONING RECOMMENDATIONS (from 5/20/15 Hearing)

Similar concerns were expressed as above, with the addition of:

1. Driveway should be wider to accommodate 2 cars and increase pedestrian visibility.
2. Consider adding single-family homes rather than multi-family homes on Porter Street.

MODIFIED PROPOSED 508 ILLINOIS PLANNED UNIT DEVELOPMENT (submitted to 6/17/15 Continuation Hearing).

NEW DESCRIPTION OF PUD

Property at 508 Illinois contains 3 empty lots.

- One house will be built per lot:
 - (1) Single Family Home with front 2-car garage (Porter Street, Lot D)
 - (1) 2-Unit Townhouse with rear 4-car garage (Porter Street, Lot C)
 - (1) Triplex House with rear 3-car garage (Illinois Street, Lot B)
- Shared Driveway from Porter Street will allow access to garages for Porter Street townhouse and Illinois Street triplex.

SUMMARY OF DESIGN CHANGES

A single-family home has replaced one of the 2-unit townhouses, as recommended.

Mass of 2-unit townhouse has been reduced, as recommended:

- Original design – 4100 sq. ft (including garages)
- New design – 3200 sq. ft (including garages)
- Reduction in size is 900 sq. ft, or 22 %

Side setbacks have been increased to 5', as recommended.

Shared driveway has been widened, as recommended:

- Original design - 11' between houses with driveway
- New design - 17'-8" between houses with driveway

Slope of driveway has been reduced, as recommended:

- Original design - 12 % slope
- New design - 9 ½ % slope (pending engineering)

Special care has been taken to assure that houses blend in with the sizes and character of existing homes in the neighborhood. These will be attractive homes that add to the charm, integrity, and standards of the neighborhood.

As stated in original proposal, a landscape plan will be submitted that will comply with all village requirements. Trees will be planted to make up for healthy trees that will be removed.

DETAILED DESCRIPTION OF PROPOSED HOUSES

The following descriptions are for the benefit of the neighbors, to better understand the design of the proposed 3 houses. They are of the same size and character of existing homes in the neighborhood.

Single Family Home on Porter

- 2 story
- Traditional design with charming architectural details
- Front 2-car garage built into house
- 2 bedrooms
- 1200 sq. ft. of living space plus basement
- Back yard with green space



Single Family Home

Townhouse

Townhouse on Porter

- 1 story with decorative cupola
- Traditional design with charming architectural details
- Side-by-side design to appear as one residential home
- Contains 2 units of modest size:
 - 2 bedrooms (1200 sq. ft., plus basement) each
- 4-car garage built into back of townhouse
- Garage accessible from shared driveway on Porter Street

House on Illinois Street (Triplex - 3 Apartments)

- 2 story
- Height and size is almost identical to 508 Illinois
- Beautiful historic details and design
- Contains 3 apartments of modest size:
 - 2-bedroom apartment (1300 sq. ft.)
 - 1-bedroom apartment (900 sq. ft.)
 - 1-bedroom garden apartment (900 sq. ft.)
- 3-car garage built into back of house
- Garage accessible from shared driveway on Porter Street



House (Triplex - 3 apartments)

Parking

Due to the overwhelming concern of neighbors over parking issues on Porter Street, garages have been integrated into each design. The three proposed houses contain a total of 10 bedrooms, and there are 9 garage parking spaces.

Homeowners Association

Homes in this Planned Unit Development will belong to a Homeowners Association. There will be covenants regarding standards for maintaining homes and for sharing costs for landscaping, snow removal, and driveway maintenance.

DEVELOPER: ZEN DOG PROPERTIES, LLC

TOTAL AREA - 11,836.8 S.F.

PORTER STREET TO HAVE
ONE 1-STORY 2-UNIT TOWNHOME
1,200 S.F. EACH UNIT W/2-CAR GARAGE

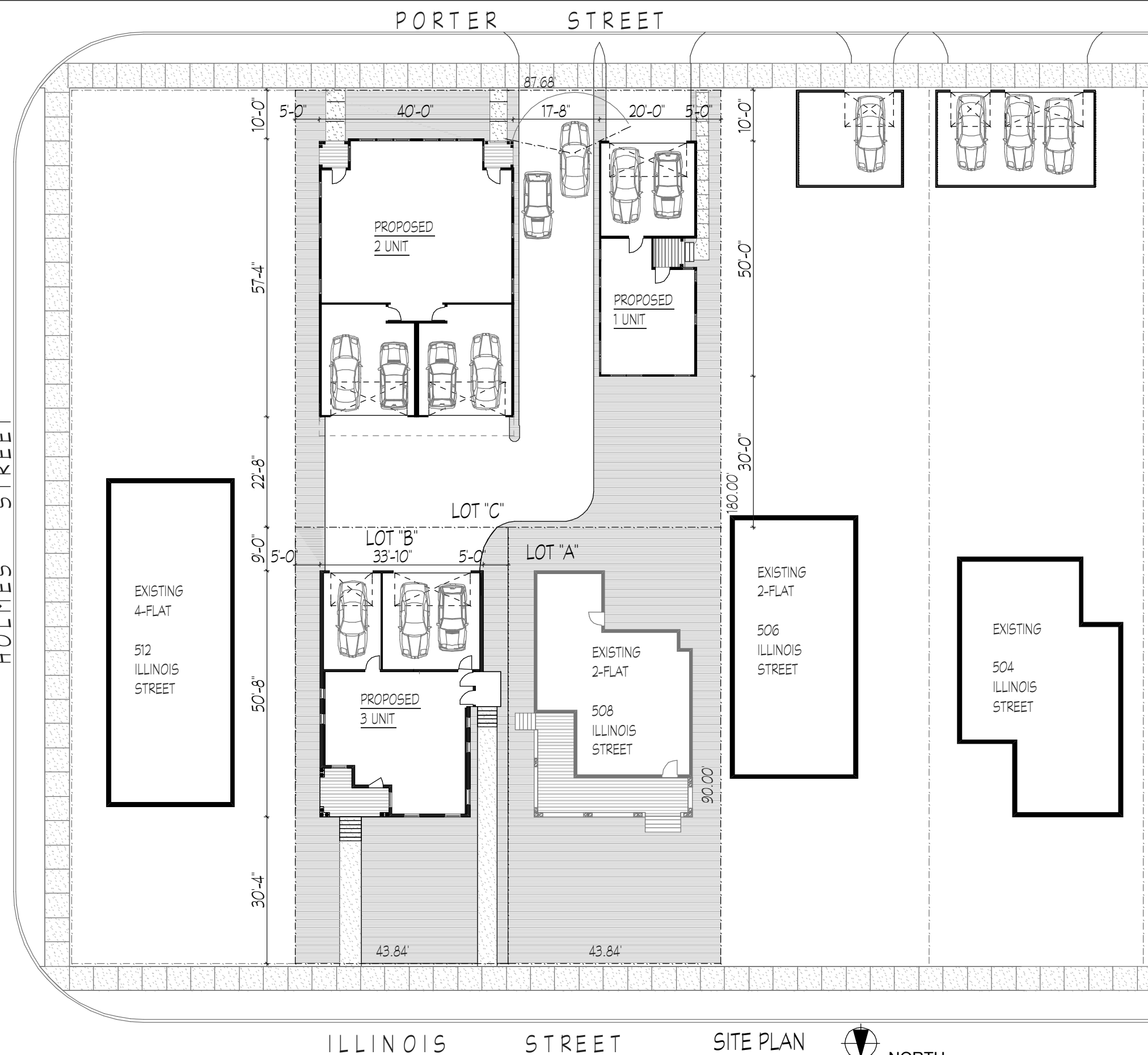
ONE 2-STORY, SINGLEFAMILY HOME
1,200 S.F. W/ 2-CAR GARAGE

ILLINOIS STREET TO HAVE THREE UNITS
ONE GARDEN LEVEL UNIT @ 900 S.F.
ONE GROUND LEVEL UNIT @ 900 S.F. W/ 1 CAR GARAGE
ONE SECOND LEVEL UNIT @ 1,300 S.F. W/ 2 CAR GARAGE

DESIGN DATA:

	LOT "B"	LOT "C"	REQUIRED
LOT AREA	3,946 S.F. (EXIST.)	7,891 S.F. (EXIST.)	10,000 S.F.
LOT AREA/UNIT	1,315 S.F.	2,630 S.F.	2,500 S.F.
LOT WIDTH	43.84 FT. (EXIST.)	87.68 FT. (EXIST.)	50 FT.
F.Y. SETBACK	30 FT.	10 FT.	25 FT.
S.Y. SETBACK	5.0 FT.	5.0 FT.	15 FT.
R.Y. SETBACK	9 FT.	22 FT.	30 FT.
LOT COVERAGE	43 %	42 %	65 %

HOLMES STREET



ILLINOIS STREET

SITE PLAN



NORTH

n. batistich, architects
MEADOWBROOK OFFICE CENTER
16W475 S. FRONTAGE RD., SUITE 201
BURR RIDGE, IL 60527 (630) 966-1773

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY SUPERVISION AND THAT THEY COMPLY TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE REQUIREMENTS OF THE BUILDING CODE

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL PLAN DIMENSIONS AND INDICATE ANY DISCREPANCIES IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK OR BE RESPONSIBLE FOR SAME

REVISIONS	DATE	BY
	09/31/2015	

PLAN No. _____
SHEET No. **1 of 3**



ILLINOIS STREET



512 ILLINOIS ST - EXISTING

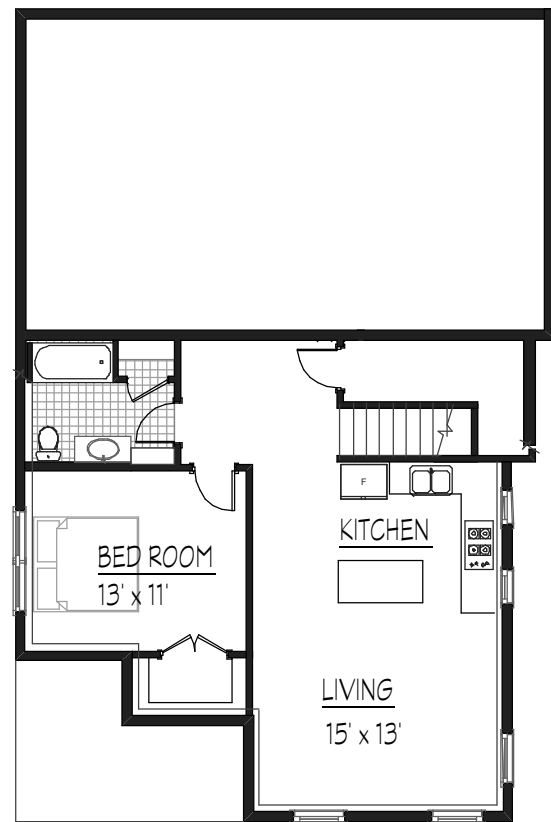


510 ILLINOIS ST - PROPOSED

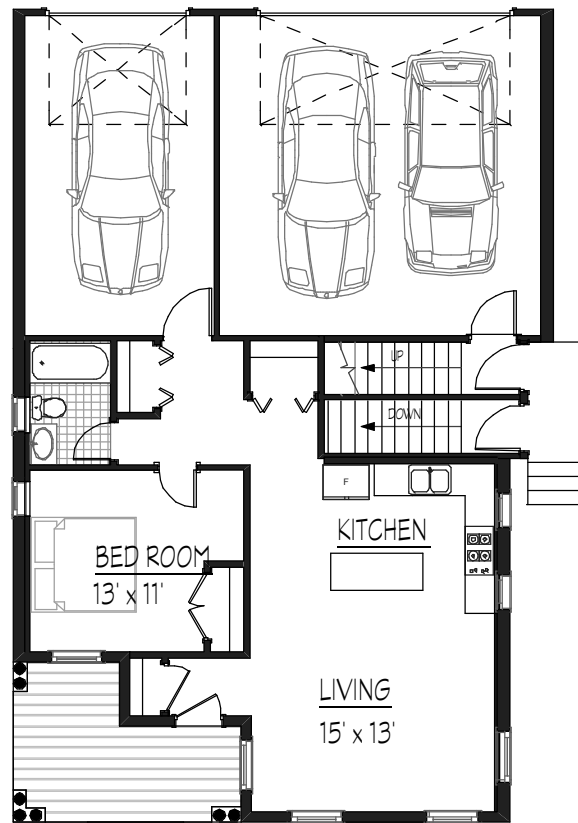


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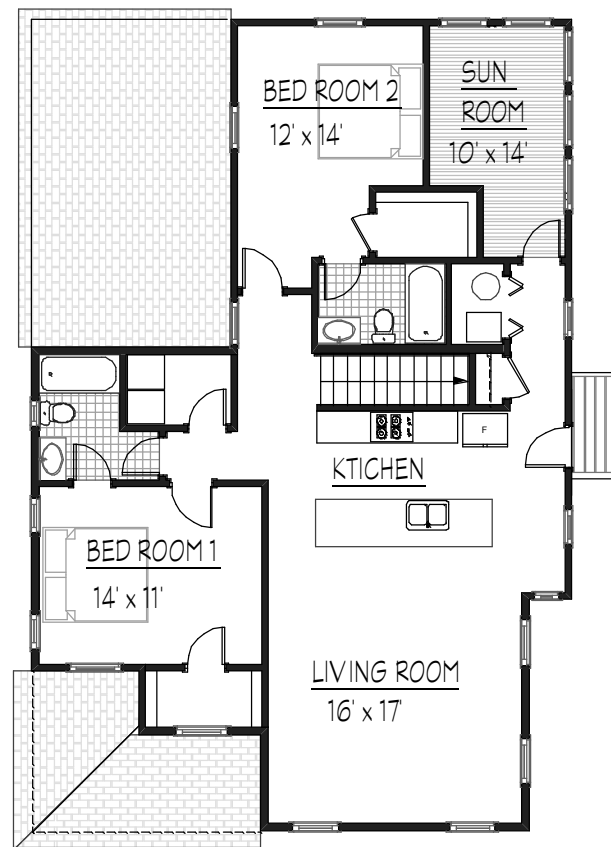
506 ILLINOIS ST - EXISTING



GARDEN LEVEL UNIT
900 S.F.



GROUND FLOOR UNIT
900 S.F.



SECOND FLOOR UNIT
1,300 S.F.



SIDE (EAST) ELEVATION



FRONT (NORTH) ELEVATION

ILLINOIS STREET - ONE 3-FLAT UNIT

n. batistich, architects
MEADOWBROOK OFFICE CENTER
16W475 S. FRONTAGE RD., SUITE 201
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DATE: 09/31/2015
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SCALE:
APPROVED BY:

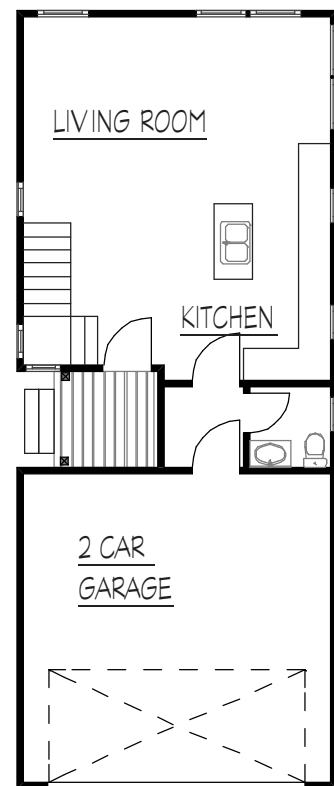
REVISIONS:

PLAN No.
SHEET No.

2 of 3

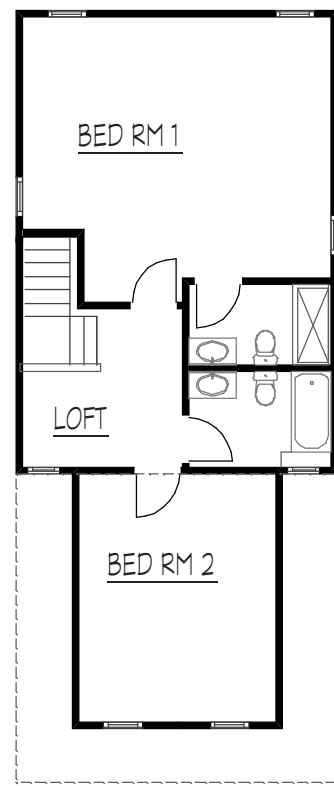


PORTER STREET

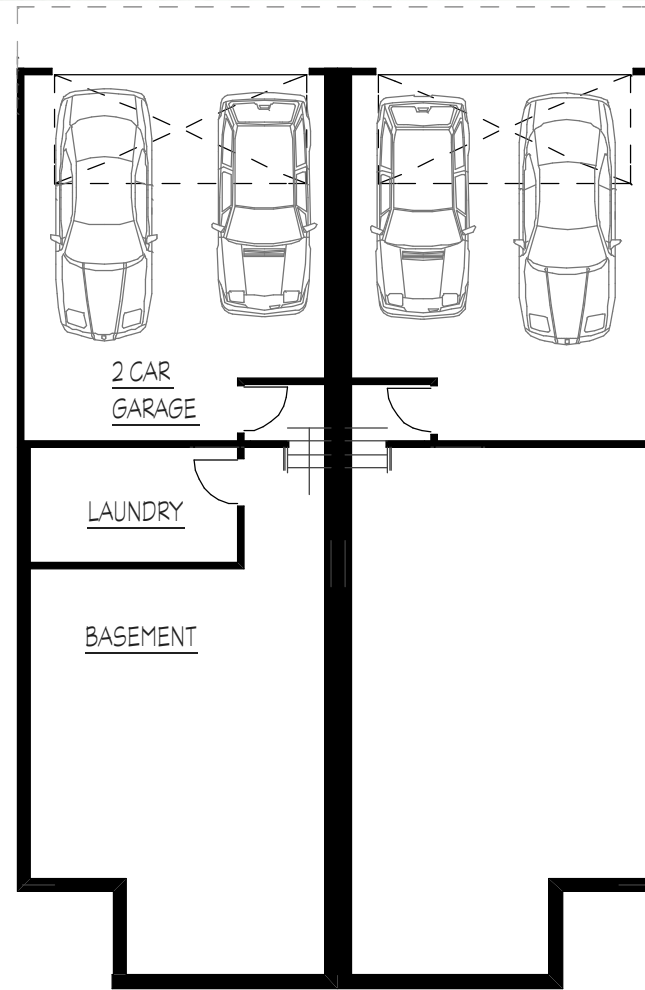


GROUND LEVEL

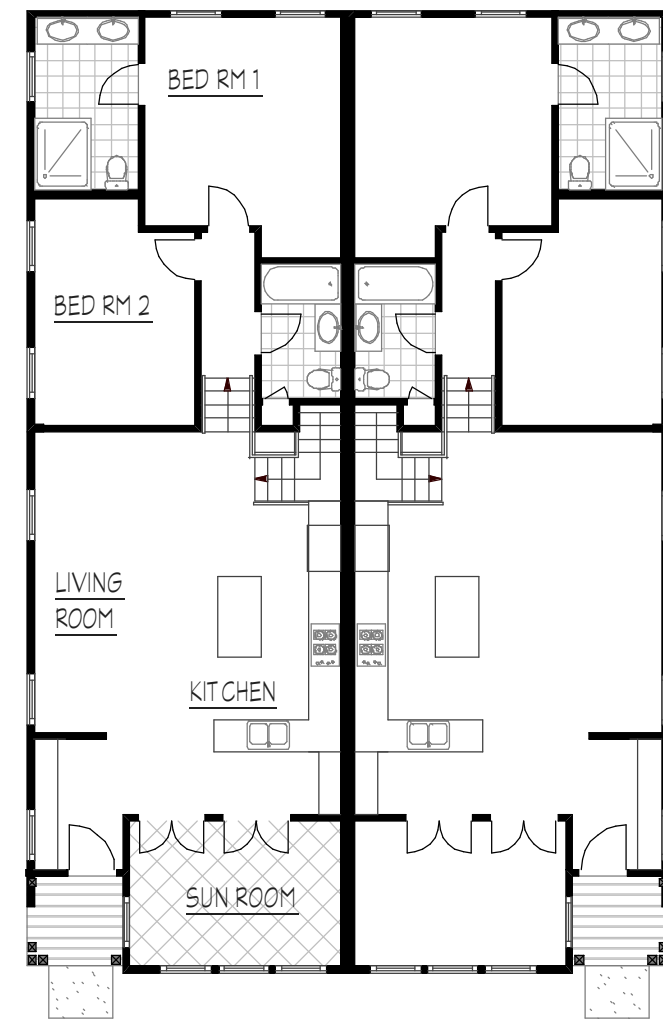
1,200 S.F. TOTAL



UPPER LEVEL

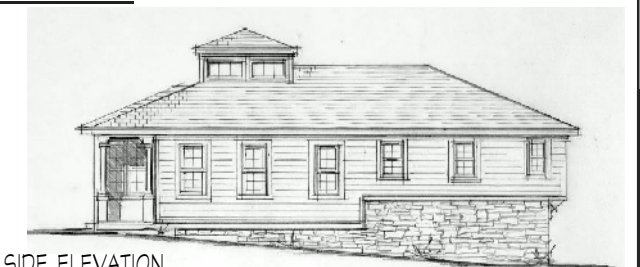


LOWER LEVEL



UPPER LEVEL

1,200 S.F.



SIDE ELEVATION

PORTER STREET - ONE 1 UNIT

PORTER STREET - ONE 2 UNIT

n. batistich, architects
MEADOWBROOK OFFICE CENTER
16W475 S. FRONTAGE RD., SUITE 201
BURR RIDGE, IL 60527 (630) 986-1773

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DATE: 09.31.2015
DRAWN BY:
SCALE:
APPROVED BY:

REVISIONS

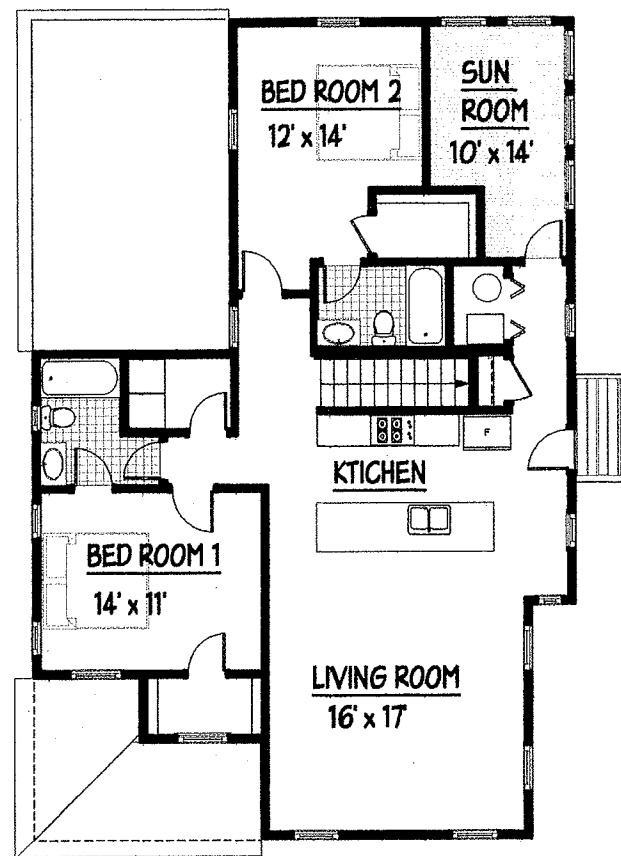
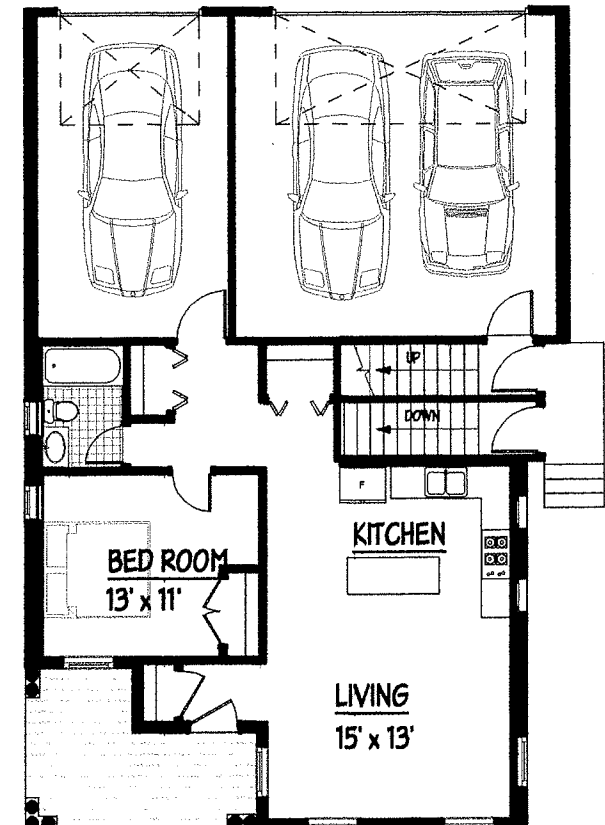
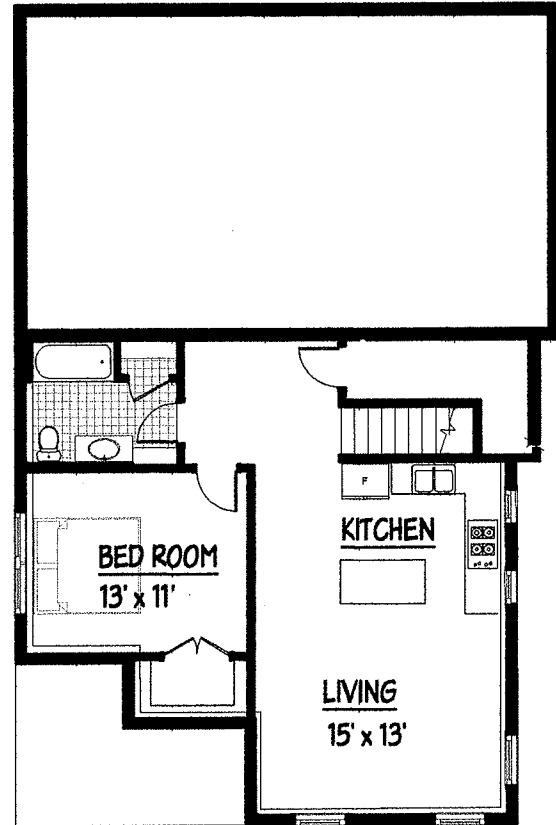
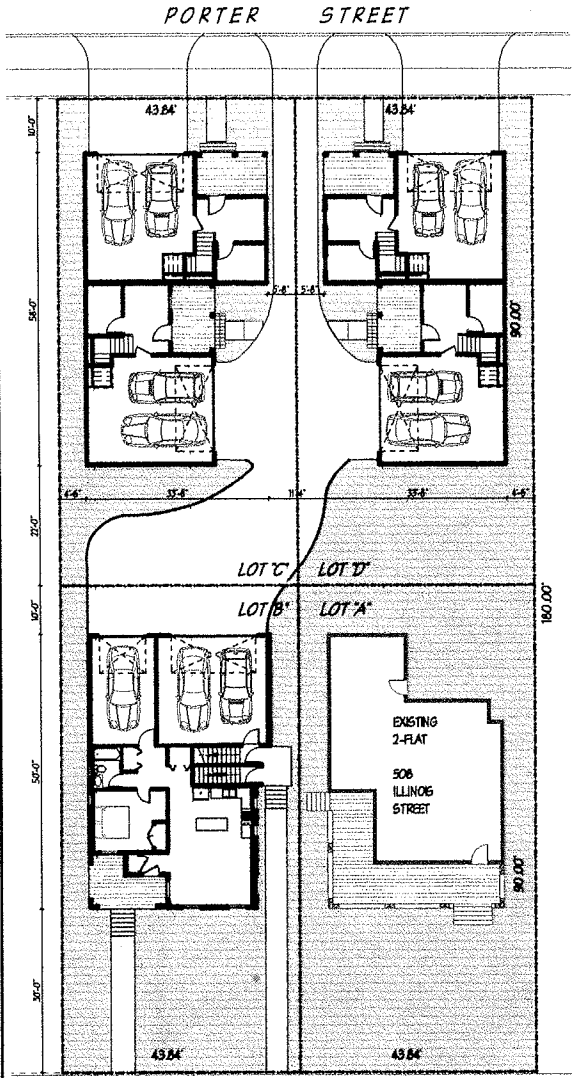
PLAN No.
SHEET No.

3 of 3



RECEIVED
 APR 20 2015
 Village of
 Lemont
 BUILDING DEPARTMENT

DESIGN DATA:	LOT 'A'	LOT 'B'	LOT 'C'	LOT 'D'	REQUIRED
LOT AREA	4,396 S.F. (EXIST.)	4,396 S.F. (EXIST.)	4,396 S.F. (EXIST.)	4,396 S.F. (EXIST.)	10,000 S.F.
LOT AREA PER UNIT	2,198 S.F. (EXIST.)	1,465 S.F.	2,198 S.F.	2,198 S.F.	2,500 S.F.
LOT WIDTH	43.84 FT. (EXIST.)	43.84 FT. (EXIST.)	43.84 FT. (EXIST.)	43.84 FT. (EXIST.)	50 FT.
FRONT YARD SETBACK	30 FT. (EXIST.)	30 FT.	10 FT.	10 FT.	25 FT.
SIDE YARD SETBACK	4.5 FT. (EXIST.)	5.0 FT.	4.5 FT.	4.5 FT.	15 FT.
REAR YARD SETBACK	10 FT. (EXIST.)	10 FT.	22 FT.	22 FT.	30 FT.
LOT COVERAGE	36 % (EXIST.)	49 %	78 %	62 %	65 %



ILLINOIS STREET - ONE 3-FLAT UNIT

DEVELOPER: ZEN DOG PROPERTIES, LLC

3 LOTS TOTAL, 4,396 S.F. EACH

PORTER STREET TO HAVE TWO 3-STORY TOWNHOME UNITS EACH LOT
 1,600 S.F. EACH UNIT WITH 2-CAR GARAGE

ILLINOIS STREET TO HAVE THREE UNITS
 ONE GARDEN LEVEL UNIT @ 900 S.F.
 ONE GROUND LEVEL UNIT @ 900 S.F. WITH 1 CAR GARAGE
 ONE SECOND LEVEL UNIT @ 1,300 S.F. WITH 2 CAR GARAGE

n. batistich, architects
 MEADOWBROOK OFFICE CENTER
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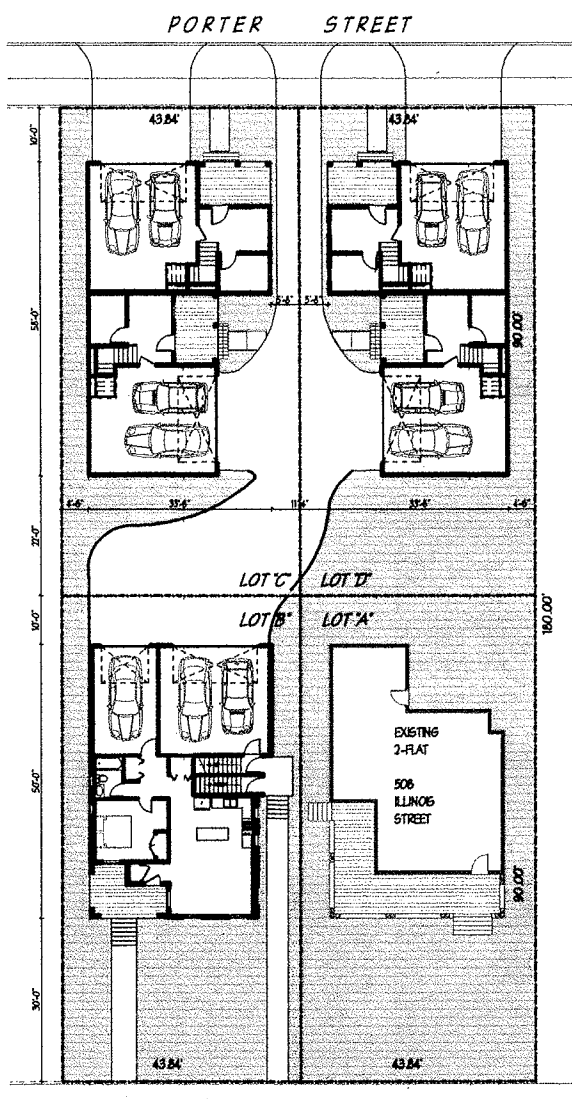
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY SUPERVISION AND THAT THEY COMPLY TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE REQUIREMENTS OF THE BUILDING CODE.

DO NOT SCALE DRAWINGS
 CONTRACTOR SHALL VERIFY ALL PLAN AND DIMENSIONS AND CONDITIONS ON THE JOB AND SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK OR BE RESPONSIBLE FOR SAME

DATE: JUN 18, 2015
 DRAWN BY:
 SCALE:
 APPROVED BY:

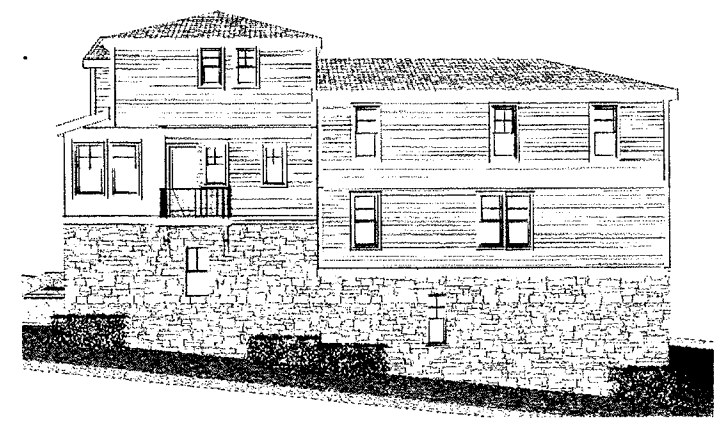
REVISIONS
 PLAN No.
 SHEET No.

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LOT AREA PER UNIT	2,198 S.F. (EXIST.)	1,465 S.F.	2,198 S.F.	2,198 S.F.	2,500 S.F.
LOT WIDTH	43.84 FT. (EXIST.)	43.84 FT. (EXIST.)	43.84 FT. (EXIST.)	43.84 FT. (EXIST.)	50 FT.
FRONT YARD SETBACK	30 FT. (EXIST.)	30 FT.	10 FT.	10 FT.	25 FT.
SIDE YARD SETBACK	4.5 FT. (EXIST.)	5.0 FT.	4.5 FT.	4.5 FT.	15 FT.
REAR YARD SETBACK	10 FT. (EXIST.)	10 FT.	22 FT.	22 FT.	30 FT.
LOT COVERAGE	36 % (EXIST.)	49 %	78 %	62 %	65 %



ILLINOIS STREET
 SITE PLAN
 SCALE: 1/8" = 1'-0"
 HLRON

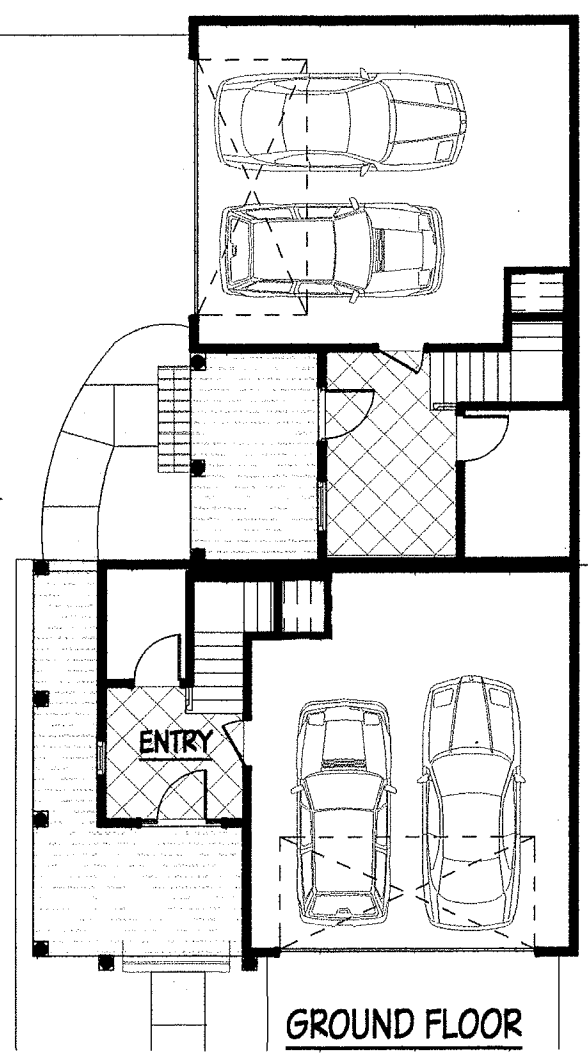
DEVELOPER: ZEN DOG PROPERTIES, LLC
 3 LOTS TOTAL, 4,396 S.F. EACH
 PORTER STREET TO HAVE TWO 3-STORY TOWNHOME UNITS EACH LOT
 1,600 S.F. EACH UNIT WITH 2-CAR GARAGE
 ILLINOIS STREET TO HAVE THREE UNITS
 ONE GARDEN LEVEL UNIT @ 900 S.F.
 ONE GROUND LEVEL UNIT @ 900 S.F. WITH 1 CAR GARAGE
 ONE SECOND LEVEL UNIT @ 1,300 S.F. WITH 2 CAR GARAGE



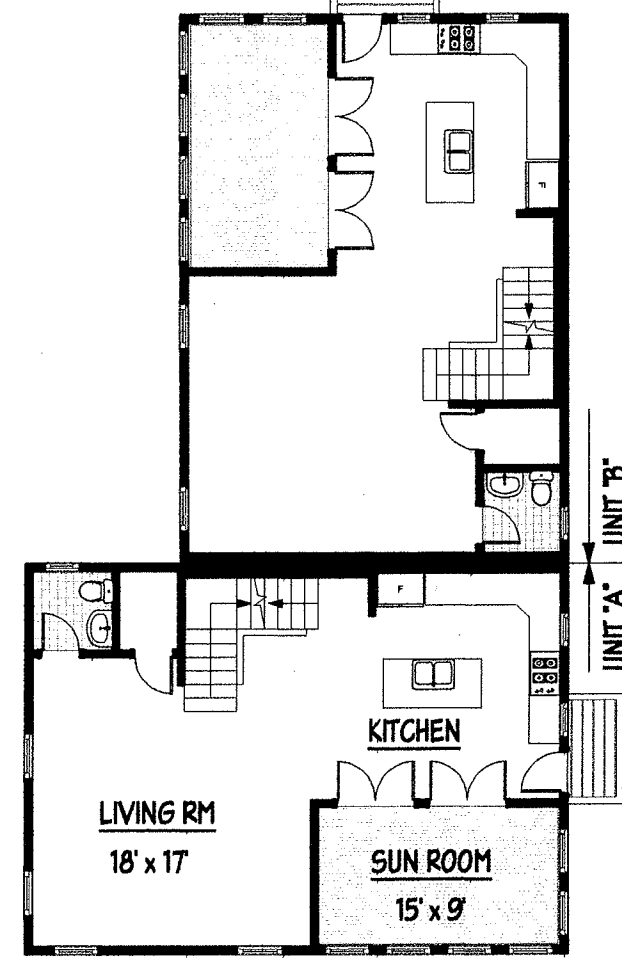
SIDE (EAST) ELEVATION



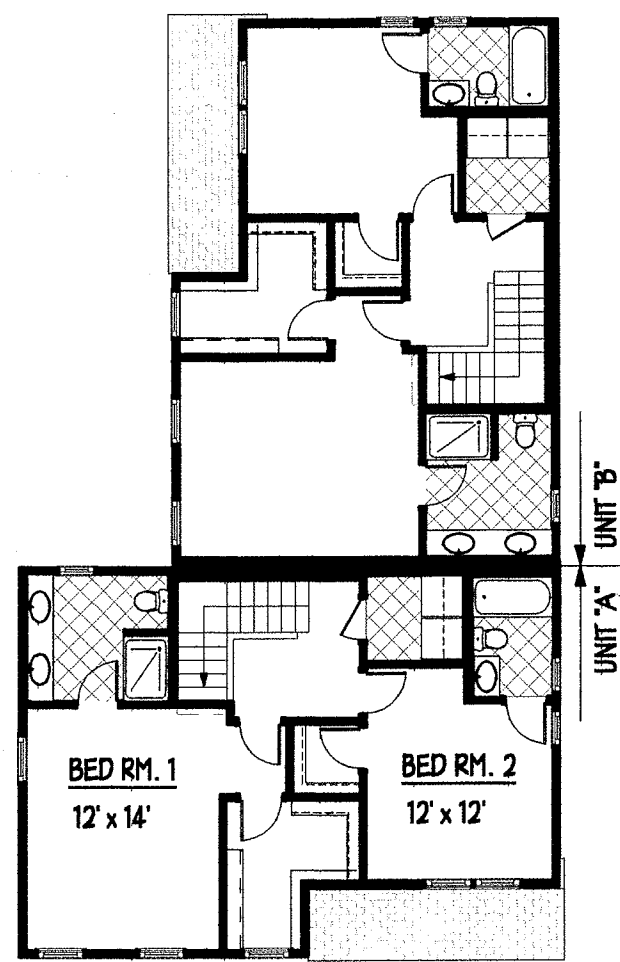
FRONT (SOUTH) ELEVATION



GROUND FLOOR



FIRST FLOOR

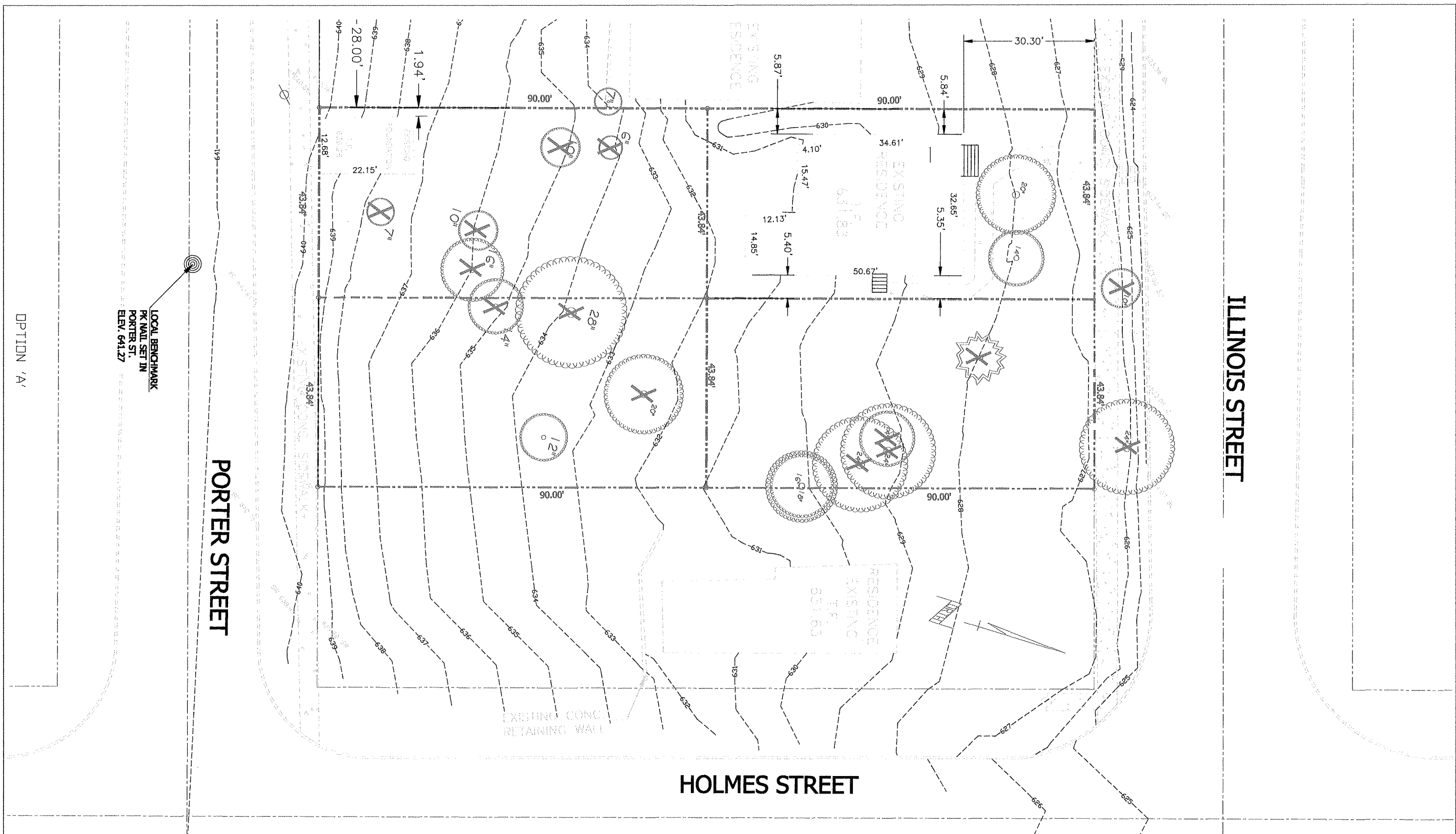


SECOND FLOOR

PORTER STREET - TWO 2-TOWNHOME UNIT

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY SUPERVISION AND THAT THEY COMPLY TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE REQUIREMENTS OF THE BUILDING CODE.
n. batistich, architects
 MEADOWBROOK OFFICE CENTER
 16W475 S. FRONTAGE RD., SUITE 201
 BURR RIDGE, IL 60527 (630) 986-1773

DO NOT SCALE DRAWINGS
 CONTRACTOR SHALL VERIFY ALL TRAILER AND DIMENSIONS AND CONDITIONS ON THE JOB AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT, IN WRITING, OF ANY DISCREPANCIES.
 DATE: JUN 18, 2015
 DRAWN BY:
 SCALE:
 APPROVED BY:



LOCAL BENCHMARK
PK NAIL SET IN
PORTER ST.
ELEV. 641.27

OPTION 'A'

PORTER STREET

ILLINOIS STREET

HOLMES STREET

NO.	DATE	DESCRIPTION
1	4/4/15	EXISTING CONDITIONS, SHOW TREES, REMOVAL
REVISIONS		

DESIGNED	PKM
DRAWN	MS
CHECKED	PKM
DATE	2/24/15

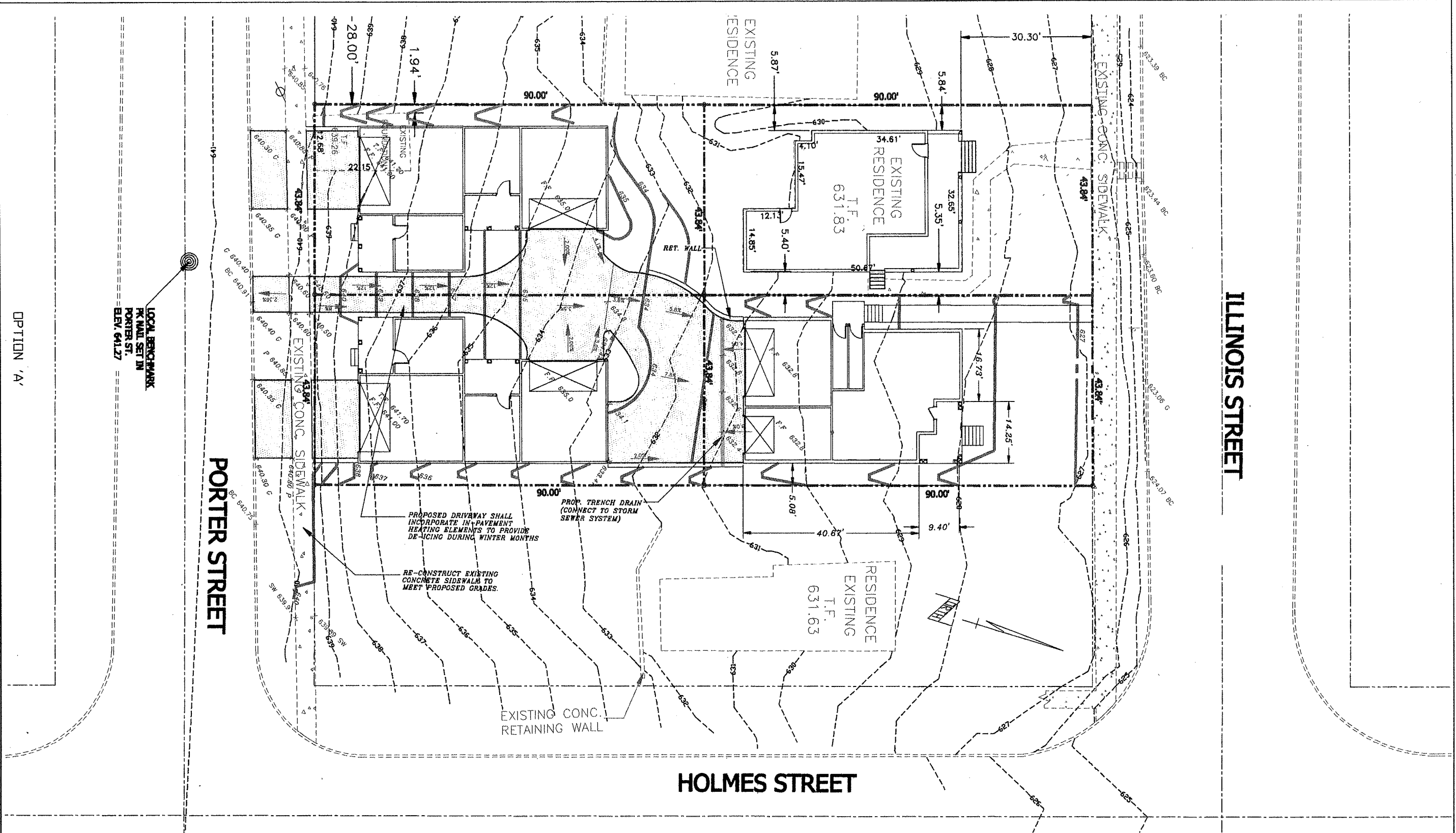
PAUL K. MORRIS, P.E.
 CIVIL ENGINEERING + TRANSPORTATION PLANNING
 1363 STATE STREET
 LEMONT, ILLINOIS 60439
 (630) 300-8102

ILLINOIS AND HOLMES DEVELOPMENT
 PRELIMINARY PLAN
 LEMONT, ILLINOIS

SCALE
 1" = 10'

EXISTING
 CONDITIONS

SHEET 1
OF 2 SHEETS
PROJECT NO.



NO.	DATE	DESCRIPTION
1	4/4/15	ADD TRENCH DRAIN NOTE

DESIGNED	PKM
DRAWN	MS
CHECKED	PKM
DATE	2/24/15

PAUL K. MORRIS, P.E.
 CIVIL ENGINEERING + TRANSPORTATION PLANNING
 1363 STATE STREET
 LEMONT, ILLINOIS 60439
 (630) 300-8102

ILLINOIS AND HOLMES DEVELOPMENT
 PRELIMINARY PLAN
 LEMONT, ILLINOIS

SCALE
 1" = 10'

PRELIMINARY
 GRADING AND DRAINAGE PLAN

SHEET 1
 OF 2 SHEETS
 PROJECT NO.



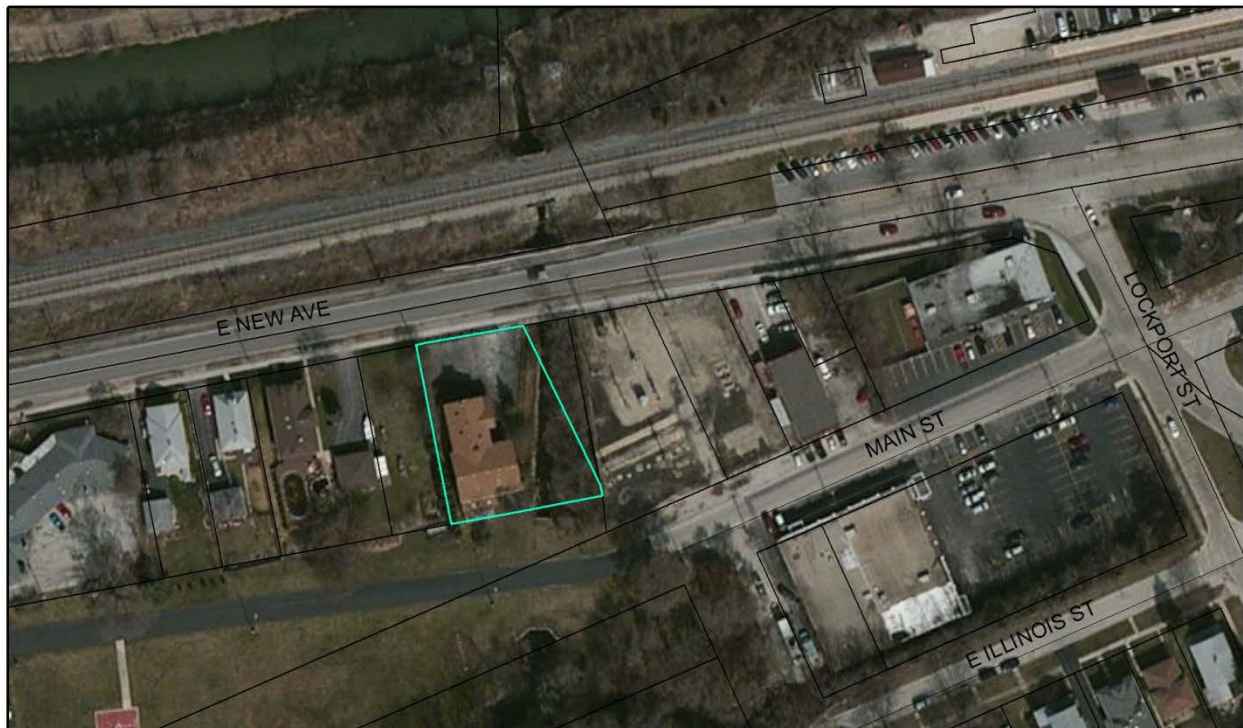
Village of Lemont
Planning & Economic Development Department

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

TO: Planning & Zoning Commission
FROM: Heather Milway, Village Planner
THRU: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Case 15-07 15800 New Ave Rezoning
DATE: June 12, 2015

SUMMARY

Terrence and Susan Robb, owners of the 15800 New Ave. are requesting a rezoning from B-3, Arterial Commercial District to the DD Downtown District. Staff recommends approval of the rezoning.



PROPOSAL INFORMATION

Case No. 15-07
Project Name 15-07 15800 New Ave Rezoning

General Information

Applicant	Terrence and Susan Robb
Status of Applicant	Owners
Requested Actions:	Rezoning from B-3 to DD
Purpose for Requests	To allow the structure to be mixed use and conversion of the second floor to residential units.
Site Location	15800 New Ave, PIN 22-20-305-021
Existing Zoning	B-3 Arterial Commercial District
Size	.4 acres
Existing Land Use	2-story Multi-tenant commercial structure (currently no tenants)
Surrounding Land Use/Zoning	North: M1 Light Manufacturing (Rail road)
	South: B-3 Arterial Commercial District (Lemont Fire Protection District Station)
	East: B-3 Arterial Commercial District (Commonwealth Edison substation)
	West: R-4 Single Family Detached (Single Family Residence)
Lemont 2030 Comprehensive Plan	The Comprehensive Plan Future Land Use map designates this area as Mixed Use (MU)

Special Information

Physical Characteristics	Improved with 1 structure and parking lot with 9 spaces. A creek runs along the east property line.
--------------------------	---

BACKGROUND

The owners of the property are requesting rezoning of the subject property in order to convert the second floor of the structure to residential apartments. The number of units has not been specified. The property is currently zoned B-3 Arterial Commercial; this district is intended to accommodate a wide range of retail, service, and commercial uses where patrons arrive by vehicle rather than other modes of transportation. This district is meant for the highest intensities of commercial use. The only structure on the property is the Old Mill Shoppes. The building has been classified by Cook County as vacant since 2010. The building has been vacant since 2003 when the Oakridge Hobby and Toy store moved to another location. The structure has one 1,200 square foot tenant space per floor. The parking lot currently has 9 spaces.

STANDARDS FOR REZONING

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

1. The existing uses and zoning of nearby property.

Analysis: This property has been historically used for commercial purposes. The building was used for a hobby and toyshop that occupied the structure until 2010. Zoning of property in the immediate vicinity is R-4, B-1, and M-1. The subject site is separated from the DD district's east boundary line by an 87-foot wide lot.

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

Analysis: Property values are expected to increase, as the building with its current zoning is vacant. The property has been for sale/rent for multiple years with no interested parties. The rezoning would enable a conversion to mixed use that would reduce the tax burden on the property. The reduced taxes makes the property more marketable to both commercial and residential tenants.

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

Analysis: As stated in the analysis above there is not an anticipated reduction in property values, thus this criteria is not applicable.

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

Analysis: The proposed rezoning would not create a hardship for the property owner; it would increase the property owner's options for renting the existing building. The occupancy of the structure is also again to the public in that it will ensure the site is monitored on a more consistent basis. The rezoning and conversion to residential units would add to the character of the corridor. The subject site is located between commercial and residential uses. The proposed mixed use development would act as a buffer between the purely commercial area and the single family homes.

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

Analysis: The property is suitable for the zoned purpose. The 2030 Comprehensive Plan designates this property for mixed use. The mixed use future land use category is characterized by development that provides ample opportunities to walk to dining, shopping, and services. The subject property's proximity to the Metra station and to shopping and other services in downtown Lemont are consistent with the mixed-use district. In addition to these factors, the subject site's location along a defined DD street type and its proximity to other DD zoned properties makes the DD zoning designation appropriate for the subject property.

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

Analysis: The property has been vacant for four years. Cook County has classified the property as vacant and reduced the property taxes accordingly. Neighboring properties have been occupied during the four-year span.

7. The public need for the proposed use;

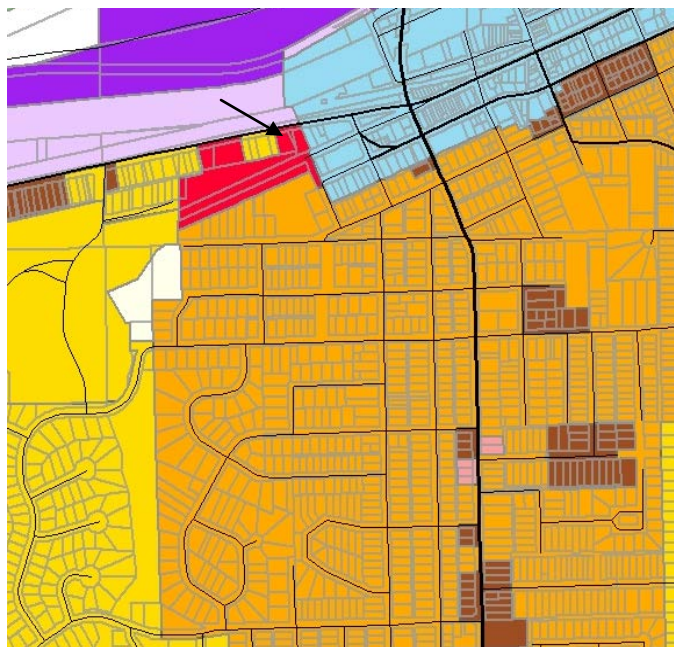
Analysis: The public need for the particular use cannot be identified at this time as the future tenants are unknown, but available commercial space in a mixed-use form is generally seen as serving a public need by increasing the diversity in housing options for residents near the downtown area. The site is equipped with parking and would allow for reuse of the building.

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

Analysis: The zoning history on this corridor has been DD to the east, B-3 in the central area, residential to the west and south, and light industrial to the north. The property itself has been zoned B-3 since at least 1998 (Figure 2). The zoning of the area has remained relatively the same with minor changes to the residential zoned parcels to the west. The B-3 district was established to permit intense commercial use that is auto oriented with potential opportunities for other modes of access. With the residential uses in close proximity of this area the intensity described by the B-3 district may not be appropriate for this site.

The DD was established in 2005 to promote a compatible mixture of commercial, cultural, institutional, governmental, and residential uses in a compact, pedestrian-oriented, traditional village center. The DD was previously classified as historical central business district and has seen alterations in its boundaries and str regulations. The DD regulations are based on street type and though this particular section of New Ave is not included, the area of New Ave to the east is included. The eastern area of New Ave is considered a Neighborhood Street by the UDO. A neighborhood street is comprised of traditional building types that offering a range of urban living options, such as loft apartments, townhouses, and smaller detached homes. The subject property would, with the second floor converted for residential uses, be appropriate for the DD Neighborhood street type.

Figure 2 Surrounding property zoning classification



The previous 2002 Comprehensive Plan designated the future use for this area as Downtown (B-2 Mixed Use), indicating that the property's characteristics were akin to the downtown area, rather than the B-3. The 2002 plan also recommends the expansion of downtown to the east; however, the site, situated to the west, was still specified for future use as downtown mixed use.

The recent 2030 Comprehensive Plan update also classifies the subject site's future land use as MU. The 2030 plan acknowledged, as the 2002 plan, that B-3 was not the most appropriate future land use for the site. The DD area is also

classified in the 2030 future land use as MU and thus the subject site is considered more

comparable to the character of the downtown then B-3 district. The current zoning classification; however, would not allow a future use to be a mixed commercial and residential building as designated by Lemont 2030 and 2002 Comprehensive Plan. The rezoning is needed to achieve the future vision of this corridor as outlined in the Comprehensive Plan.

GENERAL ANALYSIS

Land Use/Compliance with Comprehensive Plan. The 2030 Comprehensive Plan designates this area as MU, Mixed Use. The MU future land use district is characterized by buildings that house a mix of commercial and residential uses to allow for residents within the district with ample opportunities to walk to dining, shopping, and services. The proposed rezoning would allow the conversion of the structure to a mix use development with commercial space on the first floor and residential unit(s) on the second. This proposal would achieve the goals of mixed development and pedestrian access to amenities. The site is located a tenth of a mile from the Metra station and a quarter mile from downtown, which are accessible via a sidewalk on the south side of New Ave.

Compatibility with Existing Uses. Rezoning the subject site to the DD district is compatible with existing uses. The site is situated between commercial and residential uses. The proposed mixed use development would allow a softer transition from one to another. The manufacturing site to the north is left as forested open space preventing nuisances or hazards. The area to the south is also an open green space on the Fire Protection District property.

The site is separated from the Downtown District by a Commonwealth Edison substation. The proposed use of the site for mixed commercial and residential use is consistent with the other properties in the Downtown District.

Aesthetic and Environmental. The rezoning will allow the applicant to convert the structure into a mixed use building without altering the exterior characteristics of the building. Though the structure was constructed in the mid 1980's the design mimics a historic structure. The east side of the property borders on a small creek; a water wheel was constructed to give the feel of an old mill as the shops were named. The uniqueness of the façade is more suited to the DD than the B-3 district.

The zoning classification regulates the placement of the structure on the property. If the subject were redeveloped the current B-3 zoning would require a 25 foot side setback. With the creek located on the property, a variation would be needed to achieve this requirement. The building placement requirements of the DD zoning would be more suitable for the site in a redevelopment situation.

Health and Safety. The rezoning from B-3 to DD does not affect the health and safety of residents, potential employees, or customers. The exterior of the building and the parking area would remain the same. The current building and parking poses no threat to health and safety of the public and the rezoning would restrict the types of commercial uses more than the current zoning. The residential component would not be uncharacteristic of the area considering the neighboring property is a single family residence.

Engineering Comments. Received no comments.

Fire District Comments. Received no comments.

CONCLUSIONS & RECOMMENDATIONS

The proposed rezoning would allow the property to be converted into a mixed use building and the current 1,200 sf commercial space on the first floor to remain. Based on the proximity to other DD properties and consistency with the Comprehensive Plan staff is recommending approval of the rezoning request to DD.

ATTACHMENTS

1. Site Photos
2. Application Materials



Figure 1 Front façade of the two story building.



Figure 2 Entrance and water wheel.



Figure 3 Second floor side entrance.



Figure 4 Creek and ditch running along east property line.

Rezoning Application Form



APPLICANT INFORMATION

Terrence J Robb Jr + Susan R. Robb
Applicant Name

~~15800~~ P.O. Box 247 Lemont IL 60439
Company/Organization

Applicant Address

630-209-3833 cell 630-435-8660 fax
Telephone & Fax

greywolf@oakridgehobbies.com
E-mail

CHECK ONE OF THE FOLLOWING:

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

PROPERTY INFORMATION

15800 New Ave Lemont IL 60439
Address of Subject Property/Properties

22-20-305-021-0000
Parcel Identification Number of Subject Property/Properties

• 4 ACRE per survey (less than 2 ACRES)
Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Requested Zoning: DD

REQUIRED DOCUMENTS

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

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

BILL OF SALE

SELLER, Eugene T. Paddock and Constance A. Paddock of 8929 Brookridge Road, Downers Grove, IL 60515, in consideration of TEN AND NO/100 (\$10.00) DOLLARS, receipt of which is hereby acknowledged, does hereby sell, assign and set over to BUYER, Terrence J. Robb and Susan Robb, his wife of 11 S. 141 Barrett, Lemont, Illinois 60439, the following described personal property, to wit:

any and all property presently located thereon

together with all those other items of personal property located at 68 East New Avenue, Lemont, Illinois, as listed in the Real Estate Sales Contract between the Seller and Buyer dated the July 16, 1992.

Seller hereby represents and warrants to Buyer that Seller is the absolute owner of said property, that said property is free and clear of all liens, charges and encumbrances, and that Seller has full right, power and authority to sell said personal property and to make this Bill of Sale. All warranties of quality, fitness and merchantability are hereby excluded.

If this Bill of Sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

IN WITNESS WHEREOF, Seller has signed and sealed this Bill of Sale at _____, this 12th day of October, 1992.

X Eugene T. Paddock
Eugene T. Paddock

X Constance A. Paddock
Constance A. Paddock

STATE OF ILLINOIS)
) ss.
COUNTY OF DU PAGE)

I, Marcia Anne Jerpe, a notary public in and for said county and state aforesaid, DO HEREBY CERTIFY THAT Eugene T. Paddock and Constance A. Paddock, his wife are personally known to be to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal, this 12th day of October, 1992.

Marcia Anne Jerpe
Notary Public

AFFIDAVIT OF TITLE
COVENANT AND WARRANTY

STATE OF ILLINOIS)
) ss.
COUNTY OF DUPAGE)

The undersigned Affiant, being first duly sworn, on oath says, and also covenants with and warrants to the Grantee hereinafter named:

That Affiant has an interest in the premises described below or in the proceeds thereof or is the Grantor in the Deed dated the 12th day of October, 1992 to Terrence J. Robb and Susan Robb, his wife, Grantee, conveying the following described premises:

That part in Lot 7 in the County Clerk's Division of unsubdivided lands, in Section 20, Township 37 North, Range 11, East of the Third Principal Meridian, described as follows: beginning at a point on the south line of New Avenue, 100 feet west of the east line of said Lot 7; thence westerly, along the south line of New Avenue, to a point 200 feet westerly from the east line of said Lot 7, measured along the south line of New Avenue; thence southerly, at right angles to the south line of New Avenue, 150 feet; thence easterly, parallel with the south line of New Avenue, to a point 100 feet west of the east line of said Lot 7; thence northerly parallel to the east line of said Lot 7, 150 feet, more or less, to the point of beginning, in Cook County, Illinois.

Permanent Parcel No: 22-20-305-021, vol. 062

That no labor or material has been furnished for premises within the last four months, that is not fully paid for.

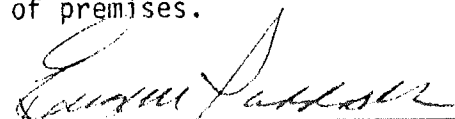
That since the title date of August 26, 1992 in the report on titled issued by First American Title Insurance Company, Affiant has not done or suffered to be done anything that could in any way affect the title to premises, and no proceedings have been filed by or against Affiant, nor has any judgment or decree been rendered against Affiant, nor is there any judgement note or other instrument that can result in a judgment or decree against Affiant within five days from the date hereof.

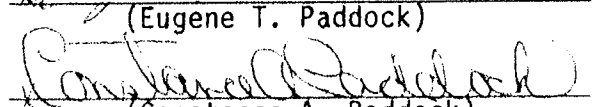
That the parties, if any, in possession of the premises are the Affiant(s).

That all water taxes, except the current bill, have been paid, and that all the insurance policies assigned have been paid.

That this instrument is made to induce, and in consideration of, the said Grantee's consummation of the purchase of premises.

Affiant further states naught.



(Eugene T. Paddock)


(Constance A. Paddock)



Elves making
people happy
since 1988.



OAKRIDGE HOBBIES & TOYS

www.OakridgeHobbies.com

7511 S. Lemont Road Suite 100 Darien, IL 60561

630-435-5900

THE OAKRIDGE CORPORATION
DIRECT LINE # 630-435-5900

P.O. BOX 247
Est. 1978

- LEMONT, IL 60439
TELEFAX # 630-435-8660

Village of Lemont
Planning & Economic Development Director
Charity Jones
418 Main St.
Lemont, IL 60439

May 15, 2015

RE: "Mixed-Use" Rezoning / Annex of 15800 New Ave into "Downtown District"

Ms Charity Jones,

Per our conversation with Heather, please find this letter to address the ownership of the property known as 15800 New Ave (68 E New Ave ... a.k.a. the old Oakridge Hobbies store and Oakridge's Old Mill Shoppes) as it pertains to the Cook County real estate tax payments (PIN) 22-20-305-021-0000.

I am the president of The Oakridge Corporation, and as indicated in a Cook County Board of Review document, included with this letter, The Oakridge Corporation has been the payer of the taxes only, and not the owner, as the Oakridge Corporation, doing business as Oakridge Hobbies, was the leasee/tenant of the property. Since 2005, and every year after, The Oakridge Corporation has been listed as the contact and payer of the tax bills, and every year that the property has sat vacant, I, as the owner of the property and also representing "Oakridge Corp" have filed Vacancy Appeals with the Cook County Assessors office.

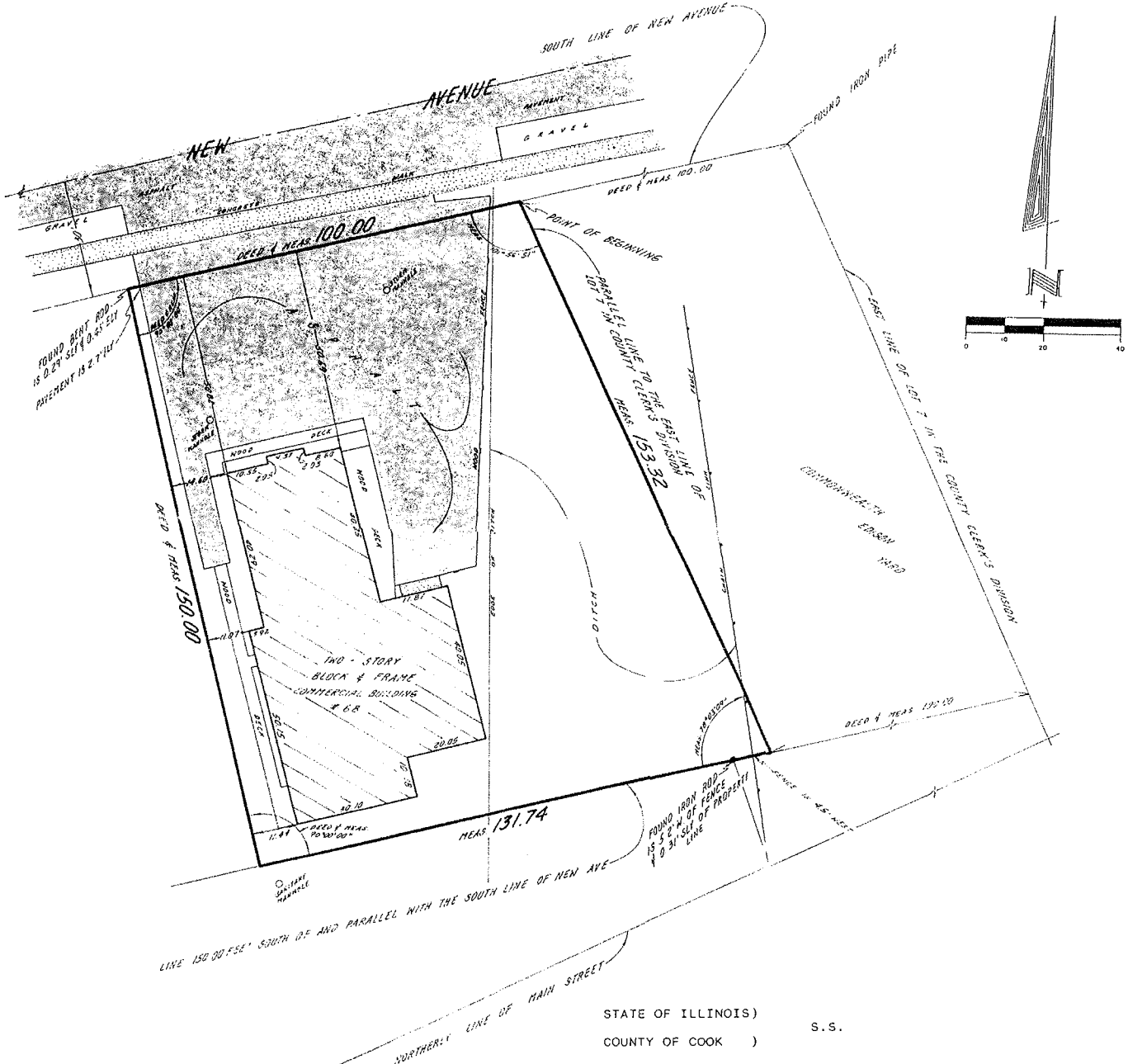
Sincerely,

Terrence J. Robb
President
The Oakridge Corporation

Member of **ASTRA** - American Specialty Toy Retailers Association
Member of **CRHDA** - Chicago Retail Hobby Dealers Association

LAND TITLE SURVEY

THAT PART OF LOT 7 IN THE COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LANDS, IN SECTION 20, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF NEW AVENUE, 100 FEET WEST OF THE EAST LINE OF SAID LOT 7; THENCE WESTERLY, ALONG THE SOUTH LINE OF NEW AVENUE, TO A POINT 200 FEET WESTERLY FROM THE EAST LINE OF SAID LOT 7, MEASURED ALONG THE SOUTH LINE OF NEW AVENUE; THENCE SOUTHERLY, AT RIGHT ANGLES TO THE SOUTH LINE OF NEW AVENUE, 150 FEET; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF NEW AVENUE, TO A POINT 100 FEET WEST OF THE EAST LINE OF SAID LOT 7; THENCE NORTHERLY, PARALLEL TO THE EAST LINE OF SAID LOT 7, 150 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.



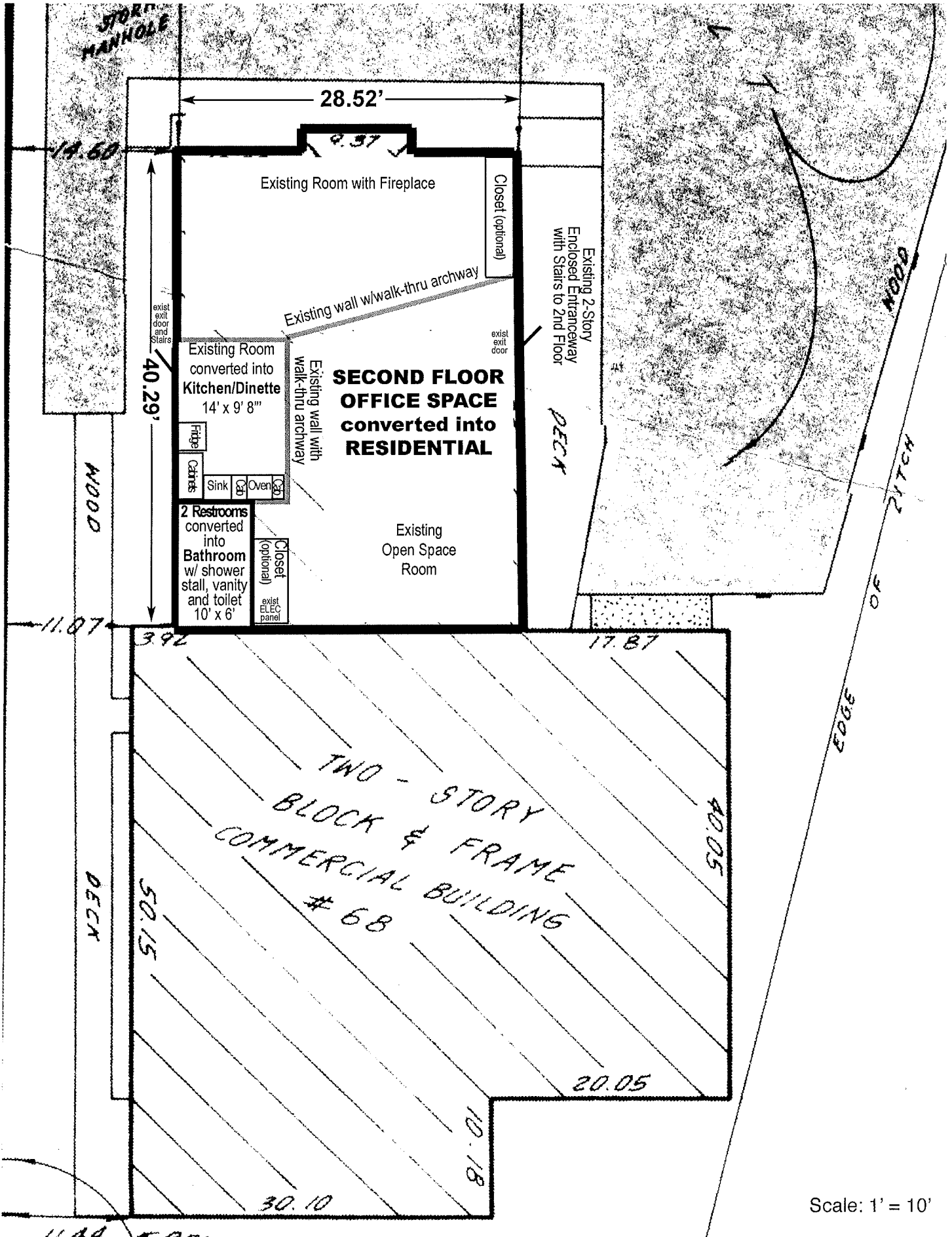
STATE OF ILLINOIS)
 COUNTY OF COOK) S.S.

TO: CHICAGO TITLE AND TRUST COMPANY

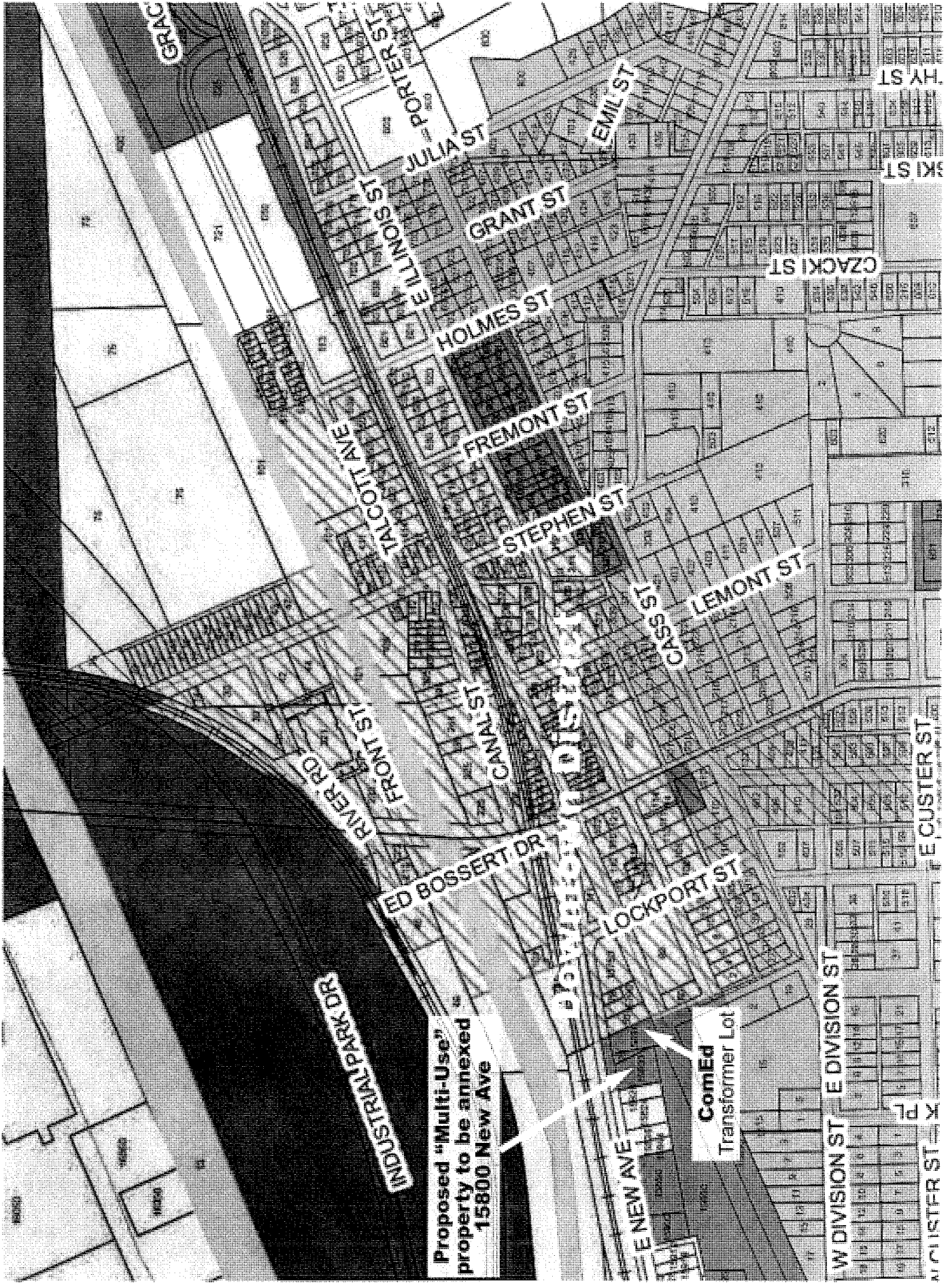
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1988; MEETS THE ACCURACY REQUIREMENTS OF A CLASS A SURVEY, AS DEFINED THEREIN, AND INCLUDES ITEMS 9, 11, AND 13 OF TABLE 3 THEREOF.

DATED THIS 27TH DAY OF OCTOBER, 1990.

Thomas J. Lewis
 ILLINOIS PROFESSIONAL LAND SURVEYOR, NO. 2205



Scale: 1' = 10'



Proposed "Multi-Use" property to be annexed 15800 New Ave

ComEd Transformer Lot

Downers Grove Industrial District

INDUSTRIAL PARK DR

RIVER RD

FRONT ST

TALCOTT AVE

CANAL ST

LOCKPORT ST

E NEW AVE

W DIVISION ST

E DIVISION ST

CUSTER ST

E CUSTER ST

LEMONT ST

CASS ST

STEPHEN ST

FREMONT ST

HOLMES ST

GRANT ST

JULIA ST

EMIL ST

CZACKI ST

SKI ST

LAH ST

GRAC

MILNIN ST

PORTER ST



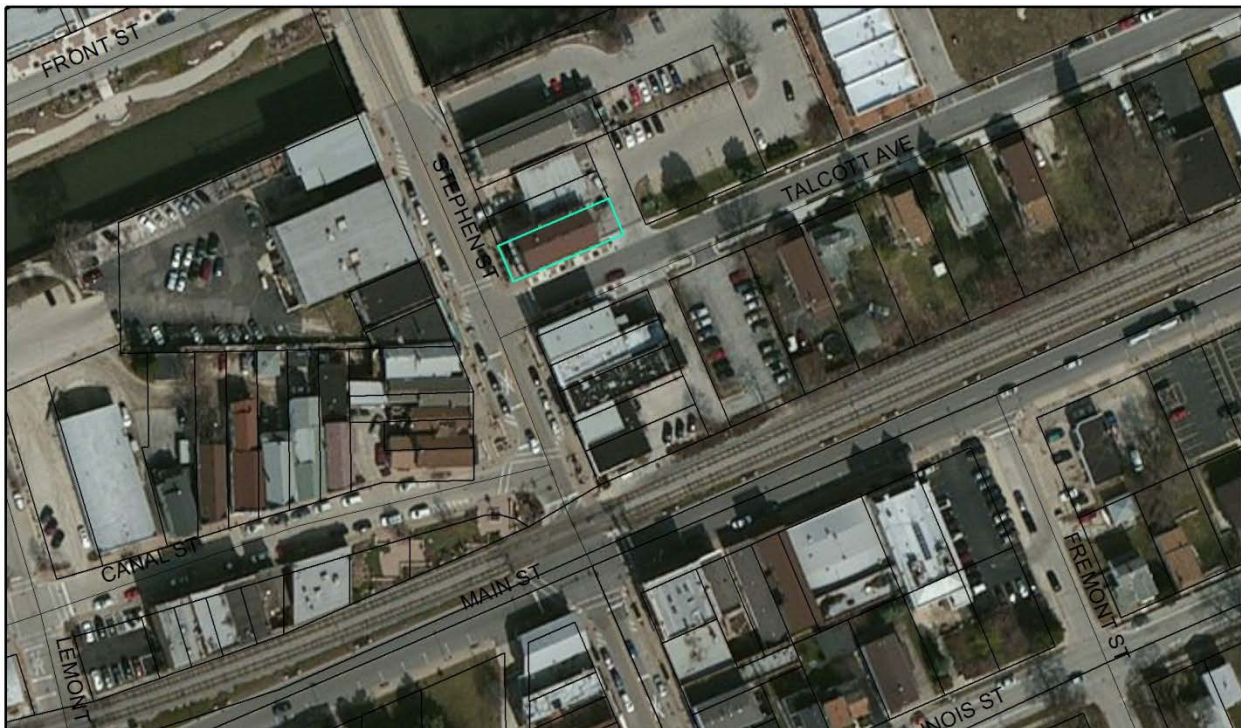
Village of Lemont
Planning & Economic Development Department

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

TO: Planning & Zoning Commission
FROM: Heather Milway, Village Planner
THRU: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Case 15- 10 La Dolce Vita Variation
DATE: June 11, 2015

SUMMARY

Michael Martin of Michael Angelo's Building, Inc., owner of 107 Stephen St., is requesting a variation to allow a greater than 80% lot coverage in the DD zoning district. The proposed addition increases the lot coverage to 90%. Staff recommends approval of the variation.



PROPOSAL INFORMATION

Case No. 15-10
Project Name La Dolce Vita Variation

General Information	
Applicant	Michael Martin of Michael Angelo’s Building, Inc
Status of Application	Owner
Requested Actions:	Variation to maximum lot coverage in DD to exceed 80%
Site Location	107 Stephen St. (PIN 22-20-405-005-0000)
Existing Zoning	DD (Downtown District)
Size	3,234 sq ft
Existing Land Use	Restaurant
Surrounding Land Use/Zoning	North: DD (Hayes Auto and Truck Repair)
	South: DD (Vacant retail storefront)
	East: DD (Old Town Square parking lot)
	West: DD (Belle De Jour)
Comprehensive Plan 2030	The Comprehensive Plan classifies this site mixed use (MU)

BACKGROUND

The subject property was originally platted and constructed in 1871. The site and existing restaurant business were purchased by the current owner in 2011. The first floor is comprised of the main dining room with kitchen facilities in the middle of the floor plan. The second floor is a banquet room accessible by a steep, narrow stair case.

General Analysis

The subject lot is located in both the Historic overlay district and the Downtown District (DD). The DD is a form based zoning district, which means that the district allows a broad variety of land uses but placement and design of structures are more tightly regulated than in traditional (i.e. Euclidean) zoning districts.. The district classifies the streets in the DD in a hierarchy. The highest level in the hierarchy of street types is Main Street which incorporates properties along Main St., Canal St., the north block of Lemont St., the east section of Talcott Ave., and Stephen St. The purpose of the Main Street street type standards is to maintain the character of the historic central business district. Where other street type classifications have rear and/or side setbacks, the main street classification does not.

The Historic District is an overlay district designed to improve the economic vitality and value of Lemont’s historic areas by encouraging the preservation and restoration of structures, areas, and neighborhoods of special historic significance in Lemont. The overlay district works in conjunction with the defined zoning district to regulate development with more standards in addition to those required by the zoning. The historic overlay and DD zoning work together to ensure the building placement and architecture of new development or redevelopment preserve the historic character of the area.

STANDARDS FOR VARIATIONS

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

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

Analysis. The general purpose of the UDO is specified in UDO Section 17.01.050. Of the eight components listed, six are either not applicable to or unaffected by the variation request. The variation request to exceed the maximum lot coverage of 80% is consistent with the remaining two components.

- ***Maintaining and promoting economically vibrant and attractive commercial areas.*** The subject site is located in an established mixed use area, in a historic district, and zoned DD. This area encompasses the older historic mixed use and commercial structures in the village. Allowing the increase in coverage only strengthens the economic viability of the DD area allowing a thriving business to grow.
- ***Conserving the value of land and buildings throughout the Village.*** Investments that allow a property to be fully utilized add value to the land and generally conserve value throughout the Village.

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

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

- ***Particular physical surroundings, shape, or topographical conditions results in a particular hardship upon the owner as distinguished from a mere inconvenience.*** There are no physical surroundings, shape, or topographic conditions that cause the hardship. The property is currently has a lot coverage of 64%. The addition to the structure with the 80% maximum coverage requirement would allow for a 507 foot addition. The proposed addition is 813 feet. The improvements such as the elevator and stairs, which allow for full utilization of the second floor, could still be constructed with the 80% lot coverage restriction. The kitchen improvement in its proposed design would not.
- ***The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district.*** The property is one of the last remaining lots of the Main Street classification that has the area to expand and the need to alter its existing structure. The majority of lots in close proximity to the subject property have buildings that cover more

than 80% of the lot (Table 1). Of the properties listed in table 1, eight have a larger lot area than La Dolce Vita and one is similar in size.

Table 1

Address	Existing Use	Lot Coverage
103 Stephen St.	Stonehouse Pub	99%
108 Stephen St.	Bel De Jour	85%
110 Stephen St.	Tom's Place	90%
111 Stephen St.	Old Town Restaurant	96%
115 Stephen St.	L'Arte E Vita Studio	95%
201 Stephen St.	Vacant	99%
202 Stephen St.	Illinois & Michigan Oil, LLC	99%
212 Stephen St.	Vacant	95%
326 Main St.	Office use / Partially Vacant	99%
400 Main St.	Vacant (Budnik Building)	99%

Of the 24 buildings along Stephen St. from the I&M Canal to Illinois St., 10 have lot coverage that exceed 80%. The request to allow for lot coverage to exceed 80% would not be out of character for DD buildings with Main Street classification in the UDO.

- ***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** The applicant purchased the subject property in 2011. The structure was constructed in 1871. The existing building configuration was not designed by anyone presently having an interest in the property.

Additionally hardship is created by the conflicting nature of the UDO provisions for maximum lot coverage, the required building placement for the DD, and goal to preserve the character of the neighborhood. The front setback requirement is equal to the average front yard depth that exists on the nearest two lots on either side or 5 feet whichever is less. There are no side and rear setbacks with a minimum lot coverage of 60%. The building placement requires the building to sit in close proximity of the front property line with no required side or rear setbacks. These standards are intended to encourage development that is consistent with the character of the neighborhood; however, they do not accurately reflect the characteristics of many neighboring buildings as stated previously. The absence of rear and side setback coupled with the small front setback would indicate higher lot coverage than is permitted under the UDO. The maximum lot coverage is in conflict with the intent of the DD.

- ***The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject project is located.*** The request for 93.5% lot coverage will not be

detrimental to public welfare or injurious to other property or improvements in the neighborhood. The addition will enclose the trash containers reducing their visual impact. The addition allows the construction of an elevator to increase access for those with mobility challenges. The addition would also eliminate the exterior iron stair case and relocate the mechanical equipment, creating a less obstructed walkway for customers and employees. The addition of the elevator and proposed larger staircase inside the building will allow for easier egress and ingress of the second floor, improving safety during emergency situations.

As stated previously the 93.5% coverage would be similar to multiple neighboring structures in the DD area.

- ***The variation will not impair an adequate supply of light and air to adjacent properties or substantially increase congestion in the public street or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.*** The variation request will not impair the adequate supply of light or air to adjacent properties. The alley/parking lot access will not be affected by the addition. The mechanical equipment being relocated will disperse exhaust away from the neighboring buildings and pedestrians in the alley/parking lot.
3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Analysis. As noted in the General Analysis section of this report, the DD and Historic District regulations are intended to work together to ensure new development that is consistent with the character of the historic downtown area. As previously stated, the proposed variation allows the subject property to be developed in a manner that is similar to surrounding properties and is therefore consistent with the purpose and intent of the DD and historic district.

Engineering Comments. Received no comments.

Fire District Comments. The Fire Marshal's comments are attached; he notes that the construction of the addition would be required meet fire and life safety codes and extend current safety systems and devices into the new areas.

Historic Preservation Commission. The application was reviewed by the Historic Preservation Commission (HPC) on May 7th, 2015. The HPC voted 4-0 in favor of the application and issued a certificate of appropriateness (CofA) with condition that the applicant receives final approval of the building materials by the HPC. The HPC felt that the addition was well designed and commented that the addition will be required to matching the existing stone as closely as possible to be issued the final CofA.

RECOMMENDATIONS

The UDO requires that the applicant demonstrate consistency with standards 1 and 3 contained within §17.04.150.D. and staff finds that they were substantially met. Four out of the five requirements for standard 2 were met; however, there were no physical

surroundings, shape, or topographic conditions that cause the hardship. Staff still recommends approval of the variation. Although there are no physical characteristics causing the hardship, it is a unique circumstance that La Dolce Vita is one of the only existing Main Street properties that has the need to expand and is required to meet the UDO standards, which are in conflict with the intent of the DD District. Restricting La Dolce Vita from improving their lot similar to the other surrounding properties would put them at a competitive disadvantage which staff finds to be an economic hardship.

ATTACHMENTS

1. 1 Site photographs
2. Fire Marshal Comments
3. Architectural plans
4. Applicant submissions

Site photographs



Figure 1 Front Façade



Figure 2 Rear façade and alley



LEMONT FIRE PROTECTION DISTRICT

BUREAU OF FIRE PREVENTION

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

June 5, 2015

Ms. Heather Milway
Village Planner
Village of Lemont
418 Main St.
Lemont, IL 60439

Re: Land Use Application
LaDolce Vita Addition Variation

Dear Ms. Milway;

This Department is in receipt of the plans for the above mentioned project. The 2006 edition of the International Fire Code with local amendments were used for this review. These plans are **APPROVED AS NOTED** subject to compliance with the following comments:

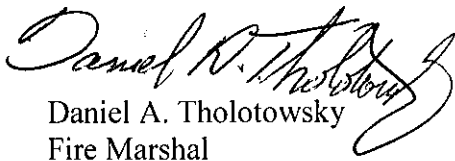
- 1) The Lemont Fire Protection District has no objections to this variance for the addition to the above noted property provided that all applicable fire and life safety codes and ordinance are adhered to. This includes but not limited to the extension of the current building's fire alarm and fire sprinkler systems throughout this occupancy, fixed kitchen suppression system(s), portable fire extinguisher installation, exit and emergency lighting and the installation of the appropriate approved exit door hardware.

The review of these drawings does not relieve the contractor or building owner from designing and installing and completing this project per all code and standard requirements. Fire code and standard requirements not necessarily noted on these plans, in the plan review letter, or noted during inspections are still required to be provided and installed in full compliance with all adopted codes standards and ordinances. I will recommend approval of these plans with the stipulation that the above items are addressed and complied with. This **APPROVAL AS NOTED** with noted requirements of the Codes and Standards for the submitted project is not to

Page 2 (cont'd)
LaDolce Vita Addition Variation

be construed as final approval. This can only be granted after construction and occupancy inspections. If you should have any further questions please don't hesitate to contact me.

Sincerely,

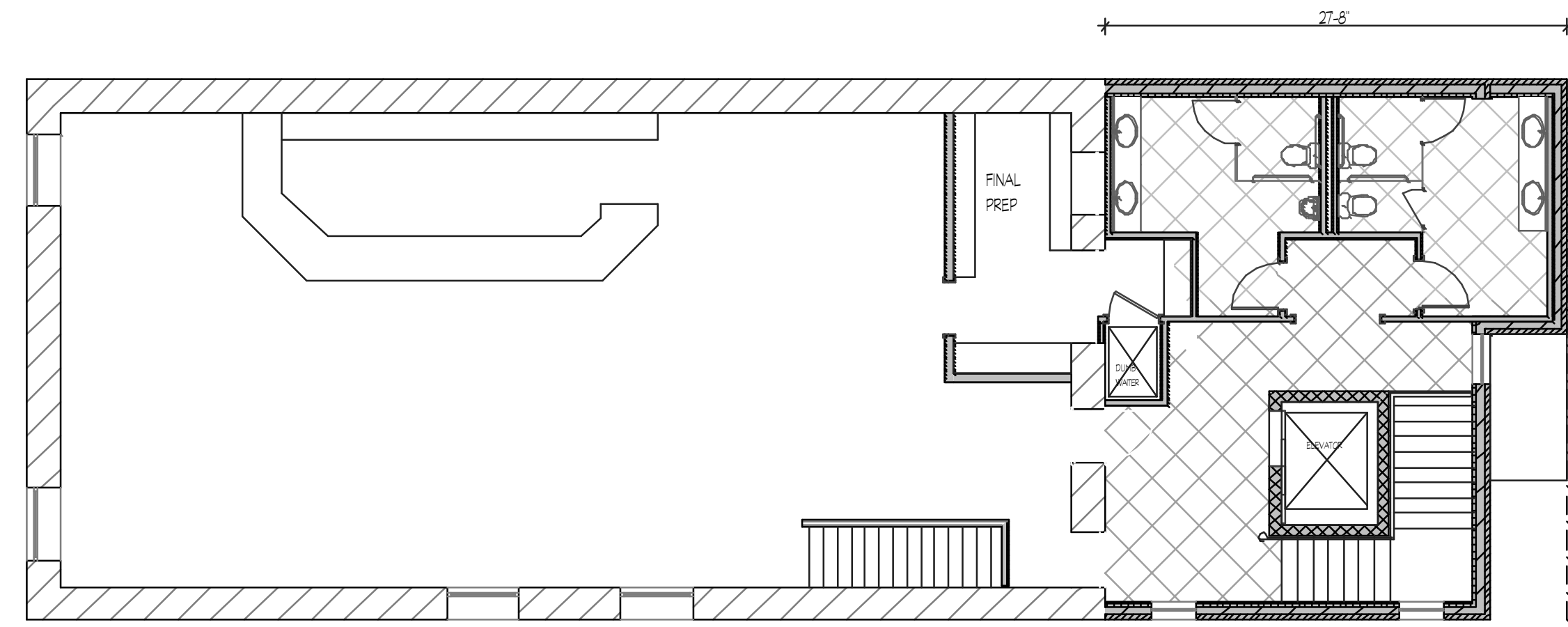


Daniel A. Tholotowsky
Fire Marshal

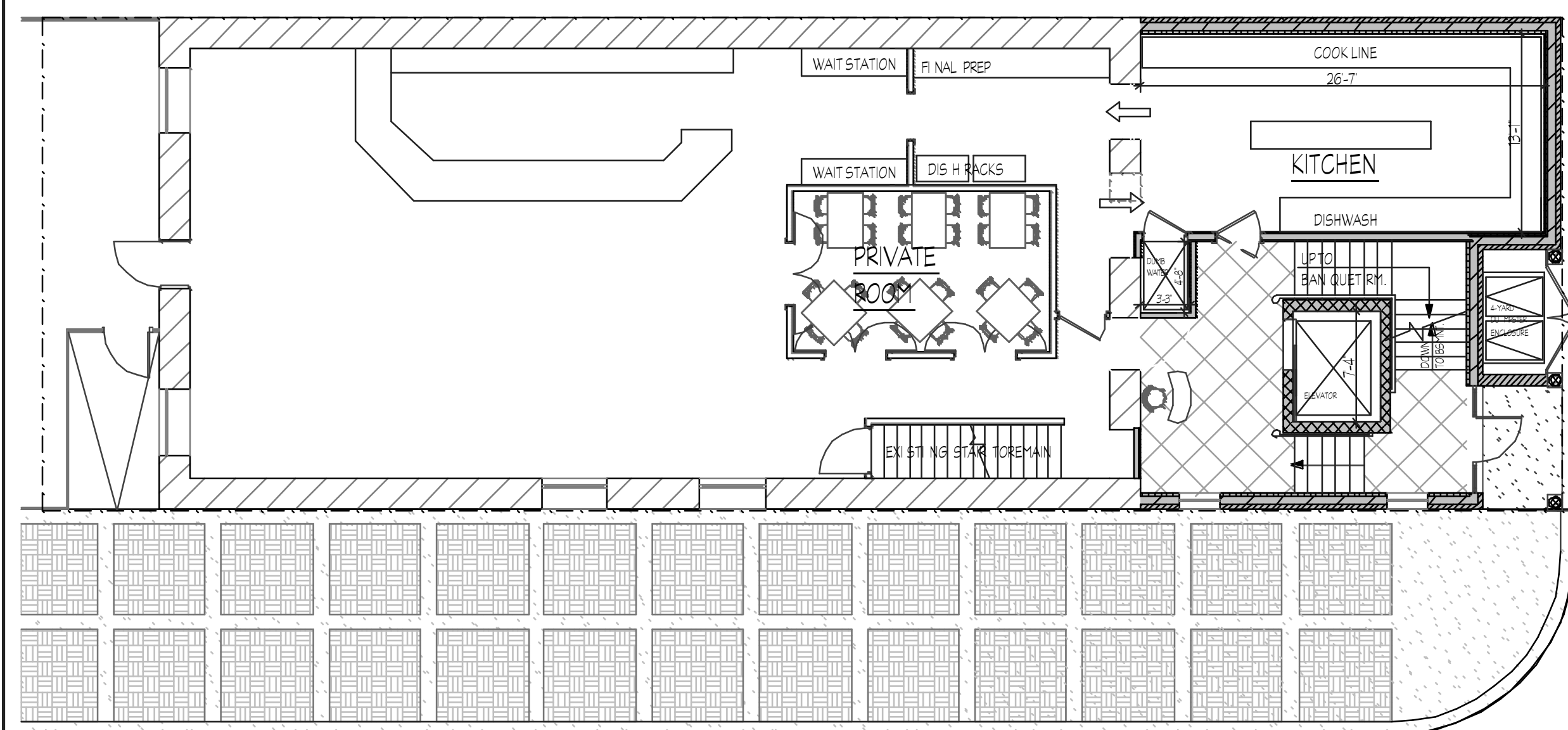
File #112
#1174

La Dolce Vita

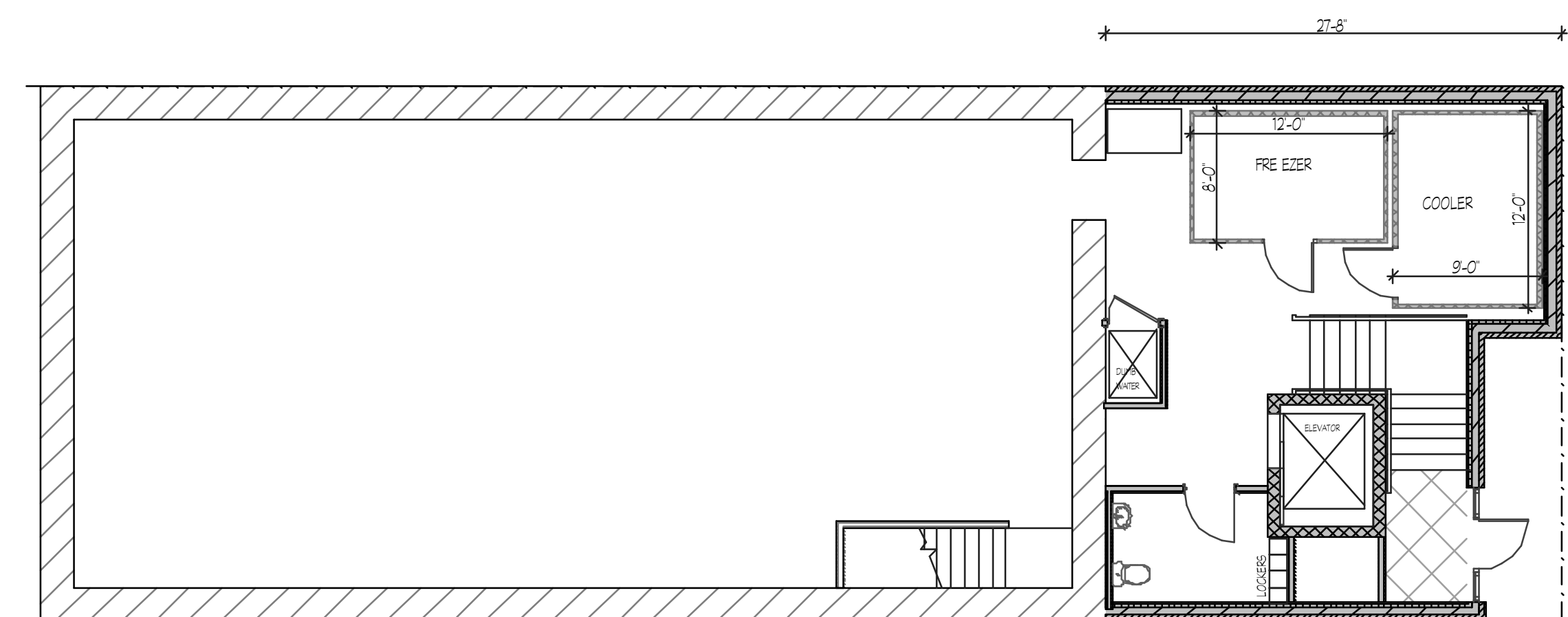
107 Stephen St. ___ Lemont, IL



SECOND FLOOR PLAN



GROUND FLOOR PLAN



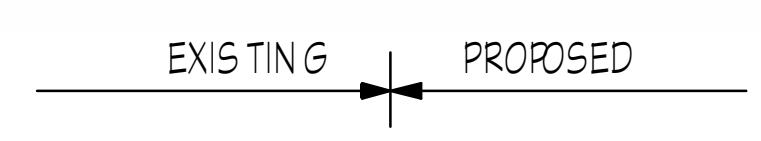
BASEMENT PLAN



SOUTH ELEVATION



EAST ELEVATION



EXISTING



PROPOSED

20 FT. PUBLIC ALLEY

n. batistich, architects
MEADOWBROOK OFFICE CENTER
16W475 S. FRONTAGE RD., SUITE 201
BURR RIDGE, IL 60527 (630) 986-1773

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY SUPERVISION AND THAT THEY COMPLY TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE REQUIREMENTS OF THE BUILDING CODE.

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL PLAN AND DIMENSIONS AND CONDITIONS ON THE ARCHITECT'S DRAWINGS. NOTIFY DISCREPANCIES BEFORE PROCEEDING WITH WORK OR BE RESPONSIBLE FOR SAME.

DATE: APRIL 8, 2015
DRAWN BY:
SCALE:
APPROVED BY:

REVISIONS

PLAN No.
SHEET No.
PRELIM.



Variation Application Checklist of Required Materials

Materials Required at Submittal of Application

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

- X **Application Form.** One original copy of the attached *Variation Application Form*, signed by the applicant and notarized.
- X **Application Fee.** A non-refundable fee of \$250 per zoning lot.
- X **Escrow Account.** \$500 per application. Any unused portion may be refunded upon request after completion of the variation review process.
- X **Proof of Ownership & Applicant Authorization.** One copy of a deed that documents the current ownership of the subject property. If the applicant is the owner, this is the only documentation necessary. If the applicant is not the owner, the following are required in addition to a copy of the deed:
- If the applicant is the contract purchaser of the property, a copy of said contract must be attached.
 - If the applicant is acting on behalf of the beneficiary of a trust, a notarized letter from an authorized trust officer identifying the applicant as an authorized individual acting in behalf of the beneficiaries must be attached. The letter must also provide the name, address and percentage of interest of each beneficiary.
 - If the applicant is acting on behalf of the owner, a notarized letter of consent from the owner must be attached.

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

- Submittal Packet.** 22 collated copies of a submittal packet for distribution at public meetings and one electronic copy for Village files. Additional copies of the submittal

packet may be required after initial submission of the variation application. Planning & Economic Development Staff will advise if/when additional copies are needed.

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

The submittal packet shall include the following:

- **Legal Description.** A legal description of the subject property.
- **Variation Criteria Worksheet.** The applicant must address the standards listed on the attached *Variation Criteria Worksheet*.
- **Additional Plans or Documents as Required by the Planning & Economic Development Director.** Department staff will advise if any additional materials are necessary.

Materials Required when Public Notice is Served

The following items **are not** required at the time of application submittal. However, these items must be submitted to the Planning & Economic Development Department prior to the public hearing before the Planning & Zoning Commission or Zoning Hearing Officer. Once the applicant has fulfilled the public notice requirements, the following items must be submitted:

 x **Affidavit of Public Notice.** The attached *Affidavit of Public Notice* must be submitted by the applicant once he/she has completed the necessary public notice requirements. A signed and notarized original form should be submitted to the Planning & Economic Development Department no later than 15 days prior to the scheduled public hearing for the variation request. More explanation regarding public notice requirements is contained in the attached *Variation Public Notice Requirements* document.

 X **Copy of Written Notice.** Once the applicant has sent the required written notice of public hearing, a copy shall be submitted to the Planning & Economic Development Department. The copy of the written notice should be submitted at the time that the notice is sent to the surrounding property owners. More explanation regarding public notice requirements is contained in the attached *Variation Public Notice Requirements* document.

X **Address List.** A list of all addresses to which the applicant sent the written notice of public hearing shall be submitted to the Planning & Economic Development Department at the time the written notice is sent to the surrounding property owners. More explanation regarding public notice requirements is contained in the attached *Variation Public Notice Requirements* document.

Variation Application Form

APPLICANT INFORMATION

Michael A Martin

Applicant Name

Michael Angelo's Building, Inc.

Company/Organization

6688 W Joliet Rd, Indian Head Park, IL 60525

Applicant Address

Phone 708-516-9848 / Fax 630-257-9119

Telephone & Fax

ladolcegroup@aol.com

E-mail

CHECK ONE OF THE FOLLOWING:

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

Applicant is the contract purchaser of the subject property.

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

Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

107 Stephen St., Lemont, IL 60439

Address of Subject Property/Properties

PIN # 22-20-405-005-0000

Parcel Identification Number of Subject Property/Properties

100 x 32.34 ft. = 3234 Sq Ft

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

addition to kitchen and install elevator

Brief description of the proposed variation

To Decrease the required setback thus increasing lot coverage with addition.

REQUIRED DOCUMENTS

See Form 500-A, Variation Application Checklist of Required Materials, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

Variation Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee = \$250 (per zoning lot)

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

Required Escrow = \$500

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

AFFIRMATION

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

<u>Michael A. Martin</u>	<u>5-22-15</u>
Signature of Applicant	Date
<u>IL</u>	<u>Cook</u>
State	County

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

Christine Kellogg
Notary Signature

Given under my hand and notary seal this 22 day of May A.D. 20 15.

My commission expires this 9 day of December A.D. 20 18.





Doc#: 1115447021 Fee: \$38.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/03/2011 02:50 PM Pg: 1 of 2

**Warranty Deed
Statutory (ILLINOIS)**

4405664 (1/1)

6-1
GIT

Above Space for Recorder's Use Only

THE GRANTOR (S) KDD, LLC, an Illinois Limited Liability Company, created and existing under and by virtue of the laws of the State of Illinois and duly authorized to transact business in the State of Illinois for and in consideration of the sum of (\$10.00) TEN DOLLARS, in hand paid, and pursuant to authority given by the Board of Directors of said corporation, **CONVEYS and WARRANTS** to

MICHAEL ANGELO'S BUILDING, INC., an Illinois corporation, created and existing under and by virtue of the laws of the State of Illinois and duly authorized to transact business in the State of Illinois, 6688 West Joliet Road, Indian Head Park, Illinois, the following described Real Estate situated in the County of Cook in the State of Illinois, to wit

**LOT 1 IN CHARLES FREEHAUF'S RESUBDIVISION OF LOT 3 AND PART OF LOT 4
IN BLOCK 1 OF NORTON'S SUBDIVISION OF TALCOTT AVENUE AND EAST OF
STEPHEN STREET IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 20,
TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
COOK COUNTY, ILLINOIS**

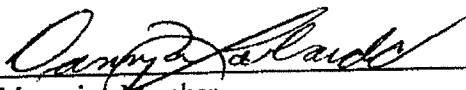
Permanent Index Number (PIN): 22-20-405-005

Address(es) of Real Estate: 107 Stephen Street, Lemont, Illinois, 60439

SUBJECT TO: covenants, conditions, and restrictions of record, and to General Taxes for 2010 and subsequent years.

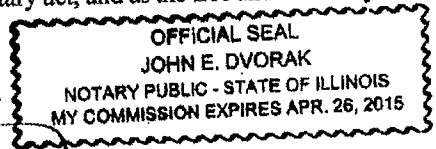
In Witness Whereof, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by Danny Lombardo, its Managing Member, this 21st day of September, 2003.

KDD, LLC, an Illinois Limited Liability Company

By 
Managing Member

State of Illinois, County of Cook ss, I, the undersigned, a Notary Public In and for the County and State aforesaid, DO HEREBY CERTIFY that DANNY LOMBARDO, is personally known to me to be Managing Member of the company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and severally acknowledged that as such Managing Member, he signed, sealed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act and deed of company, for the uses and purposes therein set forth.

Given under my hand and official seal, this 31st day of May, 2011.



Commission expires _____, 19____

[Handwritten Signature]
NOTARY PUBLIC

This instrument was prepared by: John E. Dvorak, Dvorak & Kelliher, Ltd., 10560 West Cermak Road, Westchester, Illinois 60154

MAIL TO:

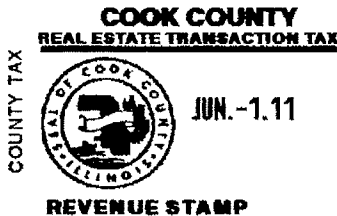
Patrick J. Doherty
Attorney at Law
7836 W. 103rd Street
Palos Hills, Illinois 60465

SEND SUBSEQUENT TAX BILLS TO:

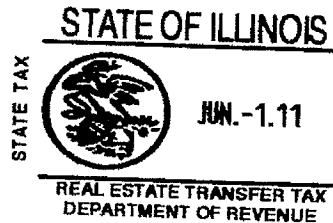
Michael A. Martin
107 Stephen Street
Lemont, Illinois 60439

OR

Recorder's Office Box No. _____



# 000052360	REAL ESTATE TRANSFER TAX
	00195.00
	FP 103017



# 000001116	REAL ESTATE TRANSFER TAX
	00390.00
	FP 103014

WWW.CYBERDRIVEILLINOIS.COM

JESSE WHITE
SECRETARY OF STATE



CORPORATION FILE DETAIL REPORT

Entity Name	MICHAEL ANGELO'S BUILDING, INC.	File Number	67931254
Status	ACTIVE		
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	05/02/2011	State	ILLINOIS
Agent Name	MICHAEL A. MARTIN	Agent Change Date	05/02/2011
Agent Street Address	6688 WEST JOLIET ROAD	President Name & Address	MICHAEL A MARTIN 6688 JOLIET RD INDIAN HEAD PARK IL 60525
Agent City	INDIAN HEAD PARK	Secretary Name & Address	MICHAEL A MARTIN 6688 JOLIET RD INDIAN HEAD PARK IL 60525
Agent Zip	60525	Duration Date	PERPETUAL
Annual Report Filing Date	03/31/2015	For Year	2015

[Return to the Search Screen](#)

[Purchase Certificate of Good Standing](#)

(One Certificate per Transaction)

[BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE](#)

Legal Description:

LOT 1 IN CHARLES FREEHAUF'S RESUBDIVISION OF LOT 3 AND PART OF LOT 4
IN BLOCK 1 OF NORTON'S SUBDIVISION OF TALCOTT AVENUE AND EAST OF
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TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
COOK COUNTY, ILLINOIS

Permanent Index Number Pin # 22-20-405-005-0000

Address of Real Estate: 107 Stephen St., Lemont, Il 60439

Variation Criteria Worksheet

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

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

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

UDO Section 17.04.150.D.1.a

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

HPC has approved the visual concept drawings of the addition to the property. Improvements will not harm the physical or topographical conditions for the property or surrounding properties or decrease property values. The improvements to this property would not increase the congestion in the public streets, or endanger public safety.

By granting the variation it will not pose an hardship on owner or neighborhood.

UDO Section 17.04.150.D.1.b

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

Not applicable

UDO Section 17.04.150.D.1.c

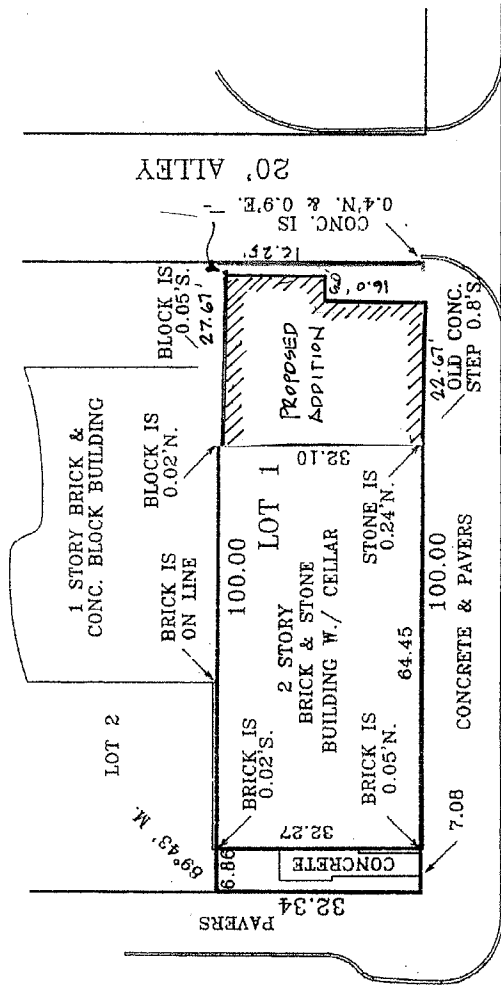
The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Not applicable.

PLAT OF SURVEY

LOT 1 IN CHAS. FREEHAUF'S RE-SUBDIVISION OF LOT 3 AND PART OF LOT 4 OF BLOCK 1 OF S.W. NORTON'S SUBDIVISION, LYING NORTH OF TALCOTT AVENUE AND EAST OF STEVEN STREET, ALL BEING IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SCALE: 1" = 20'

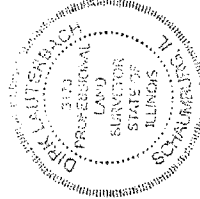


TALCOTT AVE.

NOTE
 ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF. MEASURED EQUALS RECORD. CORNERS NOT SET AT OWNER'S REQUEST. SUBDIVISION PLAT RECORDED JULY 10, 1894 AS DOC. NO. 2071111. NO TITLE POLICY WAS PROVIDED AT TIME OF SURVEY.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS.

DIRK LAUTERBACH
 PROFESSIONAL LAND SURVEYOR
 413 GREENHILL LANE
 SCHAMBURG, IL 60193
 (847) 650-9194



107 STEVEN ST.
 FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, ABSTRACT, LOCAL ORDINANCES AND/OR TITLE POLICY.

STATE OF ILLINOIS)
 COUNTY OF COOK)

I, DIRK LAUTERBACH, AN ILLINOIS PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED THIS 5TH DAY OF MAY, 2011.

Dirk Lauterbach

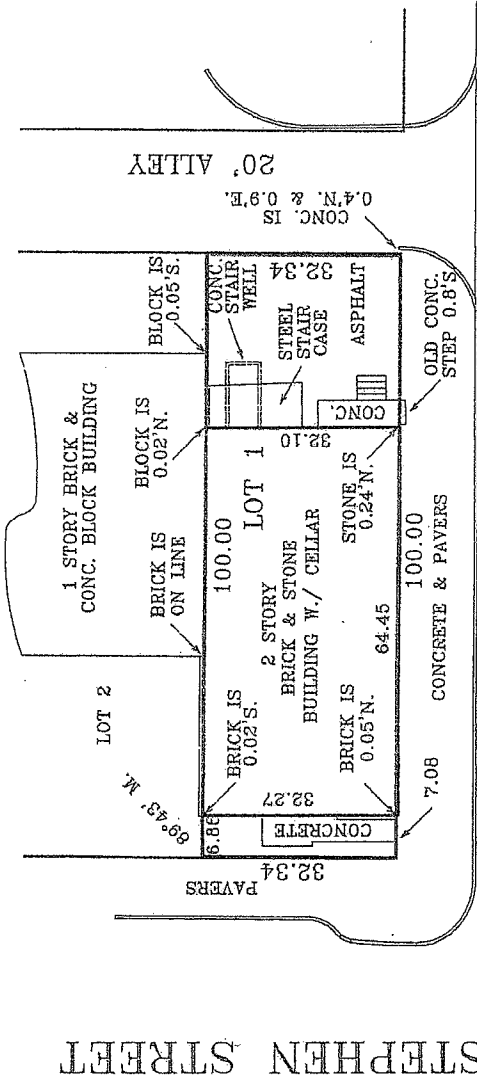
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3173

LICENSE EXPIRES NOV. 2012

PLAT OF SURVEY

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SCALE: 1" = 20'



STEPHEN STREET

TALCOTT AVE.

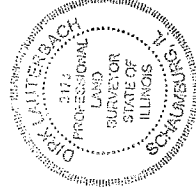
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THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS.

DIRK LAUTERBACH
 PROFESSIONAL LAND SURVEYOR
 413 GREENHILL LANE
 SCHAUMBURG, IL 60193
 (847) 650-9194

107 STEVEN ST.

FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, ABSTRACT, LOCAL ORDINANCES AND/OR TITLE POLICY.



STATE OF ILLINOIS)
 COUNTY OF COOK) S S

I, DIRK LAUTERBACH, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED THIS 5TH DAY OF MAY, 2011.

Dirk Lauterbach

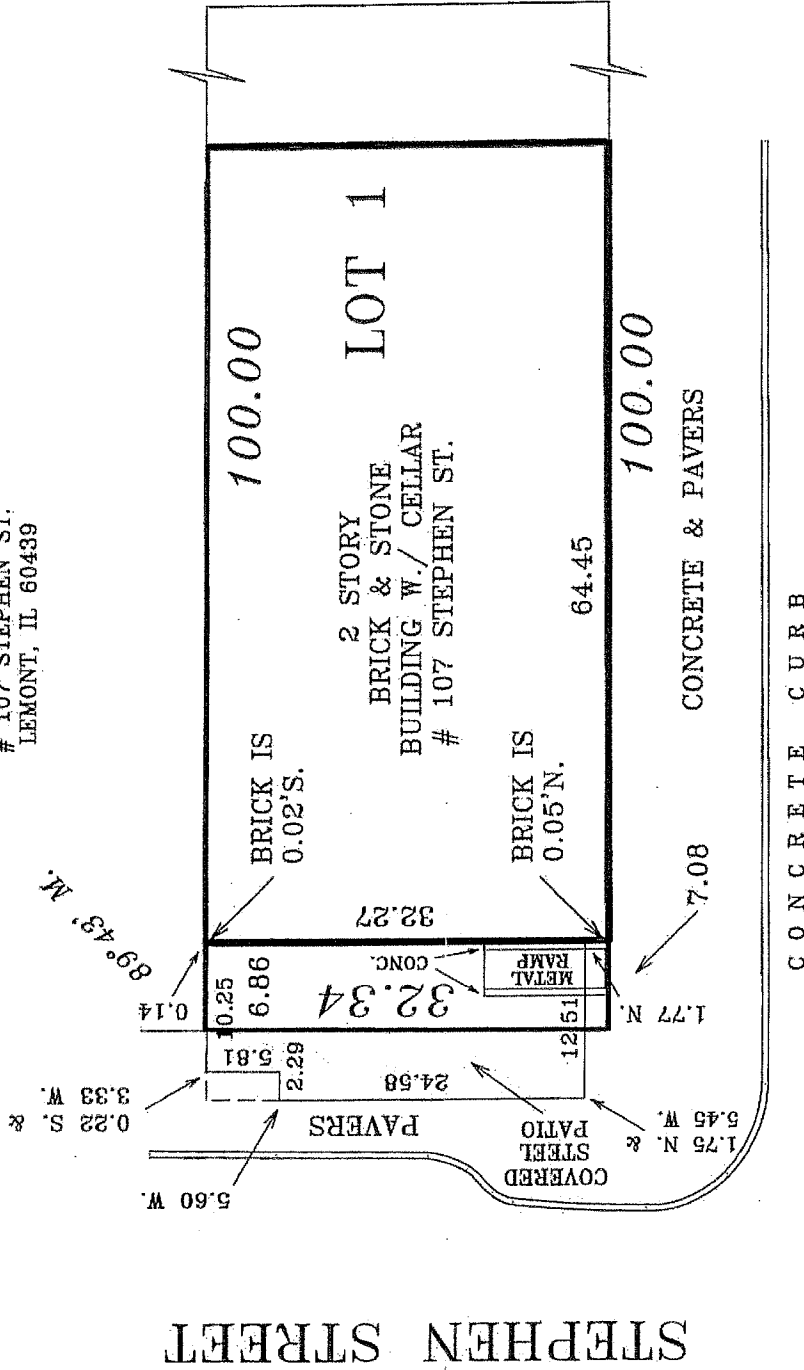
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3173

LICENSE EXPIRES NOV. 2012

DETAIL

OF PATIO AREA
107 STEPHEN ST.
LEMONT, IL 60439

SCALE: 1"=15'



TALCOTT AVE.

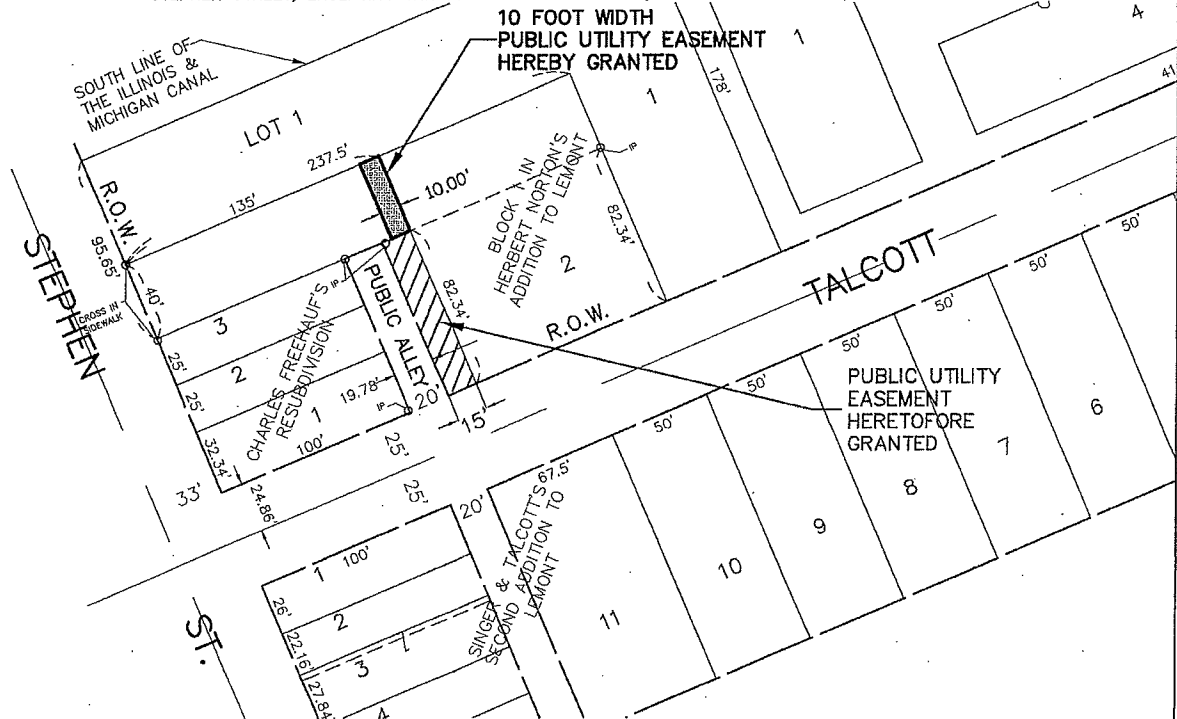
DIRK LAUTERBACH
PROFESSIONAL LAND SURVEYOR
413 GREENHILL LANE
SCHAUMBURG, IL 60193
(847) 650-9194

THE FIELD WORK WAS COMPLETED
ON NOV. 5, 2014
PREPARED FOR MR. MICHAEL MARTIN

PLAT OF EASEMENT FOR A PERMANENT PUBLIC UTILITY EASEMENT OVER

THE EASTERLY 10 FEET OF THE WESTERLY 135 FEET OF THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS; THE SOUTH 40 FEET OF THE NORTH 95.65 FEET LYING SOUTH AND ADJACENT TO THE SOUTH SIDE OF THE ILLINOIS AND MICHIGAN CANAL OF THE WEST 270.50 FEET LYING EAST AND ADJACENT TO THE CENTER LINE OF STEPHEN STREET, EXCEPTING THE WEST 33 FEET THEREOF, ALL IN COOK COUNTY, ILLINOIS.

SCALE: 1"=60'



EASEMENT PROVISIONS
An easement for serving the subdivision and other property with electric and communication service is hereby reserved for and granted to

Commonwealth Edison Company
and
SBC - Ameritech Illinois a.k.a. Illinois Bell Telephone
Company, Grantees,

their respective licensees, successors, and assigns, jointly and severally, to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove, from time to time, poles, guys, anchors, wires, cables, conduits, manholes, transformers, pedestals, equipment cabinets or other facilities used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals in, over, under, across, along and upon the surface of the property shown within the dashed or dotted lines (or similar designation) on the plat marked "Easement", "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation), the property designated in the Declaration of Condominium and/or on this plat as "Common Elements", and the property designated on the plat as "common area or areas", and the property designated on the plat for streets and alleys, whether public or private, together with the rights to install required service connections over or under the surface of each lot and common area or areas to serve improvements thereon, or on adjacent lots, and common area or areas, the right to cut, trim or remove trees, bushes, roots and saplings and to clear obstructions from the surface and subsurface as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over Grantees' facilities or in, upon or over the property within the dashed or dotted lines (or similar designation) marked "Easement", "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation) without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Elements" shall have the meaning set forth for such term in the "Condominium Property Act", Chapter 765 ILCS 605/2, as amended from time to time.

The term "common area or areas" is defined as a lot, parcel or area of real property, the beneficial use and enjoyment of which is reserved in whole or as an appurtenance to the separately owned lots, parcels or areas within the planned development, even though such be otherwise designated on the plat by terms such as "outlots", "common elements", "open space", "open area", "common ground", "parking" and "common area". The term "common area or areas", and "Common Elements" include real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, Service Business District or structures such as a pool, retention pond or mechanical equipment.

Relocation of facilities will be done by Grantees at cost of the Grantor/Lot Owner, upon written request.

STATE OF ILLINOIS)
COUNTY OF COOK) S.S

THIS IS TO CERTIFY THAT _____
IS THE OWNER OF RECORD OF THE PROPERTY DESCRIBED
HEREON AND DO HEREBY CONSENT TO THE EASEMENT
GRANTED BY THIS DOCUMENT.

DATED THIS ____ DAY OF _____ A.D., 2009.

BY _____ BY _____

SIGNATURE _____

STATE OF ILLINOIS)
COUNTY OF _____) S.S

I, _____ A NOTARY PUBLIC IN AND
FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY
CERTIFY THAT
PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE
NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT
APPEARED BEFORE ME THIS DAY, IN PERSON, AND
ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED SAID
INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR
THE USES AND PURPOSES SET FORTH.

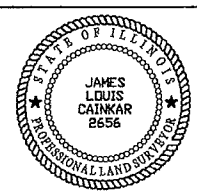
GIVEN UNDER MY HAND AND SEAL THIS _____
DAY OF _____, A.D., 2009.

STATE OF ILLINOIS) S.S
COUNTY OF DUPAGE)

I, JAMES L. CAINKAR, AN ILLINOIS PROFESSIONAL
LAND SURVEYOR, DO HEREBY CERTIFY THAT THE
PLAT AS HEREON DRAWN IS A CORRECT
REPRESENTATION OF THE PROPERTY DESCRIBED IN
THE FOREGOING CAPTION.

DATED AT WILLOWBROOK, ILLINOIS, THIS 9TH DAY
OF DECEMBER A.D., 2009.

JAMES L. CAINKAR
ILLINOIS PROFESSIONAL LAND SURVEYOR
No. 2656
EXPIRES 11-30-10



SIGNATURE _____

DATE _____

JAMES L. CAINKAR, P.L.S.
IL P.L.S. NO. 2656
EXPIRES 11-30-2010

AFTER RECORDING PLEASE RETURN TO:
THE VILLAGE OF LEMONT
418 MAIN STREET
LEMONT, ILLINOIS 60439

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

Affidavit of Public Notice

The undersigned Michael A Martin, being duly sworn on oath states as follows:

1. That he/she is the Owner of Record that is subject of the
(owner of record, contract purchaser, authorized agent, etc.)

petition to Decrease the required setbacks and increase lot coverage

by Michael A Martin
(Designate petitioner(s); and, if applicable, designate Trust numbers and all beneficiaries thereunder.)

for property located at and commonly known as 107 Stephen St., Lemont, IL 60439

2. That the attached Public Notice, marked as Exhibit A, was served on all parties whose names and addresses are identified on attached Exhibit B, by one of two means listed below.

Check the applicable box and enter requested information:

By mailing a copy of said notice by certified mail, return receipt requested, via United States Mail at the following location: Lemont, Illinois
City and State

OR:

By delivering said notice in person to the individual homes or offices and obtaining the signature of each recipient with name and address on a separate sheet of paper to be submitted as Exhibit C.

3. That the designated delivery took place on the 26 day of May 2015.

Michael A Martin
Signature

Owner of Record

(Indicate whether owner, contract purchaser, agent, etc.)

Subscribed and sworn before me this 26
day of May, 2015

Christine Kellogg
Notary Public

My commission expires on 12-9-18



(Notary Seal Here)

Address of properties located within 250 feet of
107 Stephen St, Lemont, IL 60439

22-20-404-001-0000 106 Stephen St- Stanton Enterprises, 106 Stephen St, Lemont, IL 60439

22-20-404-002-0000 108 Stephen St – John R Czech, 29 Oak Ln, Lemont, IL 60439

22-20-404-003-0000 110 Stephen St – Mark A Laketa, 3407 Lockner Blvd, Joliet, IL 60431

22-20-404-008-0000 311 Canal St. – Suzanne Stolt, 311 Canal St, Lemont, IL 60439

22-20-404-009-0000 313 Canal St. - Canal Street Holding, 7670 W 124th Pl, Palos Hgts, IL 60463

22-20-404-010-0000 315 Canal St. - Canal Properties Corp, 14302 W 131st Street, Lemont, IL 60439

22-20-404-011-0000 317 Canal St. - Humberta Gallardo 116 Stephen St., Lemont, IL 60439

22-20-404-012-0000 112 Stephen St- Susan & Gary Roy, 112 Stephen St, Lemont, IL 60439

22-20-404-013-0000 114 Stephen St, Richard Forzley, 114 Stephen St, Lemont, IL 60439

22-20-404-015-0000 116 Stephen St - Humberta Gallardo 116 Stephen St., Lemont, IL 60439

22-20-404-016-0000 118 Stephen St – Humberta Gallardo 116 Stephen St, Lemont, IL 60439

22-20-405-002-0000 103 Stephen St – Red Shamrock, LLC 13150 Davinci St, Lemont, IL 60439

22-20-405-003-0000 105 Stephen St – William Hayes, 105 Stephen St, Lemont, IL 60439

22-20-405-004-0000 105 Stephen St – William Hayes, 105 Stephen St, Lemont, IL 60439

22-20-405-006-0000 103 Stephen St – Red Shamrock, LLC 13150 Davinci St, Lemont, IL 60439

22-20-405-007-0000 Parking lot owned by Lemont

22-20-405-014-0000 Parking Lot owned by Lemont

22-20-405-024-0000 431 Talcott Ave - 507 Talcott, LLC 8525 Kearney Rd, Downers Grove, IL 60516

22-20-406-001-0000 111 Stephen St- Milan Laketa, 550 E Braircliff Rd, Bolingbrook, IL 60440

22-20-406-002-0000 113 Stephen St – Geraldine & Tadeusz Kapusta, 113 Stephen St, Lemont, IL 60439

22-20-406-003-0000 115 Stephen St, Loren D Jahn, 14302 W 131st, Lemont, IL 60439

22-20-406-004-0000 117 Stephen St- Shirley and Chester Zapszalka, 1279 Janas Ln, Lemont, IL 60439

22-20-406-005-0000 119 Stephen St- Shirley and Chester Zapszalka, 1279 Janas Ln, Lemont, Il 60439

22-20-406-006-0000 Parking Lot owned by Lemont

22-20-406-007-0000 420 Talcott Ave - John Gudelia Cericola 330 Freehauf Street, Lemont, Il 60439

22-20-406-008-0000 422 Talcott Ave – G & S Athanasiou, 422 Talcott Ave, Lemont, Il 60439

22-20-406-009-0000 424 Talcott Ave- Michael S Skocik, 424 Talcott Ave, Lemont, Il 60439

22-20-418-007-0000 318 Canal St – R S Snow 400 Main St, Lemont, Il 60439

22-20-418-008-0000 320 Canal St – R S Snow 400 Main St, Lemont, Il 60439

May 23, 2015

Dear Neighbor,

You are listed within the Cook County official tax records as the owner of a parcel of land within 250 feet of property that is subject to a petition for a variation from the requirements of the Village of Lemont Unified Development Ordinance. The petition for a variation concerns the property that general is located 107 Stephen St, Lemont IL 60439. The requested variation will be to decrease lot setbacks and increase lot coverage. In accordance with the provisions of the Village of Lemont Unified Development Ordinance, the petitioner hereby notifies you of the scheduled public hearing on this petition.

The Lemont Planning & Zoning Commission will hold a public hearing on this petition on 6/17/15 at 6:30 PM. The public hearing will be held in the Village Board Chambers of Lemont Village Hall, 418 Main Street, Lemont, IL 60439.

All interested parties will be given the opportunity to be heard at the public hearing. Interested persons may present either written or verbal comments at the public hearing. If the public hearing is not concluded on 6/17/15 it may be continued to another Planning & Zoning Commission meeting date. If the hearing is continued, another written notice will be sent.

If you have any questions regarding this petition you may contact the Lemont Planning & Economic Development Department by phone at (630) 257-1595, or in person at Village hall, 418 Main Street, Lemont, IL 60439

Sincerely,



Michael A. Martin

Michael Angelo's Building, Inc.
6688 West Joliet Rd
Indian Head Park, IL 60525



Village of Lemont
Planning & Economic Development Department

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

TO: Planning & Zoning Commission
FROM: Heather Milway, Village Planner
THRU: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Case 15-09 UDO Amendments
DATE: June 17, 2015

SUMMARY

Attached is a table detailing proposed amendments to the UDO to address the permitted and special uses allowed in M-3 and M-4 (industrial districts), revise the permitted and accessory uses and obstructions in yards for gazebos, pergolas, and other similar accessory structures, and to adjust the maximum driveway widths. 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.



UDO Section	Proposed Change	Reason for Change
Table 17-06-01 Permitted and Special Uses in the Zoning Districts	Heavy industry be changed from a permitted use to a special use in M-3 and M-4 Districts.	There are a variety of uses that could fall within the definition of heavy industry. Many of the use causes negative externalities, which differ depending on the particular use proposed. Requiring the uses to be evaluated as special uses allows the village to ensure that these negative externalities are mitigated appropriately.
Chapter 17.02 Definitions	<p><u>Gazebo. A freestanding, roofed, accessory building that is intended for recreational use only and not for habitation.</u></p> <p><u>Cabana. An accessory structure composed of a rigid framework to support a loose membrane or fabric covering, which provides a weather barrier.</u></p> <p><u>Pergola. An accessory structure composed of horizontal cross beams or open lattice, supported by vertical posts.</u></p>	To clarify the accessory structures that qualify as gazebos and cabanas.
Table 17-06-02 Permitted Accessory Uses and Obstructions in Yards	Gazebos, pergolas , <u>cabanas</u> , and similar structures, provided they are at least 10 feet from all lot line or equal to the setback of a conforming principal structure, whichever is less. <u>Such accessory structures shall have a maximum height of 15 feet and maximum area of 160 square feet.</u>	The request for cabanas, semi-enclosed, and enclosed accessory structures have increased. The UDO does not currently address these structures specifically. Staff recommends including them with gazebos and placing additional height and area restrictions consistent with the requirements for sheds and garages.
Table 17-06-02 Permitted Accessory Uses and Obstructions in Yards	Pergolas, provided they are at least five feet from all lot lines.	Staff proposes to separate pergolas, as they are really more a landscape feature than a building like gazebos and similar structures. Pergolas would remain allowed in rear, side, or corner side yards.
Table 17-06-02 Permitted Accessory Uses and Obstructions in Yards	Patios, providing they are at least 5 feet from all lot lines. <u>When located in a side yard, patios shall be setback 5 more than the front of the façade of the principal structure</u>	Prevent vehicle parking on side of home. OR to reduce the visibility of patios.
17.07.040 Driveways in residential districts	Driveway width shall not exceed 22 feet at the lot line. <u>From the lot line, driveway width may gradually be increased to accommodate entry into garages. Where the driveway meets the garage door, the width of the driveway may extend no more than 1 ft on either side of the garage door, with a maximum width of 30 feet.</u>	To clarify the requirements for residential driveways. Currently the engineering specs show a max width of 28 feet for all driveways.
17.060.30.C (new section)	<p><u>C. Number of Accessory Structures Permitted.</u></p> <p><u>In R districts, there shall be no more than two accessory buildings on any lot; however detached garages shall not count toward the two building maximum. The overall number of accessory structures in R districts shall not be limited. See Chapter 17.02 for the distinction between a building and a structure.</u></p>	With more requests for fully enclosed accessory buildings (sheds, detached garages, gazebos, etc.) staff feels it prudent to limit the number of accessory buildings on a lot.