

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of May 1, 2019

A regular meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, May 1, 2019 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 6:35 p.m. He then led the Pledge of Allegiance.

**B. Verify Quorum**

Upon roll call the following were:

Present: Cunningham, McGleam, O'Connor, Plahm, Zolecki, Spinelli

Absent: Glomp

Community Development Director Jason Berry, Consulting Planner Jamie Tate and Village Attorney were also present.

**C. Approval of Minutes - April 3, 2019 Meeting**

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the April 3, 2019 meeting with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS**

Chairman Spinelli welcomed the audience to the meeting. He then asked everyone in the audience to stand and raise his/her right hand. He then administered the oath.

**III. PUBLIC HEARINGS**

**A. 19-06 - 1106 McCARTHY ROAD VARIATIONS**

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

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 19-06. A voice vote was taken:

*Ayes: All*  
*Nays: None*  
*Motion passed*

### **Staff Presentation**

Jamie Tate, Consulting Planner, said John Conry is the owner of the property. He is requesting approval of a variation to allow a detached garage with a height in excess of 15 feet and to allow more than 36% coverage in the required rear setback. The variation will allow for a new detached garage where a new home is currently under construction. The site is .21 acres and is zoned R-4 Single-Family and is surrounded by R-4 zoning on all four sides.

In 1998, a variance was granted to allow for a detached garage to be constructed in the rear side yard. At that time a garage was constructed but a house was not. It has sat for the past 30 years with just a detached garage. The applicant had planned on using the existing garage, but after further examination by the applicant's contractor it was determined that the structure was not sound enough.

The proposed garage would be 616 square feet and the former garage is 528 feet. The maximum allowed area for any detached garage in this district is 660 square feet. Even if they built a garage the same size as the existing garage it would have required a variance due to the calculation for lot coverage. There is a rear covered porch on the rear of the home. If the owner was going to request a patio in the backyard it would deal with the lot coverage. That is not being proposed at this time, but this garage is bringing him over lot coverage.

Mrs. Tate stated the height of the proposed garage will be 19 feet and have LP Smart Siding. The additional height he is asking for will help for additional storage and it is a very visibility property and there is no parking on McCarthy Road or First Street. Any visitors would have to park in the garage or on the driveway. If it was proposed in the R-4A zoning district, which a lot of the surrounding lots are similar to; it would meet the parameters today.

The way lot coverage is calculated is different. They now look at the rear setback versus the property line. If they use the old way to calculate the lot coverage it would not have been over the lot coverage. She showed on the overhead how his lot compares to the R-4 and R-4A zoning districts. In the Comprehensive Plan, the subject property is designated as Infill Residential. She then read through the Standards for Variations which the applicant demonstrated consistency with all three of the standards. Staff does recommend approval of the variations.

Chairman Spinelli said the staff report indicates that the height of the garage is 19 feet, but the drawings are showing 19 feet 10 inches. He also asked if it was from ground height or foundation height. If ground elevation is shown to be six inches below the top foundation then the variance should be 20 feet four inches.

Chairman Spinelli asked why are they calculating from setbacks now.

Mr. Berry said they have total lot coverage and then coverages within setbacks. They do this calculation for the front yard setbacks. They were defining a front yard setback as going all the way to the front of the house and it was becoming a little cumbersome. They now do the setback from the front lot line to the setback line.

Chairman Spinelli asked if they met the total maximum lot coverage.

Mrs. Tate stated yes.

Commissioner Cunningham asked if this was zoned R-4A would any variations be needed.

Mrs. Tate said if the height is less than 20 feet then no.

Chairman Spinelli asked if there were any further questions from the Commission for staff. None responded. He then asked for the applicant to come forward.

### **Applicant Presentation**

John Conry, applicant, stated he could definitely lower the height to 19 feet and that was just an error in the drawing. The reason for the height was to get a car/storage lift in there so he can get more parking.

Commissioner Zolecki said the smaller elevations show 12/12 pitch and the wall section shows a 10/12. He asked if he knew which it was.

Mr. Conry stated he is not sure because they rushed through it trying to get everything done for this hearing.

Commissioner Zolecki asked if the ordinance is measured from grade the he would be in agreement with 19 feet.

Mr. Conry said he agreed.

Chairman Spinelli asked if any of the Commissioners had any further questions for the applicant. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

### **Public Comment**

None

Chairman Spinelli then called for a motion to close the public hearing for Case 19-06.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to close the public hearing for Case 19-06. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

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

### **Plan Commission Recommendation**

Commissioner Zolecki made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 19-06 – 1106 McCarthy Road detached garage variation with one condition:

1. Maximum height needs to meet the requirement for the R-4A zoning district per the UDO and a corrected drawing will be required prior to building permit.

A roll call vote was taken:

*Ayes: Zolecki, McGleam, Cunningham, O'Connor, Plahm, Spinelli*

*Nays: None*

*Motion passed*

### **Findings of Fact**

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to authorize the Chairman to approve the Findings of Fact for Case 19-06 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **B. 19-07 325 E. LOGAN STREET VARIATION**

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

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 19-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Jamie Tate, Consulting Planner, said Michael Wilson is the owner of the subject property. He is requesting approval of a variation for an encroachment into the minimum side yard setback in the R-4A Zoning District. The requested variation is to allow construction of a new detached residential home after the demolition of the existing structures on the subject property. Staff is not recommending approval of the variation as proposed.

The request is to allow a side yard setback encroachment on the west property line for R-4A. The surrounding properties are R-4A and this is designated as Infill Residential in the Comprehensive Plan. Per the UDO the front yard setback is 25 feet. The UDO allows for a reduced front yard setback if 50% of the lots on the block are less than the 25 feet, then the minimum setback shall be the average of the principal buildings on adjacent lots. For this property, he was able to reduce his front yard setback to 17.38 and the applicant will be meeting that setback. He is also meeting lot width, minimum lot area and rear yard setback.

Mrs. Tate stated the district is provided to give flexibility to smaller lot sizes and widths due to the history and age of the existing homes and lots and to promote infill development. Since the applicant is tearing down the existing structures and creating a blank slate, the proposed home should meet the parameters of the already flexible zoning district. The lot is similar to the R-5A zoning district in regards to lot width and minimum lot area, but even in the R-5A zoning the minimum side yard setbacks are 10 feet.

In regards to the Standards of the Variations, the first is the variation is in harmony with the general purpose and intent of the UDO. The setbacks have been designed in R-4A to allow for development on smaller, older lots with much flexibility compared to other districts. While the proposed home satisfies the requirements of the residential design standards, it is not meeting the required lot and dimensional standard minimum that help with bulk and scale. In order to “protect the character of the existing neighborhood”, the proposal should meet all lot and dimensional standards along with meeting the residential design standards.

Mrs. Tate said the second standard is the plight of the owner is due to unique circumstances. The difficulty or hardship has been created by the applicant since they are tearing down the existing home and building from a clean slate. Lastly, the variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property. It is difficult to determine whether or not the variation will be a detriment to the adjacent property to the west. At this time the property to the west is vacant and it should not be a detriment. If the property was ever to develop, the reduced setback may be a detriment at that time and would still be able to exist, as the variation will run with the land.

Staff finds that all the standards for variations are not substantially met. Staff has not found an evident hardship that allows for justification of a side yard setback on a new construction home in an infill and preservation zoning district. The applicant should be able to meet the minimum lot dimensions and setbacks as the lot is larger for the R-4A zoning district. The demolition of all existing structures creates a vacant lot and the ability to meet the minimum standards. This would conclude staff's presentation.

Chairman Spinelli asked what determines if it is five feet or 12%.

Mrs. Tate stated it is either 12% of the lot width or five feet, whichever is greater. In this circumstance it is 9 (nine) feet. The neighboring property at 327 Logan is a five foot setback.

Commissioner McGleam asked what is the proposed east side setback.

Mrs. Tate said it is nine feet. The east side meets the setback but the west is at 2.75 feet. There is the opportunity for five feet on each side.

Chairman Spinelli asked how much of the property to the west does the Village own.

Mrs. Tate stated staff thinks it is an old alley right-of-way that might be about nine feet wide.

Mr. Berry, Community Development Director, said Mr. Wilson had sought to purchase some of the property from the Village. It is property that the Village is not using and do not intend to use so he encourage Mr. Wilson to seek the variation since the Village is unwilling to sell the property.

Commissioner Cunningham asked if the lot the Village owns is a buildable lot or can the alley be used as an alleyway.

Mr. Berry stated he does not believe so.

Commissioner Cunningham said there is one correction in the staff report. It shows the east side as R-4 vacant and the west side as single-family resident.

Chairman Spinelli asked if there were any further questions for staff from the Commission. None responded. He then asked for the applicant to come forward.

### **Applicant Presentation**

Mike Wilson, applicant, showed pictures of the existing house and garage. There is another one and a half garages in the back which is actually listed as a shed. There is about 270 feet of open land between the west side of the existing house and this new construction house. He showed pictures of existing homes on the block and also provided data on those homes.

He and his wife have a large family and they will be the fifth family member to move into the Village of Lemont and the sixth and seventh household will be following soon. Their families have invested 3.5 million dollars into the Village with a tax base of about \$74,000 a year. He and his wife are making a considerable investment into the Village and they care deeply about the community. They appreciate staff's dedication and commitment and the Commission's time.

Mr. Wilson stated staff's opening summary states they are requesting an encroachment into the side yard setback. This suggests that they are taking an action to encroach when in actuality they are taking no such action at all. They are creating no additional code violations at all. They are simply requesting to retain the location of the west wall on the current structure, a wall site that has existed at its current location for 123 years. He would also like to point out that there are three structures on the site and not two. The current structures violate the R-4 setback protocol on all four sides. The new construction proposal corrects the setbacks and fully complies with the code on all four sides, therefore resolving 75% of the existing setback violations. The proposal eliminates also the second garage which currently extends over the northern lot line. It provides a clean line of sight into the woods on the north side of the property.

The existing 123 year old home, which has been unoccupied for the last 10 months, has a crumbling foundation. Their proposal will also provide much improvement to underground water management. In summary, their proposal addresses many significant issues while not creating a single new code violation. Another staff concern is that they created the need for the variation, which is possibly true. It is also true that the Village is unfairly enforcing strict adherence to the R-4A convention on their property but not so strictly with other properties along Logan Street. Some of those properties are also new construction like theirs.

Mr. Wilson said they have shrunk the floor plan as much as possible and with keeping the first floor master. The foot print of the first floor is 1,683 square feet which is really quite efficient given such a floor plan. Furthermore, he needs a large garage to fit a pick-up truck, tools and storage cabinets. Together with the first floor living space this results in a total footprint of 2,387 square feet. This easily meets the maximum square foot print of 2,565 permitted on their lot by the R-4A code. The real issue is their home's width. Their original plan called for the garage to be positioned forward of the right front quadrant of the house. Unfortunately, this design greatly violated the north and south setback. They chose to move the garage to the north and the east to meet the north, south and east setback conditions, while simply reutilizing the west wall location.

The burden unfairly created by the Village becomes clear when viewing similar properties along Logan Street. The front setback to seven properties adjacent to theirs range from 8.2 feet to 33.9 feet, while they have been held to a strict standard of 17.38 feet. Analysis states that their footprint is too large and they should shrink it down further. Data from 10 properties located on Logan Street reveal footprints ranging from 900 square feet to 3,140 square feet with an average of 2,084 square feet. Of the ten there are four homes with significantly larger footprints than theirs. Logan Street and the surrounding community are littered with non-compliance to code and it seems unfair for him and his wife to be penalized for simply wanting to reuse an existing wall site on the west side. If approved the variance will affect the adjacent neighbors and their proposed farm house design aligns very well with the character of the established neighborhood.

Mr. Wilson stated the community data and statements from the neighbors does not support the statement that their new home must fully comply with the R-4A requirements to protect the character of the neighborhood. The property to the west starts with 40 feet of open land followed by 230 feet of steeply sloping woods and a drainage culvert. The neighbors to the west could not be present this evening but have provided an email in support of their variance request. With respect to the report stating that they may be a detriment to a new property built on the open land or in the steeply sloping woods, there are no platted lots for at least 160 feet from their property until you reach #024. It is still unknown if MWRD, Lemont Water Department or the Army Core of Engineers will approve any construction on that property and he has spoken to each of them.

In conclusion, he hopes that he has satisfactorily addressed all of staff's concerns and has provided clarity and justification for a variation request. The proposed construction corrects 75% of the existing setbacks non-conformities, provides improved access on three sides, eliminates a structure which encroaches on an adjacent property and eliminates a home that rests on a crumbling foundation. The proposed construction provides a footprint which complies with the R-4A code. The farmhouse design enhances the character of the neighborhood. The overall public welfare will be improved with better water management and clear sight lines to the beautiful wooded areas to the north. Their variation request does not create a single new code violation, but simply asks to reutilize the location of the west wall on the existing 123 year old structure. He requests that the Commission approve their side yard variation request and sub sequentially recommend approval by the Board of Trustees.

Chairman Spinelli said there is a platted lot next to him.

Mr. Wilson stated what he meant was a platted lot where something could be built upon.

Chairman Spinelli asked if he could explain why he contacted Army Core of Engineers and MWRD.

Mr. Wilson said he wanted to find out if any building would be approved on those wooded lots. He was informed that it would have to be evaluated and permits would have to be required. Army Core stated if there were wetlands on it then they would have issues with it. Those that are somewhat responsible for the water drainage culvert said the land sloping into that culvert is very critical so they would have to look at what could be built on that sloping land as well. Staff is concerned that if someone builds next to them they could be a detriment by keeping their wall where it is today. What he is trying to point out is that it is highly unlikely that anything will ever be built on this area.

Chairman Spinelli stated he has seen worse lots be built on. He would also like to point out that neither Army Core of Engineers or MWRD have jurisdiction on these lots. Also, it was said that the side yard setback was being maintained. However, it is being proposed at 2.75 but the southwest corner is at 3.28 and the northwest corner is at 3.68. So the current setbacks would not be maintained.

Mr. Wilson said they have stone on the house so that is taking some of it. But he is taking the most conservative survey out of the three he has gotten.

Chairman Spinelli asked if he submitted those surveys.

Mr. Wilson stated no.

Commissioner McGleam asked if he talk about his attempt to buy the property from the Village.

Mr. Wilson said he would prefer to buy the open land that is next to them. Staff had advised him that the Village is not willing to sell the land and he should pursue the variance.

Commissioner McGleam asked staff if they felt that the Village Board was supportive of this variance.

Mr. Berry stated there are grounds to support it. This review is technical and they looked at it from the strictest reading of the UDO. Given that there is a platted alleyway and Village owned property, it is unlikely to be purchased or developed by anybody.

Commissioner Zolecki asked if the garage was 28 feet. The rendering looks more like 24 to 26 feet. Being four feet less on the garage might help with the setback.

Mr. Wilson said it will still not meet what he needs though.

Chairman Spinelli asked if there were any further questions from the Commission for the applicant. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this hearing.

### **Public Comment**

Curt Cepican stated they own the house to the east of the subject property. He is in full support of the variance. He is willing to allow them to shift their house more towards them if that will help.

Chairman Spinelli asked if there was anyone else in the audience that wanted to speak. None responded. He then called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to close the public hearing for Case 19-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Chairman Spinelli asked staff if they can explain the five foot setback.

Mrs. Tate said the minimum lot width is 45 feet for the R-4A. It can be 12% of the lot width or five feet, whichever is greater. The minimum lot width that you will find for something new in the R-4A would be five feet.

Chairman Spinelli asked if the Board was approached about vacating or deeding this land to this property owner.

Mr. Berry stated he polled the Trustees who were involved in the discussion when a previous neighbor had wanted to purchase some of the property and the Village did not want to sell. Those Trustees said they were still not interested in selling any of the land. So he advised the applicant to seek the variation.

Chairman Spinelli said his concern is that the Village is not willing to sell, but on a recent case the Village had acquired land for marketing to a new developer. He asked what is different with this piece of property compared to that other piece of property.

Mr. Berry stated there is the drainage culvert through here and access. There is always the potential that it could be built upon.

Chairman Spinelli said it is his opinion to vacate that alley and each property owner gets half since there are no other lots that have access to that alley. It is better than granting a variance and setting precedence of a 2.75 foot side yard setback. He can't even imagine where the air conditioning unit will go.

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

### **Plan Commission Recommendation**

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to recommend to the Mayor and Board of Trustees approval of Case 19-07 – 325 E. Logan Street variation.

A roll call vote was taken:

*Ayes: McGleam, O'Connor, Cunningham*

*Nays: Zolecki, Plahm, Spinelli*

*Motion denied*

### **Findings of Fact**

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to authorize the Chairman to approve the Findings of Fact for Case 19-07 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **C. 19-05 – THE FORGE ADVENTURE PARK PRELIMINARY PUD PHASE II AND FINAL PUD PHASE I**

Chairman Spinelli called for a motion to open the public hearing for Case 19-05.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 19-05. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Spinelli said he will be recusing himself from discussions on this matter and any vote that might be taken. He will still be running the meeting as Chairman but he will not participate in discussion due to his professional relationship with Lemont Township.

Mrs. Tate stated LTAP Acquisition, LLC represented by Jeanette Virgilio, is the owner and lessee of the subject properties. They are seeking rezoning to B-4 Commercial Recreation and B-3 Arterial Commercial District from R-1 Single-Family Detached Residential District and R-5 Single-Family Attached Residential District, a Final PUD for Phase I of the Forge and Preliminary PUD for Phase II of The Forge Lemont Quarries. The purpose of the requested zoning entitlements is to allow the construction of an outdoor active adventure park occupying approximately 167 total acres, but the rezoning is only for 40.5 acres, in Phase I and Phase II.

LTAP has been working with the Village of Lemont and Lemont Township in the creation of a new outdoor active adventure park. The Heritage Quarries Recreation Area already offers hiking trails, fishing, access to nature and history. LTAP has purchased approximately 18.5 acres that will be used for much of the proposed activities and the remaining acreage in the project will be available to the Forge through license agreements with both the Village of Lemont and Lemont Township.

The Village owned Canal strip was annexed to Lemont in 1972. It was defaulted to R-1 as land is when annexed and not rezoned for a specific purpose. The Lemont Township properties that involve The Forge were annexed in 2009 and they too were not rezoned at the time. The private property now owned by LTAP, both on the north side of the tracks and east of the quarry and south side of the tracks were part of a

proposal for “Windsor Court” also known as “Courtyards of Park View”, a 196-unit townhome development. This residential proposal was annexed in 2009 and given preliminary PUD approval with an R-5 zoning designation.

Mrs. Tate said Phase I is proposed to include an outdoor Adventure Course, a kid zone, a mountain bike course and water and land sports. She gave an explanation of what each area will consist of. They are also proposing concessions and performance. With this unique development there are several departures from the traditional zoning standards that are found in the UDO. The first is the height of the Adventures towers. They are requesting that the towers will exceed the 35 foot standard height requirement in the B-4 zoning district. The structure heights will approximately be 100 feet. Due to the distance between the structures and adjacent properties, they should not block sunlight air, cause for a flight hazard, and/or block the view of nearby properties.

Another request is to allow signs to be painted directly on exterior walls of buildings. The signs are unique to this style of development with the use of cargo containers. They will need to be properly maintained so they do not become faded, chipped or peeling. The next variance is to allow the use of cargo containers, which has never been used before. It does fit the area and goes back to the industrial use of the area. She showed pictures of what the cargo containers will look like, bathrooms, and a possible stage area. They are also requesting to develop Phase I without sanitary sewer connection. The Village engineer has referred to the Village plumbing consultant regarding unsewerable areas. The plumbing consultant’s comment letter did not reference anything about the portable toilets.

Mrs. Tate stated they are also proposing to develop Phase I without storm sewer systems. The Village engineer has requested more documentation from the applicant, such as narrative explaining the category of development and the correspondence from MWRD. Another exception will be to allow a parking lot and access driveways with gravel surfaces and without curb and gutter. The parking lots will be on Lemont Township and Village property for Phase I. The existing parking lots in these locations are gravel and more temporary and acceptable. They fit within the character of the existing land use and surroundings. Another request is for off-street parking in Outdoor Recreational Uses, it has to be approved for a special use. There is no requirement for a specific number of parking stalls. A couple that are not included in the packet, it was stated that they want to have an eight foot fence. Eight foot fences are not allowed in the B District, but are allowed in Institutional Districts. Another is to allow off-street signage where business activity is located. They want signage at Talcott and Main which will have to be part of the PUD itself.

For Phase II they are requesting public crossing at the IC/CN Railroad tracks in order to construct a primary access drive at Walker Road. Water and sewer will be constructed in Phase II of the project. Lastly, permanent buildings near the future permanent entrance to the Forge off of Walker Road. The main entrance will be at Walker and Main once Phase II is completed. There are departures from the zoning

standards in Phase II. The adventure towers will exceed the height standards, the signs will remain painted on the cargo containers and allowance for steel cargo containers and metal buildings. Another variance for Phase II would be for the height of the buildings in the B-4 District and the building materials. When Phase II is complete the other entrance at Talcott and Main will remain, so there will be dual entrances.

Mrs. Tate then read through the Standards for Rezoning which is listed in staff's packet. The proposed development is consistent with the goals of the Lemont 2030 Comprehensive Plan for Open Space and Recreation (OS&R). She then read the goal statement for the OS&R. It also talks about the natural features and topography having value in the Village and also maintaining and respecting natural areas and ecosystems. Providing ample recreational amenities and connectivity between open spaces contributes to a high quality of life and supports healthy living. Lastly, it talks about the I&M Canal and Heritage Quarries are unique natural assets with untapped recreational potential. The Plan recommends enhancing recreational experiences and encourages private recreational opportunities. Also from the economic prosperity section it talks about the downtown, I&M Canal and the HQRA are unique assets that should be further cultivated to be an attractive destination for residents and visitors. The Forge Lemont Quarries is in agreement with many of the goals, objectives and visions of the Lemont 2030 Comprehensive Plan as long as the development remains sensitive to the area and its rich history.

A traffic study has been provided for Phase I and Phase II. For Phase I, the access will be at the intersection of Talcott and Main Street. The access road begins with pavement as it crosses the train spur that services Olin Chemicals, and turns to gravel when the I&M Canal Trail begins. The access road continues until it reaches the gravel parking area that is near the pedestrian bridge that provides access to the land south of the Canal where much of the Forge's activities are planned. The traffic study shows that traffic does increase for the southbound Talcott Avenue on both weekday and weekend scenarios, however these delays are still acceptable. No traffic control changes would be necessary for the Phase I.

Mrs. Tate said for Phase II, the main entrance will be at Walker and Main. The traffic study evaluated this intersection to be the main point of access and it was looked at using a full signal and a two-way stop. The traffic signal is not warranted at this time, but it will be warranted at the time of full build-out. The Village has hired an independent traffic consultant to look at the traffic reports and give comments. They have recently got it back but it is under review by the Village's Engineer at this time.

For landscaping the Village Arborist did look at the plans as well and has given comments back to the applicant. He just wanted clarification on tree protection, tree survey, and was requesting a maintenance plan. The Village Engineer was requesting more information on the portable toilets, water source for Phase I, requesting to analysis the width and composition of the access road, and requesting a narrative concerning stormwater management in Phase I. The Fire District approved Phase I as

noted. The applicant did provide an emergency access plan which the Fire District looked at as well.

Mrs. Tate stated the applicant has been responding to comments. Some planning comments are that parking is a concern. Meeting ADA requirements, number of parking spaces and the flow of parking are just a few planning concerns. Another concern is how is the access for Talcott and Main going to be maintained. More details have been requested for the sign plan and verifying that the lighting they are requesting is sufficient. The full comment letter is provided as Attachment 7 in staff's packet.

In conclusion, the proposed development does meet and accomplish many of the goals of the Comprehensive Plan. It is a unique development and does not fit well within the guidelines of the UDO and is very appropriate for a PUD. Staff is recommending approval of the rezoning of the R-1 and R-5 to the B-4, but not to rezone the R-5 parcel to B-3 at this time. There are many conditions for both Phase I and Phase II. She then read the conditions listed in staff's report.

Chairman Spinelli asked if any of the Commissioners had any questions for staff at this time.

Commissioner Zolecki said he would like it stated that whether the zoning district is B or M the maximum height is 35 feet. He also appreciates the comprehensive letter that the Commission received recently. His understanding from the letter is that there is an ongoing coordination between the Village and the applicant. He asked if there was continued discussion about the B-3 portion and how that might work into a sub area. He then said he would have to ask the applicant if this is a possibility or question.

Mrs. Tate stated in the response letter the applicant had mentioned being willing to do specific uses or if it doesn't develop in ten years then it goes away. She discussed it with Mr. Berry and they are not sure if it is even possible.

Commissioner McGleam asked if the current open space for the public at the Quarries and trails will still remain open to the public or will that be under the control of the developer.

Mr. Berry said it will remain open to the public. Everything is open to the public except the things you have to pay for.

Mrs. Tate stated it will be the fenced area which is on their private property.

Commissioner McGleam asked if staff can go through the different parcels and who owns them.

Mrs. Tate showed on the overhead the different areas.

Commissioner McGleam asked if staff could talk more about the Talcott access road and will it support this Phase I of the development and the circulation that is needed.

Mrs. Tate said it is how you currently access the Quarries. According to their traffic impact analysis it will. There are no additional upgrades that are needed for Phase I. They are still waiting on the review from the Village's consulting traffic engineer.

Commissioner McGleam asked if the Fire Department was good with the single point of access.

Mr. Berry stated there is a second bridge that will be able to support an Emergency Vehicle and they can come in off of Boyer as well.

Commissioner McGleam said from what he can see there is not much of infrastructure in Phase I. He asked what type of requirements is staff proposing in the PUD for a timeframe for those improvements. He asked what if Phase II never happens.

Mrs. Tate stated if Phase II never happens then it exists the way it is.

Commissioner McGleam said there should be a timeframe regardless of the Phase II development.

Commissioner Cunningham stated the proposal showed two different areas for a kayak and paddle boat rental. One is by the Phase I parking area and there is a boat launch there currently. He asked if that will remain open to the public.

Mr. Berry said yes.

Commissioner McGleam asked if MWRD was the lessor in the Village or Township property.

Mr. Berry stated the Village does lease property from the MWRD but this project is not on that portion.

Commissioner McGleam asked about the Army Core of Engineers.

Mr. Berry said they have been working with them all ready on flood plain areas.

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

## **Applicant Presentation**

Bart Loethen said he is an owner and developer for the Forge project. He said staff did a great job on their presentation. They would like to go over some questions that were raised.

Jeremy Bacon stated he is also an owner for the development. He asked if there are specific points that the Commission would like them to go over. They have their team present this evening to answer any questions that they might have.

Mr. Loethen said in regards to the variations the height is a big item because they can't do this without the height. The cargo containers and the steel on the buildings in Phase I and II are architecturally significant for the Quarry area. The design of the buildings in Phase II were done by an internationally renowned architect. The design is supposed to reflect the character of the area as a Quarry. They are not planning on installing impervious surfaces at all. They do intend to widen the access road to facilitate two-way traffic. They are not paving the road for a variety of reasons. They want to keep the speed down, to keep the natural characteristics of the site as it is, and lastly the road is viewed for them as a temporary point of access. Once the Walker Road access is done, then the Village and Township can do what they want with it. The fact that it is not paved makes it easier to return it to its natural state.

Commissioner McGleam asked if it is currently a dedicated right-of-way.

Mr. Berry stated it is Village owned property. Essentially it is the I&M Canal right-of-way but the crushed gravel path that goes back to the parking lot area are not dedicated.

Mr. Loethen said there was a question about the need for parking. What is proposed is 275 spaces plus enhancement of the parking around the gazebo area. That is sufficient for most of their use and it is as much as they can put in there. The highest and most frequent use time for their proposal is summers and weekends. They plan on running shuttles to the train lot and other public parking areas on weekends. The fencing is required for the kid zone and for areas that people should not be on when there is no supervision. The fences need to be high enough to restrict access. There will also be lighting and cameras for the area.

There are two different areas to the Forge. One is an active area which is south of the I&M Canal and the other is a passive area which is north of the canal. There will be no paid activities north of the canal. There is a bit of the Township property between the Quarries which will have the towers on it and it will have fencing. That area will be enhanced and right now it has overgrown brush on it. They will put trails there for biking and walking that people will be able to access. Maintenance of the roads will be addressed in the license agreement with the Village and Township. They intend to maintain the roads and trails to the north.

Mr. Loethen stated one thing that staff recommends that they cannot do is in respect to the B-3 zoning. They are spending a lot of money and they have no interest in coming back nor should they be required to come back to get the property rezoned. The reason for the dual phase is because of the IDOT project for Main Street. They are planning on redoing the road in 2023. The IDOT project was originally planned for 2019 and they were planning on doing Phase I and II at the same time. They were planning on bringing the water and sewer down concurrent with the IDOT project. They do not want the road torn up twice and having the road torn up in front of their main entrance would be disastrous for their business. The Village has been supportive of the Phase approach. They wouldn't want to be operating for a period of time and then come back to rezone the Phase II piece and have someone say no they can't do it. They are willing to allow for very specific uses within that B-3 zoning and whatever type of uses they might have. Those potential uses are a hotel, office building, restaurant or some other type of active recreation facility that is done in conjunction with the rest of their activities.

The railroad has insisted upon no pedestrian crossing at grade at Walker and have insisted upon a bridge that goes above the train level at the tracks. To spend the amounts of money that they are spending and come back to ask that this be rezoned and have the potential for someone to say no is a high risk for them to take.

Mr. Bacon said Phase I is costing \$15 million and the total project is close to \$50 million, so this is why it is essential to them.

Mr. Loethen stated they are supportive with working with the Village. They are lovers of the outdoors and outdoor activities. This is a passion for them and feel that it will do very well. There are some things that they need and there are some risks that they can't afford to take. They need to have their allowed uses on the Main Street property. They need to continue the Phase I business until Phase II is complete. They suggested that there be a reversionary zoning so if they don't develop it within 10 years the parcel would revert to whatever residential zoning. He feels that it is unlikely anyone would develop any residential use property with the driveway going back to the Forge and with the industrial uses to the east of it. He asked if there were any other questions that the Commission might have.

Commissioner Cunningham asked if the fencing is only going to be around the zip line area.

Mr. Bacon said for insurance and operational purposes they need to safeguard the entrances to the towers and any other areas in their ropes course. There will be fencing around those with lighting and cameras so people cannot have access. For the kid zone they are putting a fence there so they can protect those children and equipment both day and night.

Commissioner Cunningham asked if there will be any paved mountain biking trails that you will have to pay to have access.

Mr. Bacon stated it is intended that any open space currently will remain open and freely accessible.

Mr. Loethen said the kid zone has some mountain biking elements to them and that will be paid.

Commissioner Cunningham asked if they own or run any other adventure parks in the area.

Mr. Bacon stated they do not and this is their first. They are hoping to open more though. They do have consulting partners that have built other aerial and rope courses.

Commissioner McGleam asked if the Village had requested a rendering of how the towers will impact the Lemont skyline.

Mr. Bacon said he brought a video to show what impact the towers will have on the skyline. He then presented the video showing different views from the bridge, McCarthy Road and the High School of what the towers will look like.

Commissioner O'Connor asked what is the height of the tower.

Mr. Loethen stated the highest point on the thin tower is 115 feet and the other towers are about 90 feet.

Commissioner Zolecki asked if you were on Main Street will the brush or trees cover the towers.

Mr. Bacon said yes it will and showed renderings of what you can see from ground level at Talcott.

Commissioner Zolecki asked if there were any noise from the zip lines themselves.

Mr. Bacon stated there will be some noise, but does not believe there will be any noise pollution itself. There might be some screams and sounds of people having fun. Most likely that will be heard from the parking lot. They do plan on having a stage or amphitheater but they will be designing it so the sound or noise will go into the trees.

Commissioner McGleam asked what kind of wetland challenges do they have.

Mr. Loethen said they have met with the Army Core on site. They are looking into wetlands and how they came about. They do have to deal with the Quarry waters themselves. They do not feel that there will be any wetlands that have to be mitigated. There is probably one on the Main Street property that they can work around easily.

Mr. Bacon stated they have been working on this project since 2016 when they started acquiring land and already invested millions of dollars to get to this point. When it became apparent that they were going to have to split the project up into two Phases they set out to design a park that could operate for several years without the need of any additional utilities whatsoever. They have power out there currently and they are working with ComEd. There is well water out there on site and there is enough water to fill their sinks and tanks. They will have a service to remove the dirty water.

Commissioner McGleam asked who's permission do you need to operate a bar and restaurant without a sewer connection.

Mr. Loethen said engineering has to approve the whole design. They will not be dumping any water into the ground.

Commissioner McGleam asked if the Illinois Department of Public Health was involved.

Mr. Berry stated the Village Plumbing consultant would be reviewing the plan.

Mr. Bacon said the firm they have hired to do their restaurant is called Boxman Studios. It is all self-contained and there are no utilities. There are several companies that are using it.

Commissioner Cunningham asked what is the main source of revenue for Phase II since they are investing a lot of money into that part of the project.

Mr. Loethen stated it is the event space and the higher end restaurant.

Mr. Bacon said 65% of their revenue will be from the zip line and outdoor activities.

Commissioner Cunningham stated he likes the cargo containers and feels it is a good fit for the area.

Commissioner McGleam asked what will they do if the IDOT project does not go in 2023.

Mr. Loethen said they will run water and sewer when they do the project and if they don't then they will still run it out to their project. However, the money has been set aside already for the IDOT project, so it will go through. He wants to add before they finish that they are fine with the B-3 zoning and whatever uses they need. They are not fine with having to come back.

Chairman Spinelli asked if they supplied those uses to the Village staff.

Mr. Loethen stated they responded back to staff quickly and they sent it back to staff late Monday.

Chairman Spinelli asked if staff had time to review their listed uses to see what zoning they would fall in.

Mrs. Tate said no they did not review their list.

Commissioner Zolecki asked if the information that they sent to staff was to new for them to review and that is why staff is recommending coming back for the zoning.

Mr. Berry stated it comes upon the heels of a property being rezoned with the expectation that it is going to become something and then when it didn't happen people were hurt by it.

Chairman Spinelli asked if there were any further questions from the Commission for the applicant. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

### **Public Comment**

Steve Rosendahl, Lemont Township Supervisor and resident, said the Township has been involved along with the Village since the beginning of this project. It is a unique opportunity that the Township Board totally supports. To have \$15 million dollars invested in a resource where they would not put tax dollars in to develop, is a huge win for the community. If they want to be a destination area then they need the characteristic of being different and this is it. The Township has already signed a license agreement to get this far. They are excited and need to work on making this work because it is a truly unique opportunity.

Phil Cullen stated he is the managing partner to the property that is west of the subject property. Their property was rezoned about 10 years ago for 64 condos. They have invested a lot of time, money and effort as well when they rezoned their property. He has no objections to what is happening on the other side of the railroad tracks. There was a land use for three properties right there and now someone wants to come in and change the zoning to B-3. The Village does not know if this proposal is going to be successful, so they should not rezone the property to B-3 between two residential properties as of right now. To change the zoning from R-5 to B-3 is not consistent with the Comprehensive Plan. He would like to see a rendering of the towers from a four story floor of one of his condos. He does not see a site line distance map of what this is going to look like from Main Street. He also inquired about a sound barrier especially since this will be going on all day and every day. He is opposed to changing the zoning to B-3 at this time.

William Brennan said he owns the property that is part of the Walker Road extension. There is no agreement between him and the Forge to use Walker Road. He does not know how they can make this proposal when he has not given them permission.

Chairman Spinelli asked if they have any drawings that show the Walker Road right-of-way.

Mrs. Tate pulled up an aerial view of the property.

Mr. Brennan showed on the map which properties are his. He put the asphalt in for the potential of developing condominiums units. It didn't go through at the time because of the economy.

Chairman Spinelli stated they cannot get any zoning entitlements without an agreement with him. The drawing that was submitted is just for graphic representation. Before they move forward with Final they will have to have actual deeds to the property and correct any discrepancy between the two property lines and the alignment of the Walker Road extension. He asked if the Village Engineer checked the plat to make sure that they are not utilizing anyone else's property.

Mr. Berry said he is not sure if he did since it is preliminary.

Mr. Brennan stated he also is not in favor of rezoning the property from R-5 to B-3. There is sewer and water available to this project and they should be held to the standards of every other builder to provide water and sewer. He asked why wouldn't they take advantage of that water and sewer.

Chairman Spinelli said he is not sure where sewer and water is for Phase I.

Mr. Brennan stated they can provide sewer and water through their property to get to Phase I. He feels they should be held to providing that for their property.

Jessica Basile said she is the Director of Plant Resources at Franciscan Sisters of Chicago. They feel that this is a great opportunity for the Village of Lemont. They are in favor of the property being developed. Their concern is that they have 300 seniors and half of them are driving. There are issues already with getting in and out onto Main Street as well as on Walker to their corporate office. They hope that they look at the traffic studies closely and what the impact will be for the intersection. There are no turn lanes so people go onto the gravel which is very scary. The other concern is lighting and making sure that the lights are not going everywhere.

Commissioner McGleam asked what is the fence material.

Mr. Bacon stated they have not determined the final yet but most likely wood and/or chain link.

Chairman Spinelli asked if there were any further questions or comments from the audience. None responded. He then called for a motion to close the public hearing.

Commissioner Zolecki made a motion, seconded by Commissioner Cunningham to close the public hearing for Case 19-05. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Chairman Spinelli asked if there were any further questions or comments from the Commission.

Commissioner Zolecki asked if a photometric has been provided or is it in the process.

Mrs. Tate said it has been requested.

Commissioner Zolecki reiterated that the Village is performing their own traffic study.

Mrs. Tate clarified that they are evaluating the applicant's traffic study.

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

### **Plan Commission Recommendation**

Commissioner Cunningham made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 19-05 – The Forge Adventure Park Preliminary PUD Phase II and Final PUD Phase I including staff's recommendations 1 through 7 listed on page 17 of staff's report for Phase I and recommendations 1 through 8 listed on pages 17 and 18 of staff's report for Phase II. A roll call vote was taken:

*Ayes: Cunningham, McGleam, Zolecki, O'Connor, Plahm*

*Nays: None*

*Abstain: Spinelli*

*Motion passed*

### **Findings of Fact**

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to authorize the Chairman to approve the Findings of Fact for Case 19-05 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

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

##### **A. 18-07 FINAL PLAT FOR 480 5<sup>TH</sup> STREET (ERIE'S SUBDIVISION)**

Jamie Tate said on April 15, 2019 the Village Board approved a Preliminary Plat with variations for a two lot single-family subdivision on 480 5<sup>th</sup> Street. This was brought before the Plan Commission in October of 2018 and was voted in favor 6-0 with conditions (listed in staff's report on page 2). Since the meeting, the applicant has adjusted the side yard setbacks and worked with the Village and adjacent property owners to secure the rights to bring water to the subject property. It is being recommended that at building permit the Village should secure an escrow for the sidewalk that could be built in the future. The applicant needs to provide a location for his workers to park when under construction on the subject property.

The final plat is in conformance with the preliminary plat approved on April 15<sup>th</sup>. The applicant has been able to finalize the plat since coming before the Plan Commission in October 2018. The engineering plans are currently being drafted by the Village due to the water connection that is to be a part of this project. Sanitary sewers are already available to these properties. Staff is recommending approval of the final plat. It should be verified in the building permit process that the applicant must provide parking within his lots for workers and an escrow for a future sidewalk should be provided.

Chairman Spinelli asked who is paying for the water.

Mrs. Tate stated the Village is drafting the engineering plans and the developer will be reimbursing for his portion of the plans.

Mr. Berry said the Village is paying to bring it from 4<sup>th</sup> Street across the north property line and will pay to bring it to the north property line of the Erie Subdivision.

Chairman Spinelli clarified the applicant was not asking for any recapture fee for the portion across his property.

Mr. Berry stated he is not.

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

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval for Case 18-07 – 480 5<sup>th</sup> Street Final Plat of Subdivision. A roll call vote was taken:

*Ayes: McGleam Cunningham, Zolecki, O'Connor, Plahm, Spinelli*

*Nays: None*  
*Motion passed*

## **V. GENERAL DISCUSSION**

Commissioner McGleam asked if there was any update on the Ruffled Feathers easement for the sanitary sewer.

Mr. Berry said he talked with public works and it is not in place and currently there is not a plan to get the easement.

Commissioner McGleam asked in regards to Timber Run's application is it not required for the applicant to provide elevations or a product book.

Mr. Berry stated at the COW they were asked to provide elevations. The Village has hired KLOA to independently verify the traffic study. At the COW there was about 10 residents that only attended. There is still a concern about the retaining walls and who will maintain those. For the Trustees there was concern about materials and elevations.

Commissioner McGleam said all of that should have been provided before it was brought to the Plan Commission.

Discussion continued in regards to the standards of the UDO and what is required of a PUD.

## **VI. AUDIENCE PARTICIPATION**

None

## **VII. ADJOURNMENT**

Commissioner O'Connor made a motion, seconded by Commissioner McGleam to adjourn the meeting. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*

