



Village of Lemont  
*Planning and Zoning Commission*

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

**PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**Wednesday, July 15, 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 June 17, 2015 meeting
- II. CHAIRMAN'S COMMENTS
- III. PUBLIC HEARINGS
  - A. 15-09 UDO Amendments continued.
- IV. ACTION ITEMS
- V. GENERAL DISCUSSION
- VI. AUDIENCE PARTICIPATION
- VII. ADJOURNMENT

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of June 17, 2015

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, June 17, 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 6:36 p.m. He then led the Pledge of Allegiance.

**B. Verify Quorum**

Upon roll call the following were:

Present: Arendziak, Kwasneski, McGleam, Maher, Sanderson, Spinelli

Absent: Sullivan

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 May 20, 2015 Meeting**

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam 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. 15-06 508 Illinois Street Preliminary PUD Continued**

Request for preliminary PUD approval for one single-family detached home, one two-unit structure and one three unit structure in a historic district.

Chairman Spinelli called for a motion to reopen Case 15-06.

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

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Mrs. Jones said this proposal was presented last month. The original proposal included two duplex buildings along Porter Street and a three flat along Illinois Street. As it was discussed last month the property is zoned for multi-family development. The land use in general is consistent with the Comprehensive Plan. Staff found the Illinois Street unit was similar in style and design to the recently renovated 508 Illinois Street and was generally supportive of that unit. However, the Porter Street units were found to be too much for the site. They are three stories tall and the massing is out of scale with the lot sizes.

Mrs. Jones stated the recommendations from the Planning and Zoning Commission (PZC) to the applicant was the proposal for Porter Street should be redesigned to reduce their bulk and at a minimum they needed to reach the five foot side yard setback. The applicant should address the issues that were brought up by the Village Engineer regarding the grade of the sight. Originally the driveway off of Porter, which was the access for all the units, was supposed to be a 12% pitch. There were concerns that the driveway was too narrow for the number of units that would be accessing it. The applicant should also provide tree preservation wherever possible.

Mrs. Jones said the applicant has submitted a revised plan and it is a substantial revision. The Illinois Street unit has remained unchanged. The Porter Street units were changed from two duplexes to one single family home and one duplex unit. She showed on the overhead the site plan. Originally the duplex units were 3,200 square feet not including the garages. The revised duplex unit is about 2,800 square feet including the garage and the revised single family unit is about 1,400 square feet including the garage. There is still the proposal of a 10 foot front yard setback which is a deviation from the Code, but it is more in-line with the other structure in the area. They do meet the five foot side yard setbacks on the exterior sides. She showed on the overhead how the driveway was widened so two cars can pass and where all the garages are located. The applicant has indicated that they can accomplish a 9.5% slope on the Porter Street access for the driveway. If the applicant can't demonstrate that through their engineering and grading plans then the Village Engineer finds that an acceptable grade.

Mrs. Jones stated staff believes that the proposal has been revised to address the issues that were raised last month by the PZC. Typically staff would not recommend approval of a single-family home where the principle component of the façade is a garage. This is sort of a unique circumstance, because on the north sides of Porter Street, the next two adjacent structures are garages. Those lots have frontage on Porter and Illinois

Street. In this circumstance the architectural similarity between the townhouse and the single-family home almost make it appear as though the single-family unit is a coach house to the property to the east. The Historic Preservation Committee (HPC) has also reviewed the revised plans and has approved a certificate of appropriateness for the architecture. She said this would conclude staff's presentation.

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**

Sal Alfano said he was representing the applicant. He stated on this redesign they tried to address all the concerns that were brought up last month. They widened the driveway, decreased the slope of the driveway, and the most important thing was they shrunk the size substantially. They went from a three story to essentially a one story with a cupola on top. He asked if any of the Commissioners had any questions.

Commissioner McGleam asked how much square footage was taken out.

Mr. Alfano stated about 22%.

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**

Dan Tholotowsky, Fire Marshal for the Lemont Fire District, said in staff's packet are the revision that were made on behalf of the Fire District. Originally they were under the impression that they would be requiring the three flat to have a sprinkler system. However, under current ordinance that is not the case because it is an R-1 and R-1 are not required at this time. They do require a fire alarm system, but they also highly recommend having a fire sprinkler system do to the sizing, location on the lot size, construction nature, and exiting configurations of the buildings. The Fire Department is planning on revising their codes with the Village in the near future and hope to see this change in the updates.

Jim Hilgenbrink, 600 Illinois Street, stated he has a double lot with a single-family home with a two car garage on the second lot. That is the appropriate use for these lots. This is trying to stuff too many people and cars in a small space. The infrastructure already cannot handle the cars they have. He has already seen almost three accidents this week with the trucks and vans on Illinois Street. It is too crowded and it is not a good plan.

Therese Colby, 600 Illinois Street, said she finds it really inconsistent that staff feels for cosmetic reasons the spirit of their neighborhood is important and not the impact of

doubling the population for that area. She will not bore the Commission with reiterating all her points from the last meeting, but again the infrastructure and police force is already not sufficient for the population. The neighborhood patrols have not increased and they are still operating a business in the house next door to her. She stated while this is an improvement it still does not address the main issues of the overflow of parking on the streets.

Mike Laskowski, 512 Porter Street, and he is a renter at that location. Porter Street is a disaster in regards to parking during the week. There are the kids from the High School and on the weekends it is really hard to park in the area. He asked if families move into either the duplex or the three-story building where are they supposed to play because there is no yard space. He asked if they are required to have a space for waste removal. He feels they should extract the duplex or the three unit building so there is some yard space. He said he feels Illinois Street is a disaster with all the trucks. Who is to say that these people will even use the garages. They might start parking in the street and parking is bad enough in the area. He feels they need to take one of the buildings out.

Paul McLaughlin, 506 Illinois Street, stated he feels it is still way too crowded. Just because there is a garage does not mean people are going to use it. He hopes someone has looked at where the bedrock is for these locations. It is his understanding that it is extremely deep and that was one of the reasons why 508 Illinois was built so close to the property line. He asked if anyone has tested for this. He feels this project needs to be made smaller. The lots are single-family lots and are only good for single-family homes. He knows that they are zoned for multi-family but the size of the lot dictates single-family housing.

Chairman Spinelli said as far as the bedrock issue that is the responsibility of the architect. He can assure him that most residential homes are not built on bedrock and are built on soil using different types of footings for the foundations. It is not required for this type of structure to secure bedrock. He asked if anyone else wanted to come up and speak in regards to this public hearing. None responded. He then asked if the applicant wanted to add any last comments.

Sal Alfano stated he wanted to mention that all four parcels will have a Homeowners Association attached to it to ensure the integrity of the design and maintenance of the buildings.

Chairman Spinelli asked who would be in charge of that HOA.

Mr. Alfano said it would be the owners of the individual properties.

Commission Sanderson asked how they are going to handle trash.

Mr. Alfano stated they would put their trash bins out on the curb.

Commission Sanderson asked if there were plans to have a dumpster.

Mr. Alfano said no. He wants to reiterate in regards to size they are not much bigger than a single-family home and they are incorporating a two and a four car garage.

Commissioner McGleam asked if staff could go over their recommendations for this case.

Mrs. Jones stated staff recommended approval with some conditions. The first is prior to Final approval the applicant needs to provide Engineering Plans that demonstrate they can achieve that 9.5% slope because it is critical to the overall site design. If they can't achieve that slope then the whole site design has to be reconsidered. The second condition is that the proposed driveways on Porter Street demonstrates compliance with the UDO (Unified Development Ordinance) requirements for minimum separation between driveways. These plans are not to scale so staff could not get a good feel for that. Lastly, they had put some provisions into the approving ordinance of the PUD to ensure ownership and maintenance of the site and design consistency. Staff feels that the design on Porter Street needs to be maintained. The HOA would be part of that but there would also be additional provisions in the UDO providing Village approval for any changes to the architecture of those buildings.

Commissioner McGleam asked if there were any requirements in the PUD for the HOA.

Mrs. Jones said there would probably be a requirement for the HOA to ensure long term maintenance of the entire site. There would also be some provisions where they would have to come back to the Village for approval if they wanted to change the architecture of the buildings.

Commissioner Sanderson asked how do they show this area in the Comprehensive Plan.

Mrs. Jones stated it is shown as infill which is truly what this is. Staff's consideration in the current zoning is that under the R-6 it is feasible that the property owner could come up with some other configuration that would meet the zoning ordinance and might not be sensitive to the character of the area. The applicant has made an attempt to fit into the character of the area. She understands that some of the residents would disagree with staff's conclusion on that. There is the chance under that zoning of the possibility of some other arrangement that could still allow for a number of units that the neighbors might feel is compatible but won't have that sensitivity to the design.

Chairman Spinelli asked if there is anyone else in the audience that wanted to come up and speak in regards to this case. None responded. He then called for a motion to close the public hearing.

Commissioner Maher made a motion, seconded by Commissioner Sanderson to close the public hearing for Case 15-06. A voice vote was taken:

*Ayes: All*

*Nays: None*  
*Motion passed*

**Plan Commission Discussion**

Commissioner Maher asked if these were 3 separate lots.

Mrs. Jones stated they were.

Commissioner Maher said currently today 3 additional units could be built. He asked what are the setbacks for R-6.

Mrs. Jones stated 15 foot minimum side yard setbacks.

Commissioner Maher asked if there was any garbage requirement for a three or four flat building.

Mrs. Jones said there is nothing in the Zoning Ordinance but there might be something in the building code.

Commissioner Maher stated what if there is a requirement in the building code for a dumpster.

Mrs. Jones said then they would be required to enclose the dumpster.

Commissioner Maher stated if they don't know if it is required then they should air on the side of caution.

Mrs. Jones said this is a Preliminary PUD approval they will have to come back for a Final PUD.

Commissioner Maher asked if there was any consideration for snow removal. When he looks at this he has to consider where they are going to put the snow.

Chairman Spinelli asked if trash bins had to be secured behind the house.

Mrs. Jones stated that is a municipal code.

Chairman Spinelli said the thing he is struggling with is on the three unit building, the garden unit has no garage so that person has nowhere to put his stuff and he is parking on the street. There is a unit that is sharing the driveway with his trash receptacles and the other units are going to have all of their bins out because they won't fit in the garage. The people that buy the single-family house are going to be looking at all these garbage cans. He stated he is struggling with the amount of coverage on these four lots. He is not concerned with the front yard setback on Porter because it is blending. He

feels these four lots should be two lots like the lots to the west of the subject property. That whole area is already congested with parking.

Discussion continued in regards to the quantity and location of receptacle bins for garbage.

Commissioner Sanderson stated the main question is that is this project a right fit for the area. He understands that this is R-6 and it could be much worse. This does look much better than last month and gives credit to the applicant for that.

Chairman Spinelli said on Illinois Street you can get a three unit building with two garages and that structure is smaller than the two unit building that faces Porter. Staff indicated that drawing is out of scale however, that building looks a lot larger than the three unit.

Mrs. Jones stated everything is proportional. There is no scale noted so staff could not scale things.

Chairman Spinelli said being proportional that two unit building is larger than the three unit building. In his opinion it makes the site look that much more congested.

Commissioner Maher stated on the two unit building you have a three foot setback on the west side and the garage is essential sitting on one lot. The lot lines on the south side property is basically the driveway. He suggested before the Commission makes a recommendation he would like to know what the applicant wants to do. His opinion is that he does not see this going beyond single-family for each of these lots. He appreciates the works that he did and what he had to do to come down and address the issues. This is very congested for such a small site.

Commissioner Sanderson asked if the side yards are setback 15 feet on each side and the lot is 43 feet how can you build.

Mrs. Jones said you can consolidate the two lots and there would be 57 feet after the side yard setbacks.

Commissioner Sanderson asked how high could they go.

Mrs. Jones stated they could go 37 feet from street frontage to peak of roof.

Commissioner Sanderson said that is easily three floors and then a garden unit. He asked if on-site parking is required.

Mrs. Jones stated yes it is. Parking is always the complicated factor. They could have to provide two spaces per unit. The code does not technically require them to be enclosed spaces. The original plan that was brought to TRC had a surface parking lot.



Staff felt that it was not compatible with the surrounding area and asked for the applicant to try and get the parking spaces in enclosed garages.

Commissioner Sanderson asked if there was a chance that they would not have to come back to them if they complied.

Mrs. Jones said if they figured out a way to meet all the requirements of the code then yes. There is a process known as site development and if someone proposes a development consistent with the zoning requirements then it does not have to go through any discretionary review.

Commissioner Maher stated that would mean no PUD and no variances.

Mrs. Jones said yes.

Commissioner Sanderson stated they have the option of building with the R-6 and nobody gets a say.

Discussion continued in regards to if it was possible to consolidate all three lots and what could be built.

Chairman Spinelli asked if there are any other questions or comments.

Commissioner Maher asked if the developer wanted the Commission to vote tonight on what was presented or does he want to go back and have a chance to redesign the site.

Mrs. Jones said they could vote tonight to re-open the public hearing. However, if they were going to do that tonight then the developer would need to know exactly what he needs to do in order to satisfy the Commission so he is not in a similar situation next month.

Chairman Spinelli asked the petitioner if he wanted to proceed or is he open to more changes.

Mr. Alfano stated he feels this is as good as it is going to get. If this doesn't work then he would have to consider consolidating the two back lots and then you are going to get a massive structure. They have looked at that and they can get a side driveway and have parking underneath and potentially have a three story structure. It would be six units just on the Porter side and would probably look very unsightly.

Chairman Spinelli then called for a motion for recommendation.

### **Plan Commission Recommendation**

Commissioner Sanderson made a motion, seconded by Commissioner Arendziak to recommend to the Mayor and Village Board approval of Case 15-06 Preliminary Planned Unit Development for 508 Illinois Street 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.
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.

A roll call vote was taken:

*Ayes: Sanderson, Arendziak, Kwasneski*

*Nays: McGleam, Maher, Spinelli*

*Motion denied*

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 15-06 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

#### **B. 15-07 15800 New Avenue Rezoning**

Request zoning classification change from the B-3 district to DD zoning district.

Chairman Spinelli called for a motion to open Case 15-07.

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to open the public hearing for Case 15-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

#### **Staff Presentation**

Ms. Milway, Village Planner, said Terrance and Susan Robb owners of 15800 New Avenue are requesting a rezoning. It would be from the B-3 Arterial Commercial District to the DD Downtown District. The owners of the property are requesting rezoning in order to convert the second floor of the structure into residential apartments. The number of units has not been specified. The B-3 district is intended to accommodate a wide range of retail, service and commercial uses where patrons arrive by vehicle. This site is separated from the other Downtown District properties by a Commonwealth Edison Substation to the east. The buildings has been vacant since 2003 when the Oakridge Hobby and Toy store moved to another location. The building has been classified by Cook County as vacant since 2010.

Ms. Milway stated the site is currently improved with one structure and a parking lot with nine parking spaces and an additional creek to the east of the property line. The structure has one 1,200 square foot tenant space per floor. The Comprehensive Plan shows this area as mixed use. The mixed use is characterized by buildings that house mixed commercial and residential uses. This allows for residents within the district ampoule opportunities to walk to dinning, shopping and services. A proposed rezoning would allow the conversion of the structure to mixed use development with the commercial space on the first floor and the residential unit on the second. The proposal would achieve the goals of the mixed development and the pedestrian access to amenities as the Comprehensive Plan outlines. The property is located a tenth of a mile from the Metra station and a quarter of a mile from downtown both are accessible by sidewalk.

Ms. Milway said the rezoning of the site to DD is compatible with existing uses. The site is situated between commercial and residential uses. The mixed use development would allow for a softer transition from one to the other. The manufacture 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. In addition to these factors the sites location along a defined DD type street and within proximity to other DD properties makes the DD District zoning ideal for the property.

Ms. Milway stated the proposed rezoning would allow the property to be converted into mixed use. It would leave the current 1,200 square foot space on the first floor as commercial and second floor converted into one to two units. Based on the proximity to other DD properties and consistency with the Comprehensive Plan staff is recommending approval.

Chairman Spinelli asked if the applicant wanted to come up and make their presentation.

### **Applicant Presentation**

Mr. Robb, owner of the subject property, thanked the Commission for hearing their proposal this evening. He said they have had difficulty for many years trying to lease the property as it is. This is due to the problem of having high real estate taxes for the property. What they are proposing is not going to impact anyone in a bad way and it fits in with the Downtown area. They are only looking to convert the upstairs into one apartment at 1,200 square feet. The entire first floor would still be commercial. By doing this it would drastically reduce the tax exposure by 60% to 70%. This will hopefully get someone back into the building.

Chairman Spinelli asked if staff could put on the overhead page 67 of staff's report where it shows the second floor converted space. He stated he wanted to clarify that he was going to convert it into a single residential unit. The front portion of the second floor is what is being converted. The back portion would remain a two-story commercial use.

Mr. Robb said it is not two actual stories. It is a structure with a 16 foot ceiling. That area use to be the toy shop, the front area was gifts, and the second floor was Christmas and the Old Mill shop.

Chairman Spinelli stated their intention then is to have the second floor as the only single rental unit.

Mr. Robb said that is correct.

Chairman Spinelli asked if anyone else had 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**

Dan Tholotowsky, Fire Marshal for the Lemont Fire District, stated as long as they are consistent with Building and Fire Codes that are available then they would not have any objections. He said in the back of the unit there has been a container that has been there for a number of years. He asked if that was going to stay.

Chairman Spinelli asked if it was attached to the building.

Mr. Tholotowsky said it was not attached but very close to the building. His recommendation would be for that to be removed off of the property.

Dan Wohead stated he was talking on behalf of Nancy Thomas who lives three doors down from the property. When talking about taxes, will this building in any way increase the taxes for the residents along New Avenue.

Chairman Spinelli said he feels it should only impact their parcel.

Mr. Wohead asked is there any future plans for that area to change all the way down to the Fire Department. There are about five properties between this property and the doctor's office.

Chairman Spinelli stated as far as he knows nothing in that area has been presented before this Commission for changes. Any property owner in the Village, however can come in and request changes.

Mrs. Jones said there is the Comprehensive Plan which is the Village's long range plan for the Community. She stated Ms. Milway can talk about what the Plan shows for that area.

Ms. Milway said the Comprehensive Plan shows that mixed use from the subject property and going about three parcels down, then it goes to single-family.

Joan McClure, 15824 New Avenue, stated she lives next door to the subject property. She is not sure how the DD District works. She asked what are they limited to having for commercial on that bottom floor. She understands that the top floor is a single apartment. She asked does it change what type of business can go into on that bottom floor. There are a lot issues with sewer and water down that street so she wants to know how much more is this going to be increased.

Mrs. Jones said each zoning district has a list of allowable uses. The DD District is more limited than the B-3.

Mrs. McClure asked what is allowed under the DD.

Mrs. Jones stated general retail, restaurants, offices and general commercial uses. There is a whole list in the Unified Development Ordinance that they would be happy to give to her.

Mrs. McClure said she called the number that was on the letter she received and left a dozen messages. She had not received one call back so she could get clarification of zoning.

Ms. Milway stated she received two calls one from a man and one from a woman. The man she talked to when she called back, but the women she was not able to reach but left a message.

Mrs. McClure said she wished she had the information ahead of time so she could absorb how this was going to affect her property. She does not want her taxes affected by this property.

Commissioner Sanderson stated right now this is a vacant property. He also looked at this property and agrees the taxes are what scared him off. It will probably stay vacant unless the taxes go down. He feels if the property gets occupied, it would do more for her property value then if it stays vacant and declines. The key point is the DD zoning is more restrictive so there are less uses that can go into the property. This will be a benefit to the community.

Mrs. McClure said to sell her home as residential it will have impact as to what is next door. This is why she wants to know what types of businesses are allowed to come in.

Mrs. Jones stated she does want to address a development proposal, like what was in the previous case, versus a rezoning. All that Mr. Robb has applied to do was change the rezoning of the property. When he comes in to build out the apartment he will have to meet all the codes and ensure that there is parking. The same thing if a commercial use was going to come in an occupy the space as a lease or a purchase. The commercial use is going to have to get a Certificate of Occupancy from the Village. Part of the Certificate process is that they have to show they have appropriate parking,

all improvements made to the inside of the building, and anything on the exterior needs to meet code requirements. Today they are not approving a specific use. They are just requesting to change from B-3 to DD.

Mrs. McClure said she would like to get a list of all the businesses that could go in there.

Chairman Spinelli asked if there is anyone else in the audience that wanted to come up and speak in regards to this case. None responded. He then called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Sanderson to close the public hearing for Case 15-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Chairman Spinelli asked if there were any additional comments or questions. None responded. He then called for a motion for recommendation.

### **Plan Commission Recommendation**

Commissioner McGleam made a motion, seconded by Commissioner Sanderson to recommend to the Mayor and Village Board approval of Case 15-07 rezoning from B-3 Arterial Commercial District to the DD Downtown District. A voice vote was taken:

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

*Nays: None*

*Motion passed*

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 15-07 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **C. 15-10 La Dolce Vita Variation**

Request for a variation to exceed the 80% maximum lot coverage for a building in the DD zoning district.

Chairman Spinelli called for a motion to open Case 15-10.

Commissioner McGleam made a motion, seconded by Commissioner Maher to open the public hearing for Case 15-10. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Ms. Milway, Village Planner, said Michael Martin owner of La Dolce Vita is requesting variation to allow a greater than 80% lot coverage in the Downtown District. The proposed addition brought before increases the lot coverage to 90%. The first floor consists 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.

Ms. Milway stated the subject property is located in both the Historic overlay district and the Downtown District. The DD is a form based code, which means the district allows a broad variety of uses but placement and design of structures are more tightly regulated than traditional zoning districts. The district classifies streets by a hierarchy and the highest level is Main Street which incorporates the Stephen Street area and other sections of the downtown. The purpose of the Main Street standard is to maintain the character of the historic central business district.

Ms. Milway said the Historic overlay district is designed to improve the economic vitality and value of Lemont's historic areas. This is achieved by encouraging the preservation and restoration of structures, areas and neighborhoods of special historic significance in Lemont. The Historic overlay 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.

Ms. Milway stated there are three standards that need to be met for variations. The first is that the variation is in harmony with the general purpose and intent of the Unified Development Ordinance (UDO). The project does maintain and promote the economically vibrant and attractive commercial area. It also conserves the value of the land and buildings throughout the Village by not utilizing new green sites. It is also an investment that allows the property to be fully utilized and add value to the land and generally conserve value throughout the Village. Allowing the increase in coverage only strengthens the economic viability of the Downtown area allowing a thriving business to grow.

Ms. Milway said the second standard is that the plight of the owner is due to unique circumstances, and thus strict enforcement of the UDO would result in practical difficulties. This is actually broken up into six sub-criteria. The first is that the conditions upon which the petition for variation is based on would not be applicable by other properties in the same zoning district. In this case there are a number of buildings with the Main Street classification that already exceed the 80% coverage. Some of those properties include Tom's, Bel De Jour, Old Town Restaurant and Stonehouse

Pub. The second criteria is that the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The hardship is created by the conflicting nature of the UDO provisions. The maximum lot coverage, the required building placement for the DD and the goal to preserve the neighborhood with the absence of rear and side setbacks indicate a higher lot coverage than what is actually permitted in the UDO. The maximum lot coverage is in conflict with the intent of the DD. The third is granting the variation will not be detrimental to the public welfare or injurious to other property, which it does not. Another criteria is the variation will not impair an adequate supply of light and air, which it does not. The last criteria it does not meet, in this case it does not have particular physical surrounding, shape or topographical conditions that result in a hardship.

Ms. Milway stated the third standard is that the variation will not alter the essential character of the locality and will be a substantial detriment to adjacent property. 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.

The Historic Preservation Commission (HPC) reviewed the application at its previous meeting on May 7<sup>th</sup> and voted 4-0 in favor of the application and issued a Certificate of Appropriateness. There was the condition that the applicant must receive final approval of the building materials. Staff recommends and also notes that the UDO requires that the applicant demonstrates consistency with standard one and three, staff finds that it was substantially met. The majority of standards for two were met, however it was missing one sub-criteria. Although, there were no physical characteristics causing the hardship, it is a unique circumstance that La Dolce Vita is one of the only existing Main Street property that has the need to expand and is not already above the 80% coverage. Restricting the subject property 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. Staff does recommend approval.

### **Applicant Presentation**

Mr. Martin thanked the Commission for their time. As you can see by the drawings the addition of the building has dramatically increased the beauty of the buildings. The reason for putting the addition on is to help people by putting an elevator in. They need a certain size elevator and a certain size staircase. They are also trying to increase their kitchen size so they can be more efficient. He is asking for an increase of about 10% of his property.

Chairman Spinelli asked if anyone else had 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**

Dan Tholotowsky, Fire Marshal for the Lemont Fire District, stated the Fire District had no objections as long as they comply with regulations and codes.

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

Commissioner McGleam asked where does the existing elevation tie into the proposed elevation.

Mr. Martin said it is no higher.

Ms. Milway showed where it tied in.

Commissioner Sanderson stated when he looks at the bottom floor plan the rear of the building on the north end is out flush with the face of canopy. He does not see that continuing up. He then showed on the overhead what he was referring to.

Mr. Martin said that is a detail that will be addressed.

Chairman Spinelli stated an additional detail that he would like to see added, is a barrier or column to prevent people from walking straight out and into the alley. The access point to the alley on the ground floor plan, looks like the canopy will allow direct access from the doorway to the alley, which is a hazard. It should be closed off and patrons who use that door must come to the sidewalk on Talcot instead of having immediate access to that alley.

Mr. Martin said he could do that.

Chairman Spinelli asked if staff could repeat what the HPC stated.

Mrs. Jones stated the HPC saw the same plans and they approved them. The intention is to match the materials as closely as possible. The applicant did not provide material samples at that time because he had to go through this variation process first. Once it is complete then he will go back to the HPC to get approval on material samples.

Chairman Spinelli asked if there is anyone else in the audience that wanted to come up and speak in regards to this case. None responded. He then called for a motion to close the public hearing.

Commissioner Kwasneski made a motion, seconded by Commissioner Arendziak to close the public hearing for Case 15-10. A voice vote was taken:

*Ayes: All*

*Nays: None*  
*Motion passed*

### **Plan Commission Discussion**

Chairman Spinelli asked if there were any additional comments or questions. None responded. He then called for a motion for recommendation.

### **Plan Commission Recommendation**

Commissioner McGleam made a motion, seconded by Commissioner Sanderson to recommend to the Mayor and Village Board approval of Case 15-10 variation to exceed the 80% maximum lot coverage for La Dolce Vita with one condition:

1. A rail must be installed outside the rear door to prevent people from walking straight out and into the alley.

A voice vote was taken:

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

*Nays: None*

*Motion passed*

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 15-10 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **D. 15-08 Estates of Montefiori Preliminary PUD and Rezoning**

Request for a Preliminary PUD approval for 52 townhomes and 35 single-family homes and zoning classification change from the B-3 and R-1 to R-4 and R-5.

Chairman Spinelli asked for anyone who was not sworn in at the beginning of the meeting to please stand and raise his/her right hand. He then administered the oath. He then called for a motion to open Case 15-08.

Commissioner Sanderson made a motion, seconded by Commissioner Maher to open the public hearing for Case 15-08. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Ms. Milway, Village Planner said Walter Rebenson from Ascend Real Estate Group has requested a Preliminary PUD approval for 52 townhomes and 35 single-family homes and a rezoning to R-4 and R-5. The site is the former Montefiori Banquet

Facility along with several large single-family residential lots. The site is bound to the north by industrial zoned property, the east and south is single-family residency properties, and the west is a Commonwealth Edison right-of-way (ROW) and Cog Hill Golf Course. The applicant is requesting a reduced interior side setback, two reduced corner side yard setbacks, and reduced front yard setbacks for the townhomes. Staff has found these requests acceptable with the exception to the corner side yard setbacks. Additionally, the applicant is requesting a reduced minimum lot size, interior yard setbacks, and corner yard setbacks for the single-family homes. Staff finds these requests to be acceptable if the applicant designates 50% of the lots to corner side yards.

Ms. Milway stated the applicant is proposing that lots one through five and 26 through 35 be townhomes. The remaining lots will be single-family. The applicant is also seeking a waiver to not be required to maintain any of the existing trees on site. She said she will discuss later in the presentation.

Ms. Milway said the Comprehensive Plan designates this area as community retail commercial land use. The proposed development is inconsistent with the goals of the Comprehensive Plan. The applicant did not submit a full market analysis; however, the Village had recently completed an analysis for the neighboring property to the north. The analysis evaluated the site suitability for a number of market-driven uses. The evaluated uses included retail, restaurant, destination entertainment, office, hotel, multifamily apartments, and condominiums/townhomes. The traffic counts and visibility of the area indicate that a retail commercial use could be successful in the area; however the limited population density in the area results in modest demand for new retail commercial space. The report also noted that an office use would need to be developed with a specific tenant in mind as the area would not be marketable for general speculative office development. Residential uses were shown in the analysis as being appropriate for area. Townhomes were identified as a particularly well suited use for the area. Single-family homes are in demand in the Village. However, the report noted for the Village's site, its location along a high traffic street with high speed limits made the site less desirable compared to other residential development sites in the area.

Ms. Milway stated the properties to the south and east is single-family residential homes on larger lots and is an area that is in unincorporated Cook County. The property to the west of the ComEd ROW is a golf course and country club, which will likely remain as such. The area to the north is vacant and Village owned and could be developed at some point in the future. The applicant is proposing a higher residential density than the properties to the east and south, however the homes that are already there are detached single-family. Additionally the property to the east, which is zoned R-1, is likely to be the subject of future development at some point. The proposed development is the higher density. Staff sees no compatibility issues.

Ms. Milway said the site is proposed to have access from Archer Avenue. The location of the access on Archer is generally in the same location as the existing curb cut for Montefiori. The applicant included a stub street for future development purposes. She

showed on the overhead where that stub street was located. The applicant provided a traffic analysis showing that the current infrastructure can support the proposed development.

Ms. Milway stated a tree survey was submitted, however it was not complete. The landscape plan was also submitted but it was missing some requirements. Because it was not complete the waiver cannot be considered to be reviewed for tree preservation as the condition, age, and species of the existing trees cannot be determined for which is suitable or not. Additionally, staff recommends that the tree preservation be used to achieve the goal of screening the ComEd ROW. The landscape plan was also not consistent with the UDO. The applicant has requested a reduced front yard setback to allow for a larger buffer between the townhomes that run along the ComEd ROW. However, in the landscape plan it did not propose much vegetative screening. Staff recommends that the applicant redesign the landscape plan to include more trees and vegetation especially along the ComEd ROW and to meet UDO standards.

Ms. Milway said aesthetically the applicant has provided a logical site design. The proposed buildings are consistent with the Village's residential standards. Staff's concerns are limited to the facades of the townhomes, the screening along the ComEd ROW, and the number of side load garages for single-family homes. The plan proposes seven four-unit buildings and eight three-unit buildings for the townhomes. The proposed building sizes are consistent with other townhomes in the Village. The developer proposes front load garages for both the three and four-unit buildings. Garages will be the principal façade for Tuscany Lane and the south portion of Rosa Lane. Rear load garages would be difficult for this site because of the ComEd ROW. The developer should work to redesign the building elevation to minimize the garage appearance by varying the articulation of the townhome garage facades.

Ms. Milway stated the building elevations for the single-family homes include four designs that utilize side load garages and the remaining five designs are front load garages. The applicant should increase the number of designs for side load garages from four to five and designate 50% of the single-family lots to be side load garages. While the submitted plans for single-family show a substantial amount of brick, the applicant requests the flexibility to substitute with siding for all brick. Staff finds this acceptable for two craftsman style homes. The substitution for the remaining seven home elevations could not be determined at this point. Staff recommends that the applicant prepare elevations for each home type with siding to allow for a more thorough review of the appropriateness of siding.

Commissioner Sanderson asked if he could clarify that right now they are saying two out of the nine homes could be siding.

Mrs. Jones said it is actually one in the staff report. It is a craftsman style house so there is already a substantial amount of siding on that home. If you took the remainder of the brick off that home you would be able to see what it looks like. You would be able to see the amount of trim around the windows and the two different kinds of

siding. That is some of the things that they would have to see on the other elevations to determine if siding is more appropriate than brick.

Ms. Milway stated the Village Engineer commented that the detention basin that appears on outlot "C" would accumulate most of the storm water for the development. That Outlot appears to have unrestricted drainage release to Main Street, which may require the use of MWRDGC detention method calculation. There are a number of existing ponds on the site which may require a watershed management ordinance.

Ms. Milway said overall, the proposed development is well designed and complies with most requirements of the UDO. The proposal falls short of executing the vision of Lemont 2030 but as community retail it would be difficult to support given current and near-term anticipated market conditions. Staff recommends approval with the following 13 conditions. She then read all 13 conditions which are listed in staff's report.

Chairman Spinelli asked if the applicant had responded to any of the 13 conditions.

Ms. Milway stated no.

Commissioner McGleam asked if there was a curb cut on Archer to access the ComEd ROW.

Chairman Spinelli said ComEd has an access road so there is a curb cut.

Mrs. Jones stated she wanted to make a clarification regarding the market analysis and the consistency with the Comprehensive Plan (CP). The Comprehensive Plan does show this area as commercial. Based on the recent market analysis they had done on the gateway site that the Village owns, the likelihood that this site and the gateway site could support commercial use in the near future is very unlikely. Current market conditions do not support the long term reputation of Lemont 2030. There is not enough market demand for office or retail in the near term.

Commissioner Maher asked what does near term mean.

Mrs. Jones said it means at least five years or potentially longer. It is difficult to say because the market demand for retail or office depend on a lot factors that are outside of the Village's control.

Commissioner Maher asked if there was talk at all about putting an access point onto Main Street.

Mrs. Jones stated the grade proposes some problems there. The applicant's engineer could speak in regards to that.

Commissioner Maher asked why staff is asking for 50% of the single-family homes to be side load garages.

Mrs. Jones said it would be consistent with past practice. The reason being is that with the reduced setbacks the homes appear closer together and the garages become more visible. If you add side load garages into the streetscape then the streetscape is not dominated by garages.

Commissioner Maher asked in regards to the traffic study that was done on April 22<sup>nd</sup> was the construction already started on Route 83.

Mrs. Jones stated the applicant might be able to answer that. One note on the access road to Main, staff was concerned that if there was an access point there then it might be used as a cut through.

Commissioner Maher asked if staff does not want an access to Main Street.

Mrs. Jones said no, however as long as the Fire District requirements are met regarding emergency access and they provided a stub street to the east for connectivity.

Commissioner Kwasneski stated the construction for Route 83 started on May 11<sup>th</sup>.

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

### **Applicant Presentation**

Walter Rebenson, CEO of Ascend Real Estate Group, said he has been a resident of Lemont for about 25 years. He also developed the Fordham Hills Subdivision. He thanked the Commission for their time. The development consists of two pieces the one being the Montefiori which is about 27.5 acres and the other piece being owned by two sisters which is about 2.25 acres. The Montefiori property was owned by the same family for about 90 years and was sold about five years ago so it is a very rare piece of property. There are unique issue with the lot like the topography, width and length. They also have to take in the consideration of the power lines being there.

Mr. Rebenson stated they started this process back in December with the Technical Review Committee (TRC). They had met with Mrs. Jones and staff and have incorporated as many comments that they had received up until filing for this initial hearing. They had obviously received the staff report late last week so they have not had a chance to address any of the conditions but will try to address them tonight.

Mr. Rebenson said they are seeking approval for 52 luxury townhomes which is 15 three and four-unit buildings. There would be 30 ranch townhomes on the ends which is where the demand for townhomes are. He will bring up the architect in a minute, but stated his designs are compatible to Ashbury west or Woodglen. For the 35 homes they

are planning CCR's which will control the minimum sizes, exterior architecture as well as other things. They have so far picked nine homes but most likely will go with ten. Out of the ten there will be a couple of ranch homes, a couple that will have first floor master bedroom and the rest will have all four bedrooms upstairs. They are working with their architects on different exterior materials, entry features and whether they side load or front load the garage. Those nine plans can rapidly become 50 plans, but they will work with staff in regards to the anti-monotony. They have picked what is the top sellers in the region and will go through some of those examples.

Mr. Rebenson stated in regards to the variances, 42% of the 35 homes can accommodate a side load garage. They are trying to meet the 50% and will work with staff but are not sure if they will make it. What happens is it shrinks down plans and then you start getting into a lower size home or price point. They are trying to create one of the higher end subdivisions in Lemont. Their research for their market studies indicate that their plans represent the highest and best use of the property. The property was originally set up with a portion of it being B-3 at the time of annexation only to accommodate the previous owner who ran the banquet facility. He thinks that less than 30% of the property is zoned B-3 and it has very limited frontage on Archer. Main Street he feels is undevelopable due to the 60 foot plus topography change.

Mr. Rebenson said also mentioned by staff there are other areas planned in this northeast section of Lemont, specifically in the gateway TIF district, that are more logical for retail or office uses. That area, Archer and Route 83 is a more high traffic area. He stated their plan should generate a significant amount of revenue and tax dollars that are critical to the Village, taxing bodies and TIF District. Ascend has put together a strong team which has developed and designed many similar projects like this. He then listed some of the company's that are working on their team.

Mr. Rebenson stated only about 20% of the Montefiori property was being used for commercial. The key to the development is the Bowman property which has remained the same for over 40 years. He fees his development if the best use for the property. It will have a positive impact on the taxing districts and generate a lot of real estate taxes. He said he would like to bring up the traffic engineer first followed by the architect.

Javier Milan, Senior Consultant for KLOA, said the traffic counts were taken in April and finalized in May. He thinks the construction started in May so all the lanes were open when the study was done, but he will get a definite answer for them. The development will have 52 townhomes and 35 single-family homes. Access to the site will be provided with a full ingress/egress drive located approximately where the existing access drive was located for the banquet facility. There will be one inbound lane and two outbound lanes. Those outbound lanes will be stripped for an exclusive left turn lane and exclusive right turn lane.

Mr. Milan stated based on the Institute of Transportation Engineers the proposed development would generate approximately 64 total trips in and out during the morning peak hour. There would be about 76 trips in and out during the evening peak hour.

From there you would add growth which they looked at CMAP for their projections. Based on their projections for employment and population for the area you assign a growth to the area. The additional traffic generated by the proposed development will not have a negative impact. In addition to the analysis they also review IDOT's guidelines for turning lanes. Based on the projected volumes a left turn lane would be necessary and will be provided. They also looked at right turn movement, based on the graphs they feel that a right turn lane on Archer Avenue onto the access drive is not required. They have not received comments back yet from IDOT, but whatever they require they would make sure to comply.

Mr. Milan said lastly he would like to talk about the access drive. In reviewing the plans the inbound lane is a full 16 feet wide. The outbound lanes will each be 12 feet wide and it will be separated from the inbound lane by a 10 foot wide landscape median. Based on the width of the inbound/outbound lanes, although no emergency access has been provided, the width of the access road will allow for access of emergency vehicles. If the outbound lane is blocked then you still have the inbound access that is 16 feet wide and vice versa. Continuing further into the development the road comes to a fork so if one road is blocked the emergency vehicle has the option of going around. There is also a stub street that is provided so when the parcel next to them gets developed it will have access. This design that they are seeing is not uncommon and is typical for the Chicagoland area. It is good planning to have the two outbound lanes out of the subdivision and increases the efficiency of the access. He asked if the Commission had any questions. None responded.

Ron Weszelits, Linden Group Architects in Orland Park, stated they currently have two floor plans available for the townhouse development. One is a ranch and the other being a story and a half or two-story. The outside unit is the ranch and that unit is about 1,900 square feet. The interior unit is a two-story and is about 2,300 square feet. The ranch is a three bedroom with the master bedroom on the first floor. He then showed the floor designs on the overhead. The two-story has a study on the first floor and a  $\frac{3}{4}$  bath on the first floor and the second floor has two bedrooms. Just for use of reference they had colored the three and four-unit buildings. They used two different color combinations and that is not to say that one can't be used for the other and vice versa. He did bring in a color board and material boards and explained those to the Commission. He said they did try to show some articulation with the front of the building and stepped it back a foot based on what they had for the site itself. They will work and try to get that articulation further back but it will be very difficult to get it back five feet. He asked if there were any questions.

Commissioner Maher asked if all the townhomes had brick.

Mr. Weszelits said yes and it is first floor coverage with siding on the second floor.

Mrs. Jones stated the request to allow for the possibility of no brick, all siding was for the single-family detached units only.



Chairman Spinelli asked if it could be clarified on the Plat. The Plat indicates zero percent on all residential structures.

Mrs. Jones said there are several things that need to be clarified on the Plat.

Aristidis Berdusis, Anderson Associates Architects in Frankfort, stated their work is conceptual based on the setback restrictions. They are working to achieve the increase in the preliminary side yard setbacks and side load garages. They have nine plans that have custom designs with flexibility to create changes in the facades and variations so that there is no monotony. The materials will compliment the townhomes. He has a finish board that outlines several of the materials. The craftsman design that they see would be elements of different finishes like predominately siding and veneer brick. Once they resolve the footprints of the homes then they can tailor and create a floor plan in detail. He asked if they had any specific questions.

Commissioner McGleam asked what the range was on the square footage.

Mr. Berdusis said 2,800 to 3,800 square feet.

Jay Zumbahlen, Senior Designer for Wingren Landscape, stated he will talk about the tree survey and the landscape plan they prepared for the sight. They did prepare a tree survey and there are approximately 3,200 trees. They measured every tree, looked at its condition and then gave it a good, fair, or poor rating. Of the 3,200 trees approximately 1,900 were either in poor or dying conditions. The remaining 1,100 were in fair or good condition. It is their intent to try and save as many of these trees. Most of the trees that they will try and preserve will be on the northern edge along Main Street. They will try and save as many trees without affecting grading or drainage which is very critical for this site. He then showed the landscape plan on the overhead.

Mr. Zumbahlen said for the entry sign into the subdivision they will try and utilize some of the existing limestone into the sign. Along the ComEd ROW they provided a substantial screening consisting mostly of evergreens to provide year round screening. In conjunction with that there is a six foot cedar fence starts at the bottom of the townhome and extends to the north lot line. The fence and the landscaping should provide a nice screening from the ComEd ROW. The landscape island into the sight will have perennials and will be a visual impact coming into the sight. The detention ponds will have native seedlings to provide a native habitat. There will be an enormous amount of plantings around the detention ponds as well. Parkway trees will line the streets. The townhomes along Archer Avenue will also have additional screening. He asked if there were any questions from the Commissioners.

Commissioner Maher asked if there was an issue with the tree survey.

Ms. Milway stated when the tree survey was turned in all of the data behind the tree like size, condition, etc. was not present. The applicant did attempt to submit the data

that the Commission saw at 5 p.m. on June 12<sup>th</sup>. It was not able to be reviewed by the Village Arborist or staff before the packet needed to go out.

Commissioner Maher asked to clarify if the applicant was requesting to save none of the trees.

Mrs. Jones said she feels that was some of the confusion. The landscape plan stated that they were going to work on saving as many trees as possible, which was also stated this evening. In some of the project summary materials, a request was made for a full waiver from tree preservation requirements.

Mr. Rebenson stated with the number of trees and the weather, it took a little longer than expected to get all the detail laid out and over to staff. With his meetings with the Mayor and staff he had always felt that the majority of the trees were going to have to go due to the grading and the detention areas. Mr. Zumbahlen and the Village Arborist will work together to see if they can save as many trees as possible. Most of the trees that will be saved are along Main Street and coming up west along the property line. In the internal part of the plan it would be hard to save any trees due to mass grading.

Commissioner Maher asked about the seeding in the detention basin if seeding was going to be on the slopes. He stated that is what they had in Fordham, where it was suppose to be natural growth and the Village had to start cutting it.

Mr. Zumbahlen said when you have these naturalized seedlings they are going to put in place with the owner. You have to have a three year maintenance plan and they have to be maintained which is the naturalized part with the seeding. If you don't have a 3 to 5 year plan then that is exactly what could happen where you get some weeds and growth in there that are not suppose to be. If they are maintained correctly then they will maintain themselves by being burned and by regenerate themselves. With all the projects they have done they always provide a three year maintenance plan to ensure for those three years they will keep the weeds and growth out. Once those native grasses take over it does provide habitat and stabilizes the soil.

Commissioner Maher asked if for three years there will be maintenance provided and then it is the Village's responsibility.

Mrs. Jones stated they are going to have further discussions with the applicant in regards to who is going to take over ownership and maintenance of the detention facilities. Typically the Village's policy is that they take over ownership and maintenance of detention areas on single-family detached residential developments but townhomes are owned and maintained by the HOA. Since this development is a mix of both, it is still an ongoing discussion with the applicant.

Chairman Spinelli asked if it will be a dry basin.

Mrs. Jones said naturalized detention facilities are going to be the norm. The Village will be taking on naturalized detention facilities.

Mr. Rebenson stated the detention basin in Fordham is supposed to be grass.

Commissioner Maher said he is talking about the north side slope.

Mr. Rebenson stated that was different. This main detention area is designed to be wetland plants. A lot of communities are getting away from grass that has to be constantly cut. These types of detention basin's can be left alone and you only have to touch them about every two to three years. It is all designed to be wildlife friendly.

Mr. Zumbahlen said if you look at the cross section he provided, the seed mixtures are designed for those specific areas. There is a seed mix that is designed to stand long periods of water, in the next layer there is a seed mix that is designed to withstand frequent periods of water. The last layer is a seed mix that could withstand periods of drought and some minor wet soil. The planting material is designed to not die out if we get too much water or not enough. If you have a regular grass on that slope and it has been wet for more than 48 hours then the grass dies. This is a specific seed mix designed for these detention basins.

Mrs. Jones stated within the next couple of months there will be new Village policies that will be adopted into the UDO regarding Village standards for naturalized detention basins. They are becoming so much more of the norm.

Commissioner Maher said he did not see any open areas for a park or open space.

Mr. Rebenson stated in the front townhome corner, it is not finalized, there will be a berm and a bench area. The other area would be the eastside north/south Street, lots 11 and 12, they would be able to squeeze in a 10 foot sidewalk and sitting area looking out over the detention area. They planned on making their impact fee donation to the Park District.

Commissioner Maher said it is a really large subdivision that is not close to any other parks in the Village.

Mr. Rebenson stated they could use the 10,000 Forest Preserves that are located within a mile of the subdivision.

Commissioner Maher said he lives by them as well and when his kids were growing up he did not take them to a Forest Preserve especially when they were three and four. As they got older like ten and eleven he would.

Commissioner Sanderson asked what is the connectivity.

Mrs. Jones stated this is a relatively isolated subdivision given the topography and the surroundings.

Commissioner Sanderson said he could understand not having a drive to the north, but didn't they just bring that bike path up to Route 83 and Main Street.

Discussion continued in regards to the bike path and if it could be connected.

Chairman Spinelli stated in regard to putting in a sidewalk along outlot C, you would have to provide a street access to that. He said you could not just put a sidewalk behind lots 11 through 16. There will have to be some adjustments to the lot lines. There can not be just an easement, because a homeowner could put a fence across it. He would like to see outlot C get road access if he is planning on putting a path back there.

Mr. Rebenson said that would decrease the lot count and would not be acceptable to him.

Chairman Spinelli stated if they are planning on burning that outlot then there has to be legal access so the Fire Department has some way to get back there. It was stated earlier that the topography was too steep to come off Main Street.

Mr. Rebenson said that access would be off Main Street. Topography comes up at the top of the lots. All they are redoing along there is a flat area with a berm along Main Street. These are details that can be worked out with engineering and the Fire Department.

Chairman Spinelli stated there is a 30 foot grade change from Main Street up to the top of the berm of the detention basin. The Fire Department should not be required to carry a stretcher up a hill to rescue someone in that wetland area.

Mr. Rebenson said he is sure they could work something out. He then continued with his presentation showing sight photos of the subject site. A couple of key points about their proposal is their plans represent the highest and best use, retail does not work for these properties and the proposal will be an asset to the Village. The site has specific difficulties with its dimensions, topography and ComEd lines which all add costs to the plans. Their plan will maintain most of the topography features in the north and south direction and will provide for a fair amount of walk-out or look-out basements and more desirable homes. By limiting it to a single access creates a more private desirable development. Their plans are compatible with adjacent uses and will have price points in the top 10% of where Lemont is today. The variances are needed for the overall economics to make this development work. The variances that they are asking for are appropriate and have been granted on similar developments within the Village. He feels they will generate a substantial amount incremental income with taxes. The extension of infrastructure to Archer is going to benefit the Village and will provide better economics for future growth for this whole corridor.

Mr. Rebenson stated as discussed the detention basins are planned for wetland species which will mitigate the potential of flooding on Main Street and provide habitat. Addressing some of the Fire Departments comments, they had come up with the split entry which actually allows two ways to come into the site from Archer Avenue. They have contacted ComEd to talk about having an easement. They have not heard back so if the Village can try and contact them also to maybe help expedite things. His last point is that he has worked with staff before and has seen their comments. He feels about 95% of their comments they would be able to accommodate. He has a personal interest in the site, it is a very tuff site, but it is key for the gateway TIF. He is available to answer any questions that the Commission might have.

Chairman Spinelli asked if there was anyone in the audience that wanted to come up and speak in regards to this case.

### **Public Comment**

Dan Tholotowsky, Fire Marshal for the Lemont Fire District, said in staff's packet should be a listing of a number of concerns from the Fire District in regards to this proposal. Several of these concerns were brought up at the TRC meeting with the developer and they have not heard back from the developer since that meeting. One of the major concerns is the single ingress/egress out of the development. Nowhere in recent times, that he is aware of, have they approved such a site like this with only one ingress/egress. Hearing some of the discussion tonight they would have to disagree with staff in regards to having access from Main Street. They find that to be the most desirable choice. They already have them for Fordham and McCarthy Estates. As far as staff's concern of it being used as a cut through, it could be addressed by putting up gates or emergency access only. The ComEd site is uncontrollable and it is not remote. He appreciates what they are trying to do by enlarging the entrance way but it just does not work.

Mr. Tholotowsky stated the other point they would like talk about is in regards to the townhomes. By ordinance and recent development standards that they follow with townhomes, they would require them to have fire sprinklers. Everything else is straight forward which they have done with other developments. He asked if there were any questions.

Chairman Spinelli asked if they could not resolve a second entrance onto Main Street and if they were able to get a permanent easement from ComEd, is there a specific location they would like that entrance to be.

Mr. Tholotowsky said they would have to look at that. Their concern is that it is not a developed access and it is not paved permanently. All weather conditions need to be considered, especially snow removal. Even though it is able to handle their heavy equipment now they don't know what the future will bring. Again, it is off of Archer Avenue along with the other ingress/egress so there is not the remoteness they are looking for.

Chairman Spinelli asked if ComEd is truly the only possible way for an access and the developer was willing to pave on ComEd's property, where would they prefer the access. He was thinking there is sufficient room along the last duplex lot, lot 25, where that lot could be shrunk to a single-family lot. The lots would have to be shifted so there could be access north of that corner.

Mr. Tholotowsky stated they could look at that or they could consider sprinkling the whole development which would ease some of their concerns. They would have to definitely look at all possibilities.

Dawn Banks, representing the Lemont Park District, asked in staff's report on page five, under general analysis, it said there are general and fee waivers requested. She said when the applicant spoke in regards to the Park District she was not able to hear the applicant.

Mrs. Jones said the applicant did request a certain package of fee waivers and incentives, that discussion is not part of the PUD. In regards to the Park District, the applicant had indicated that they had anticipated not including a park site in the subdivision but would rather pay park impact fees.

Ms. Banks stated the Park District was looking for a regional park in that area and not a neighborhood park.

Eva Labuda, said she lives across from this development and her concern is the traffic it will generate. There is a safety issue with the entranceway being on an angle. She asked if this development would be incorporated into Lemont.

Mrs. Jones stated this property is already part of the Village. It would not impact her property or any property that was not incorporated into the Village. Part of the property is zoned commercial and part of it is zoned residential.

Ms. Labuda said she has little kids and has to wait with her child for the bus on Archer. The other drivers do not care and don't even stop for the buses. She is concerned about the safety and only having one access point with all these cars entering and leaving the subdivision.

Chairman Spinelli asked if there is anyone else in the audience that wanted to come up and speak in regards to this case. None responded. He asked if the applicant wanted to come up and speak in regards to any of the comments that were made. Applicant declined. 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 15-08. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**Plan Commission Discussion**

Commissioner Sanderson said that the applicant stated other developers have looked at this property and walked away. He asked staff how much action have they seen on this property.

Mrs. Jones stated she is aware of two national home builders within the last year and a half, who have looked at this site and have walked away from it. Her impression from speaking with them is they could not come to terms with the seller in regards to price that would be workable for their development plans.

Commissioner McGleam asked if there were any questions or modifications that any of the Commissioners wanted to make in regards to the 13 conditions.

Commissioner Maher said he understands that this is Preliminary but there are some good size issues that need to be resolved.

Chairman Spinelli stated the applicant is going to need to comply before going to the Village Board. He asked if any of these were something that he felt that he must see prior to making a recommendation or voting on that he felt could not be addressed by the Village Board.

Commissioner Maher said some of them could change the recommendation, such as how they address the Fire District's issues in regards to access. There is the applicant's request to preserve zero trees. There are questions in regards to access to the detention area which could effect lot changes. There are a lot of open questions and the answers to those could change how he would vote. He stated specifically if the Fire Department wants a second access point and the applicant comes back and says they are not getting a second access point. The Fire Department has real reasons as to why they want a second access point.

Commissioner Sanderson asked if there was some governing body that determines how many points of ingress/egress. There has to be other developments in the country that have only one ingress/egress.

Mr. Tholotowsky stated they reference the International Fire Code and what has been adopted by the Fire District. It would be left up to Fire Code Officials within the jurisdiction.

Commissioner Sanderson asked how do they meet the code if it is required to have two points of ingress/egress and they could only provide one.

Mrs. Jones said the ultimate say on jurisdiction is the Village Board.

George Rimbo, Fire Chief, stated that would be a point of contention and the Fire District would do everything within its power to cover its liability. It would be thrown back at the Village.

Mrs. Jones said under State statute the Village has subdivision control, so the Village establishes the subdivision ordinance and the subdivision has to be consistent with those regulations. If they do not follow the Fire Code the liability would then fall back on the Village because they are approving the subdivision.

Commissioner Sanderson stated he feels the ComEd issue will not get resolved anytime soon.

Commissioner Maher said there is condition number two which is revise the site plans to comply with the 15% PUD open space requirements.

Commissioner Sanderson asked if staff new what percentage they were at.

Ms. Milway stated it was roughly at about 7% or 8%.

Commissioner Maher said there are three lot sizes of variances from the standards. For Kettering the Commission required more open space for those variances, so there was a compromise.

Chairman Spinelli asked what type of change, positive or negative, would have to happen for them to come back before this Commission.

Mrs. Jones stated if they took a lot out to meet the open space she would not consider that substantial enough to have to come back. If the Commission has strong feelings regarding the fire emergency access they could include that it must be resolved by Final PUD, but it needs to be stated what that condition is. Such as they need to provide access through the ComEd right-of-way and it must be a certain distance away from the main access, or if they felt they needed to drop another road to Main Street.

Commissioner McGleam asked if they could just state they need to satisfy the Fire District's requirement.

Mrs. Jones said the Fire District had said they would prefer a road down to Main Street.

Commissioner Maher stated they are here to vent these things. There is another condition that says, submit family house types with siding substitutions and they have not seen what the substitutions are. He understands that this is Preliminary but it is their responsibility to make sure that certain things get done so that the Village is not dealing with those things.



Commissioner Sanderson said there are some things though, like the side load garages where staff wants 50% and the applicant is at like 42%, that he feels they don't need to argue about.

Commissioner Maher stated he agrees with that one.

Chairman Spinelli said it is the applicant's responsibility to address staff's concerns. If there are one or two that the Commission feels are important then a motion can be made to recommend approval subject to compliance of staff's recommendations. He does not feel that they need to go through all 13 items. They will not resolve it and the applicant is going to have their own discussions with Village staff. He feels that the developer is not going to want to wait. His recommendation is to proceed as submitted and make the recommendation to the Village Board.

Commissioner Sanderson stated he agrees that they should vote tonight. Part of the process is that they should air out most of this as much as they can. He feels that they should go through the ones they feel strongly about so it becomes part of the record.

Commissioner Maher said how can they recommend approval when there are significant issues with the Fire District. They have not presented us the single-family home designs which is required.

Chairman Spinelli asked how much detail is required to provide at Preliminary.

Mrs. Jones stated technically there is no standard as far as what is supposed to be submitted. Obviously, with a PUD everything is a negotiation. Since they are seeking deviations from the code in return they would expect to see more detail than they would for someone who is just doing a straight subdivision and meeting all requirements. She said with Birch Path there were certain guidelines regarding garages, front porches, and a general feel of what the homes would look like with examples that were attached to the original PUD. The details of that did get worked out at the Final PUD.

Chairman Spinelli said two recommendations that he will be making to the Village Board is one, requiring direct access to outlot C from the internal roadway network. Second is the intersection at Rosa and Tuscany, the tangent length of five feet is too short. The curvature on Rosa needs to be shifted to the northeast to have a longer tangent coming off of Tuscany. It is creating a severe right hand turn for any inbound traffic. It should be re-evaluated by the Village Engineer and the applicant's engineer. He stated by adjusting this, lot 31 would be impacted and lot one would be increased, but none of the buildable area would be impacted.

Commissioner McGleam asked if they could go back to recommendation nine. He asked if they have the option of rewording that condition. He would like it to say that they need to satisfy the Fire Marshall's requirement for a second access.

Commissioner Maher asked if the Fire Marshall felt that ComEd was an acceptable access point.

Mr. Tholotowsky said it would not be the preferable. It is a possibility but they were not even aware that Main Street was even discussed. When they had the TRC meeting it was explained to the developer that they were concerned about the single access point and they have not heard anything from the developer.

Commissioner McGleam stated he feels it would have to be addressed if they word it that they need to satisfy the second access. He does not feel comfortable approving this without knowing that they have to meet the Fire District's requirement for a second access.

Mr. Rebenson said it was stated in the TRC meeting that they would not be able to make the economics work if they had to bring up the access from Main Street. If that has to be a condition then they would have to reject their plan. They could also bring it up Archer on their own piece if they can't do ComEd.

Mrs. Jones stated at Preliminary the key issues are the overall site design, the density of the development and type of development. When this comes back for final what they will be reviewing is whether the Final is in substantial conformant with the Preliminary approval.

Commissioner Sanderson asked if you pull the Fire Department issue out of it how do you feel about the development.

Commissioner McGleam said he feels it works well.

Commissioner Sanderson stated he agreed and he feels it will help the area on Route 83 and Archer when it develops.

Commissioner McGleam said he feels that they need to give the developer and Fire Marshall the opportunity to work on figuring out a second access.

Chairman Spinelli asked if he was satisfied with modifying staff's recommendation number nine to achieve what he was looking for.

Commissioner McGleam stated yes. The recommendation right now just limits it to the ComEd easement and they don't even know if that is feasible.

Chairman Spinelli asked if there were any other recommendations that they wanted to highlight or add.

Commissioner Maher said there was a comment in regards to raise the water level in the detention area from four feet to five feet.

Mrs. Jones stated the plans show a slope of three to one instead of four to one. She said that is something that can be worked out at Final stage. She asked about recommendation two which is to consider leaving lot 50 as open space.

Chairman Spinelli asked if it comes open space then who is going to maintain it.

Mrs. Jones said the HOA for the townhomes.

Chairman Spinelli stated he could not comment on that because they do not have building dimensions or footprints on these plans.

Mrs. Jones said her concern is when they get these irregular shape lots then they get variances from the homeowners later.

Commissioner Sanderson asked if they would get footprints at final.

Chairman Spinelli stated they would provide staff what the potential building would be for lot 50. He said maybe lot 31 should be a side load to Tuscany and then be facing Rosa. He is not sure but feels that there could be a different configuration worked out for there.

Commissioner Sanderson said he feels the recommendation should be left on there.

Commissioner McGleam asked if there were any objections to the 13 recommendations.

Commissioner Maher said he did not see anything in the recommendations regarding brick.

Mrs. Jones stated it is number seven. Staff did not make a recommendation whether it was okay or not because they did not see it. They could say that the Commission wants to see it at Final so they could see it again.

Commissioner Maher said he wants to make sure they exclude the condition where it says zero brick on single-family homes. It is not part of staff's recommendation but somewhere in the applicant's documents it states that they want minimum zero brick for single-family homes.

Mrs. Jones stated for number seven they can put prior to Final PUD approval the applicant may submit homes designs with less than 50% brick for consideration by PZC.

Discussion continued in regards to percentage of brick.

Mrs. Jones said they could write the recommendation as single-family home designs shall be submitted at Final PUD approval for consideration.

Chairman Spinelli asked if there were any other recommendations that the Commission would want to highlight or modify. None responded. He then called for a motion for recommendation.

### **Plan Commission Recommendation**

Commissioner McGleam made a motion, seconded by Commissioner Kwasneski to recommend to the Mayor and Village Board approval of Case 15-08 with staff's recommended conditions numbered 1 through 6, 8, and 10 through 13 with the following additional conditions:

1. Single-family home designs shall be submitted at Final PUD approval for consideration.
2. Applicant will be required to design a second access point into the site for emergency access to the satisfaction of the Fire Marshall.
3. Provide direct access to outlot C from internal roadway network.
4. Realign Rosa Lane and Tuscany Lane to improve configuration of intersection.

A roll call vote was taken:

*Ayes: McGleam, Kwasneski, Sanderson*

*Nays: Maher, Arendziak, Spinelli*

*Motion denied*

Commissioner Maher stated his vote is based on that there are too many open issues to make a recommendation for approval to the Village Board, however the subdivision is something that they could want to do.

Chairman Spinelli said he would have to agree with Commissioner Maher. He then called for a motion for Findings of Fact.

Commissioner Kwasneski made a motion, seconded by Commissioner Maher to authorize the Chairman to approve the Findings of Fact for Case 15-08 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **E. 15-09 UDO Amendments**

Chairman Spinelli called for a motion to open the public hearing for Case 15-09.

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to open the public hearing for Case 15-09. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Spinelli said due to the length of the meeting he would like to make the request that someone make the motion to continue the public hearing till next month.

Commissioner Maher made a motion, seconded by Commissioner Arendziak to continue the public hearing for Case 15-09 UDO Amendments to next month. A roll call vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

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

None

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

None

#### **VI. AUDIENCE PARTICIPATION**

None

#### **VII. AJOURNMENT**

Commissioner McGleam made a motion, seconded by Commissioner Kwasneski 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*

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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

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**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
<b>Table 17-06-01 Permitted and Special Uses in the Zoning Districts</b>	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.
<b>Chapter 17.02 Definitions</b>	<p><u><b>Gazebo.</b> A freestanding, roofed, accessory building that is open in design and intended for recreational use only and not for habitation.</u></p> <p><u><b>Cabana.</b> 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><b>Pergola.</b> 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.
<b>Table 17-06-02 Permitted Accessory Uses and Obstructions in Yards</b>	Gazebos, pergolas, cabanas, 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. 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.
<b>Table 17-06-02 Permitted Accessory Uses and Obstructions in Yards</b>	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.
<b>Table 17-06-02 Permitted Accessory Uses and Obstructions in Yards</b>	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.
<b>17.07.040 Driveways in residential districts</b>	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. The width of the driveway can only extend up to 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.
<b>17.060.30.C (new section)</b>	<p><u><b>C. Number of Accessory Structures Permitted.</b></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.