

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of September 16, 2015

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, September 16, 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: Kwasneski, Maher, McGleam, Sanderson, Zolecki, Spinelli

Absent: Arendziak

Planning and Economic Development Director Charity Jones and Village Planner Heather Milway were also present.

**C. Approval of Minutes from August 19, 2015 Meeting**

Commissioner Maher made a motion, seconded by Commissioner Sanderson to approve the minutes for the August 19, 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 stated if anyone in the audience was present tonight for the Wehn fence variation request it has been postponed till October. The reason is their posting was not properly posted in time. He then asked for everyone in the audience to stand and raise his/her right hand so they could be sworn in. He then administered the oath.

**III. PUBLIC HEARINGS**

**A. 15-13 Kettering Subdivision PUD Amendments and Phase II Final Plat**

Chairman Spinelli called for a motion to open Case 15-13.

Commissioner Kwasneski made a motion, seconded by Commissioner Maher to open the public hearing for Case 15-13. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Ms. Milway, Village Planner, said Matthew Pagoria of MI Homes is acting on behalf of the property owner Glen Oaks Estates, LLC. They are requesting an amendment to the approved Kettering Final PUD and final plat of subdivision approval for phase II. The site is located at the southeast corner of 131<sup>st</sup> Street and Parker Road. The purpose of the requested PUD amendment is to change 17 large lots to 19 medium lots, alter the existing requirements for masonry on single-family homes, also alter the requirements for side load garages, and reduce setbacks. Staff is recommending approval with conditions.

Ms. Milway stated in December of 2012 the Village Board amended the ordinance annexing 131 acres for the Kettering subdivision. It passed final PUD approval in August of 2014 for the 241 lot single-family subdivision. The lots have three typical sizes of large (12,150 square feet), medium (10,125 square feet) and small (7,500 square feet). The current development is comprised with 93 large lots, 77 medium lots, and 71 small lots. The developer, MI Homes, began site work development and has been issued building permits for more than 40 homes out of the 241 proposed homes. The applicant is proposing that 17 of the large lots, which are lots 121 to 137, located in the southwest corner of the subdivision, be converted to 19 medium lots. This adjustment would allow the developer two additional lots. It would also grant a 100 foot access area to the Lemont Park District's 7.25 acre park site located in the rear lots of 121 to 137. The current access to the park for both users and maintenance is 40 feet wide. The applicant is also proposing to grade the area for the proposed park. The change in lot sizes results in a total of 76 large lots, 96 medium lots and 71 small lots in the subdivision and staff finds this change acceptable.

Ms. Milway said the approved PUD for garage restrictions in the original ordinance specified that at least 33% or 31 of the large lots must have side load garages. As the number of large lots are proposed to decrease, the number of large lots required to have side load garages is proposed to also decrease. The applicant is proposing 32.98% or 25 lots of the proposed 76 large lots be required to have side load garages. Staff is recommending that 26 of proposed 76 large lots be required to have side load garages to maintain the 33%.

Ms. Milway stated the current PUD requires that 25 or 33.78% of the 74 large lots accessed from Parker and/or 131<sup>st</sup> have a minimum of first floor masonry on all elevations. The number of large lots accessible from either Parker Road or 131<sup>st</sup> Street is proposed to decrease from 74 to 57 lots. The applicant is proposing to maintain the

same percentage requirement from the current PUD and therefore propose that 19 or 33% of the 57 lots be required to have first floor masonry. The applicant is additionally proposing that the corner lots that access off of Derby (lots 241 and 223) have first floor masonry on all elevations. The current PUD states that 9 of the 19 lots accessed from Derby must have first floor masonry requirements, but does not specify which lots. Staff finds these changes acceptable.

Ms. Milway said the applicant is also requesting a reduction in minimum setback for decks. The UDO requires decks in the R-4 zoning district to be 15 feet from all property lines. The developer is encountering difficulties when placing decks on the small and medium lots. The small and medium lots have lot widths that are less than the standard R-4 90 foot minimum lot width. On average, Kettering medium lots are approximately 75 feet wide and small lots are approximately 60 feet wide. The minimum building setbacks of the Kettering medium and small lots are also smaller than the typical R-4 building setback. Buildings on the medium lots have a minimum 7.5 foot side yard setback and the small lots have a five foot side yard setback. The lot sizes and widths of the Kettering small and medium lots are more similar to lots in the R-4A zoning district. The UDO allows decks in the R-4A to have a minimum setback of 10 feet or that of a conforming principal structure, whichever is less. The applicant is proposing the same requirement for the Kettering Subdivision. Staff supports this PUD revision, but the standard should only apply for the small and medium lots.

Ms. Milway stated the applicant has requested the R-4A reduced deck setback be extended to all lots in the Kettering subdivision. The Kettering's large lots are 12,150 square feet and have an average lot width of 90 feet. Buildings on the large lots have a minimum side yard setback of 10 feet. Other subdivisions such as Briarcliffe Estates, Covington Knolls, and the Glens of Connemara have similar lot widths and similar reduced side yard setbacks; these subdivisions are still required to comply with the standard R-4 deck setbacks. Based on this staff does not recommend an exception for the large lots and they should comply with the UDO R-4 deck setback standards.

Ms. Milway said the Lemont Park District supports the proposed amendment to provide a larger access to the park site and notes that the proposed widened access is important to the use of the park. The Park District is requesting that the applicant grade and pave the initial access area from Amelia Drive to accommodate six parking stalls and a sidewalk from the street to the playground pad. They are also requesting that the playground pad be graded.

Ms. Milway stated staff finds the final plat is substantially conforming to the final PUD, with the exception of the conversion of the 17 large lots to 19 medium lots, which necessitated the PUD amendment. The 19 proposed medium lots will have the same 7.5 feet interior side setback and 22.5 foot corner side setback as required under the previous PUD ordinance. The Village Engineer reviewed the Final Plat documents and had five minor comments comprised of notes to be added to the final plat. The applicant has subsequently updated the plans to include all of the Engineer's comments. A final grading plan has not yet been submitted for review. The exclusion is likely due

to the applicant's desire to have the Park District's input on the park grading. The input was recently received. The Village Arborist had only one comment that the 100 foot Park District access will have minor effects on the number of parkway trees. The adjustment should not be a concern. The Fire Marshal also reviewed the plat and only made comments on items relating to site development.

Ms. Milway said staff is recommending approval of the PUD amendments and the Final Plat with the following conditions:

1. Prior to Village Board approval the applicant shall submit final grading plans for phase II for Village approval.
2. The reduced deck setback shall only apply to medium and small lots.
3. 26 of the large lots will be required to have side load garages.

Although the proposed changes increase the number of lots in the Kettering Subdivision by two and change the distribution of large, medium, and small lots within the development it is a relative gain of 100 foot access for the Park District. The final plats are also found to be substantially conforming to the original PUD.

Chairman Spinelli asked if the Commissioners had any questions or comments for staff.

Commissioner McGleam asked what is the width of the current access.

Ms. Milway stated it is 40 feet. She showed on the overhead where it would be located on site plan and which lots would change from large lots to medium lots.

Commissioner McGleam asked how they came up with two additional lots.

Mrs. Jones, Planning and Economic Development Director for the Village, stated the lot widths do vary as they curve down the street. There is a lot of curvature in the roads within the subdivision. It could also be a natural break point since it is the western access that is being enlarged where there are number of large lots and then it goes down to the small. She stated you would not want to have four mediums, two larges and then go down to the small.

Commissioner Sanderson asked how it affects the south side of the street though.

Mrs. Jones said she would let the developer address that, but she would have to guess it would have to do with the return that they could get on the 19 medium versus the 17 large lots in order to offer the 100 foot access at no additional cost. For the Commissioners who were not on the board when this development was approved, the open space and park dedication exceeded what was required by the impact fee ordinance. So there was no cash donations required. As the Park District began to look at their long term planning it was not certain how soon they would be able to improve the park site. They also had concerns about access and visibility to the site with just the 40 foot access. This is an alternative so the Park District does not have to acquire a lot at market rate.

Commissioner McGleam asked if they were going to meet the requirements for landscaping for the parking lot.

Mrs. Jones stated it is six parking spaces and the landscaping standards for commercial that they are familiar with do not apply until there are 15 spaces.

Commissioner McGleam asked if there was any kind of landscape buffer between the parking spaces and the houses.

Ms. Milway said what was shown in the report is not to scale. The amount of area that will be between that area is rather significant. There is no landscape buffer proposed or increase to the landscape plan.

Commissioner Maher asked if there are any plans of what the park is going to look like with the parking spaces.

Mrs. Jones stated there are none at this time. In regards to Commissioner McGleam's question the parking spaces are 54 feet which leaves a buffer of 23 feet on each side.

Chairman Spinelli said the developer might want to consider the garage placement for those homes.

Commissioner Zolecki asked how was it demonstrated the difficulty for setting the decks.

Ms. Milway stated as said before the small lots are similar to the homes in the downtown area. When permits would come through for those decks there would be an offset between the house and the deck. The house would only be five feet off on the small lots but the deck would have to be 15 feet in. It was pushing the deck on either side into areas that weren't conducive to the actual use of the house.

Commissioner McGleam asked on page 3 of staff's report under masonry, the PUD requires 25 large lots to have masonry. When he reviewed the approved condition sheet it calls for 19 plus 9 with a minimum of three feet masonry.

Ms. Milway said those are the large lots that are accessed off of Parker and the additional nine are from Derby and not being altered.

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**

Matt Pagoria, MI Homes, said he would like to re-iterate that the only change to the plan is within the bubble shown on page 3 of staff's report. It is just changing the 17 previous platted lots into 19. The original plan was designed with a center park area with four

different access points. The access points were roughly 40 feet and some have utilities going through them. The Park District has always had an issue with access to that center park. When they had said that they wanted a little bit more they had started looking at ways that they could do that. The first way was for them to acquire one of the single-family lots, based on values it did not make a whole lot of sense and they were not interested in donating a lot. They have come up with the idea of re-plating these 17 lots into 19 and they were able to gain an extra 60 feet at that entrance. By doing this it does not require them to do any other manipulation to any of the lots elsewhere on the site.

Chairman Spinelli asked why they are changing the south side of the street.

Mr. Pagoria stated they did look at that whole entire area. The number of lots on the north side did stay the same because that is where they had gained the extra 60 feet for the park. The south side does gain two more lots but the north stays the same and just become smaller in width.

Chairman Spinelli asked what size are the houses north of the western access.

Mr. Pagoria said they are all medium lots. He said when you looked at the original plan there were large lots on the north side, then medium lots in the middle, small lots at the bottom and large lots off of Derby. There was always this pod of large lots that was right in this area. By converting these to medium lots they are adjacent to medium lots and small lots.

Chairman Spinelli asked if the pod of large lots had access to the lots off of Derby.

Mr. Pagoria stated no and nothing else changes in the site plan at all in relation to anything else. All they did was change some lot lines to that one area.

Commissioner McGleam asked why they need the conversion on 19 lots instead of four, five or six.

Mr. Pagoria said they wanted to redo that entire area so instead of having 17 large lots they wanted 19 medium lots. The value of 17 large lots equals the same as 19 medium lots.

Commissioner McGleam stated his argument is to try and preserve as many large lots as possible. The standard Lemont lot is 12,500 and there has been a ton of compromise for this development.

Commissioner Maher asked if they have thought about converting some of the small lots to medium lots.

Mr. Pagoria said if they did that then they would lose a total number of lots. He was contacted to try and help the Park District out by giving them a larger access. This is the alternative they came up with and they are not looking to lose lots.

Commissioner Maher stated that they are gaining two lots with this proposal. What he is asking is why not convert some of the small lots to medium lots to get you back to lot neutral.

Mr. Pagoria said if you look at the land plan it does not make sense to go in and re-plate a couple of those to medium lots.

Commissioner Maher asked why not.

Mr. Pagoria stated all the small lots are kind of gathered together.

Commissioner Maher said what they are asking for though is medium lots in that southwest corner. He asked why they can't extend the medium lots going east until they get back to their original number. He stated you are coming in stating they are trying to benefit the Park District. This is a huge benefit to the Park District to add parking but it is also a huge benefit to the subdivision. As of right now this park is very isolated to the homes that are surrounding the park. He understands why they went from large to medium to get the land for the parking lot. He said if you extend the medium lots out to take two lot spaces you can neutralize the number of lots you have and have more medium size lots. Everyone of the those lots is a variance to our code.

Commissioner McGleam stated he wants to preserve as many large lots as possible. This should not be a win for the developer.

Commissioner Sanderson said he understands that everyone wants large lots but if you go lot neutral then the developer is going to lose money.

Discussion continued in regards to lot neutral.

Chairman Spinelli asked if they would consider losing lot 120 on the north side. There is going to be a playground area that is tucked behind the houses and the police are not going to have visibility. Keeping this configuration where they have gained there is a net increase of one lot. He asked would they be willing to work with staff and possibly consider this.

Mr. Pagoria stated when they started looking at this situation it is a simple math equation for them. There are values that are assessed to each size lot. In order for them to not lose money they would need 19 of those lots. If they are going to lose a lot then that puts them on the negative side. They are not trying to save money or cheat the system. They have gone out on this development and have upsized and increased all of the landscaping and berming along 131<sup>st</sup> Street from what was originally approved. That dollar amount was significant but they did it because they felt it would be a benefit

to the community itself. They are working with staff on additional details like saving the original columns to the entrance of the mansion and they are going to do a nice landscape treatment there. They are working with staff on where their models are located, adding some retaining walls and landscape to the circle. Originally it was approved for just turf so they are adding more than what is required. When it comes to the lots they do not have a lot of room to maneuver.

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

### **Public Comment**

Dawn Banks, Director of Maintenance and Planning for the Lemont Park District, said the reason why they are looking for the extra space is for viewing and access into the park. They felt the extra 60 feet would help. When standing on the west end now you can view all the way across to the east end. Another is this community likes to go from park to park so they needed someplace for them to park other than on the streets. The Park District felt that a parking lot would be beneficial for the community and not just the subdivision.

Chairman Spinelli asked if the 100 feet was sufficient for what the Park District was looking for.

Ms. Banks stated they are appreciative of the work that the developer did do to get the extra space for them.

Chairman Spinelli asked if they had any plans yet for that area.

Ms. Banks said they just finished their Master Plan and it is in that Plan to work on a playground out there but it is not for a couple of years.

Chairman Spinelli asked if they are envisioning it as more of a tot lot or a neighborhood park.

Ms. Banks stated the 8,000 to 10,000 square foot pad that they had requested is the size of Rolling Meadows which is a little bigger than the park that is out on Black Smith. It will be from the ages of 2 to 12; however that can change because they always go to the community for their design process.

Chairman Spinelli said he also noticed that someone from the Park District is requesting that the applicant provide the paved parking and the paved path.

Ms. Banks stated just the paved parking lot and the graded pad for the sidewalk into the graded pad for the playground. The sidewalk would be put in when the playground goes in.



Rose George, 13728 Dublin Drive, said she was the first person in her subdivision. The house to the east of her moved-in in June and the neighbor to the west moved-in in August. At that time they had set the lot lines for their fence line. They are five feet into their lot, however when Mr. and Mrs. Schonebacker lived there they had given all three of them 20 more feet of their property. It has been reassessed and she is currently paying taxes on it. Now there is an additional 25 feet that belongs to her from her fence line. She asked what is going to happen to that property.

Chairman Spinelli stated if she still owns it then nobody can develop it. If it was recorded at the County and there is a legal document that states you own that property then this developer has no right to the property.

Jeanette Daubaras said she has been in Planning and Zoning for over 35 years and is an attorney. What she sees up here is nothing like what they envisioned for that piece of property. The other fact of the matter is she lives at the end of Derby and when this property first came up for development the center of the property was 23 feet higher than her property. She was very concerned about flooding and still is. There was also never to be an entrance off of Derby Road from this development. Derby Road is not a dedicated road and Cook County does not recognize that as a road. That is part of the reason why there was not suppose to be an exit onto the road. The lots that face Derby Road because they are in unincorporated Cook County should be 40,000 square feet lots to match the zoning. She asked if they were familiar with the subdivisions to north and east which are all an acre to  $\frac{3}{4}$  size lots. Unfortunately, she had stopped coming to the meetings to explain to people how they were going to do this. Personally she would have never approved this and this subdivision changes the nature of the area. There is another meeting going on tonight in regards to the Palos Park annexation. There is a neighbor in the area that has a farm and he has a plan for his property to put condominiums that are 40 feet high, townhomes, and single-family homes. He tried to come through Lemont once and at that time Lemont said no because it was totally different than what the area is. She is concerned that if you start diminishing the size of the lots and they get annexed into Palos Park then they are going to have a really hard time supporting their argument. She asked if this proposal had its Final PUD.

Mrs. Jones stated this land plan was part of the annexation agreement which was amended in 2012. MI Homes who purchased the property came to the Village in 2014 and in August of 2014 they were approved for the Final Planned Unit Development. It did not include any changes to the previously approved site plan from 2012. They have been constructing homes on this site and the Village has issued 40 building permits for this site. This site which is know as the Kettering Plan, was originally approved for 250 homes back when owned by Montebano and is now only 241.

Ms. Daubaras said there was another developer after Montebano that had pulled out and now the current owner owns it. Montebano was never approved by anybody. Lemont annexed it in but when Montebano wanted to build there were people calling them telling them that the homes he had built elsewhere were nothing but junk. She stated

they had fought vigorously to keep him out. With Planning and Zoning you are never to put up something that will bring other property values around it down. She asked if there were 30 foot back yards for all of these lots.

Mrs. Jones said the smaller lots have 25 foot rear yard setbacks.

Ms. Daubaras stated the people on Red Drive have one acre lots and they are going to have something built within 30 feet of their lot line.

Mrs. Jones said no they won't because in 2012 the Village required a buffer between the medium size lots and the lots on Red Drive. As well as on the south end there is the woodland preserve and there are detention basins. There are very few lots that immediately back up to another unincorporated large lot. The Village did that trying to balance the interest of providing a cluster style development that preserved quality open spaces while still be understanding of the neighboring properties that have established large lots.

Mrs. Jones stated the only thing that is up for consideration tonight is the switching from the 17 lots to the 19 lots, the garage requirements, masonry requirement and the reduced deck setbacks.

Ms. Daubaras said she understands this and had tried to make an appointment.

Mrs. Jones stated she did return her call.

Ms. Daubaras said she just wants to make it known that Red Drive also has one acre lots. Someone had stated that there are only 25 homes that can have access to Derby Road, however there are only 28 homes in the entire subdivision and Derby Road is the only inlet and outlet to it. This is going to add a tremendous amount especially if they are going to allow access into that area and then into the park.

Mrs. Jones stated that access through there is only for emergency vehicles. There are only 19 lots that can enter onto Derby from this subdivision. She said she would be happy to set up an appointment with her to go over it, but that is not their focus here tonight.

Ms. Daubaras said she wants to make sure everyone knows that those lots along Derby should have been 40,000 square feet. The last detention pond in the southwest corner backs up to her neighbor across from her on Derby. She just wants it known that they have seven children and they also have a lower level, so she is not sure where that drains to.

Greg Nicklas, 13211 Red Drive, stated their properties had to be annexed in order for this whole thing to happen for the Village. At that time they believed this would be a great thing because they felt they were getting the shaft from the county. They were told that they would get various things and it would be a nice development. He feels

this is a nice development, but is disappointed with the lot sizes. He has gone through so many iterations as residents living in the adjoining areas of what is or not going to happen. Finally, as Ms. Daubaras said, many had just given up. Every time there is something that goes on everyone wants to grab more. It is good for the Park District and the developer but lousy for the people in the area. He stated just make it a good development so everyone in area can be proud.

Debbie Quaid, 13205 Derby Road, said she would like to thank Commissioner Maher and McGleam for keeping up the idea of the lot sizes. There have been a lot of changes with this whole development and they have been coming to these meetings since they moved in back in 1999. She is concerned about her home value. The lot sizes were supposed to bigger originally and it has changed. She does not understand why they are decreasing these homes for six parking spots for this whole development. There are no other parks around that have parking spaces. She does not understand how decreasing more home sizes is going to help for six parking spaces. She stated they had annexed into Lemont so they would protect their property and she hopes that they do.

Guy Petruzzelli, 13835 Dublin, Homer Glen, stated he has been coming to these meetings as often as he can. Every time they come, there are more concessions made to make this development happen and it was even mentioned by the Commissioners. There were a couple of things that were promised to them earlier. One was that Parker would be a four lane road from Dublin to 131<sup>st</sup> Street and there would be a stoplight there. He said someone is going to get killed there if they don't slow down the traffic that is coming down 131<sup>st</sup> Street unrestricted from Archer Ave to Bell Road. There is a lot of traffic that comes down Parker because it goes all the way to I80. There is no way an emergency vehicle can get into Erin Hills if there was some catastrophic event that shuts down Parker. This was mentioned to the developer and they had talked about an access into Erin Hills for this reason.

Chairman Spinelli asked if he was talking about the south property line of this development.

Mr. Petruzzelli said yes.

Chairman Spinelli stated this was already in progress when he joined the Planning Commission. In the meetings that he was present for the residents to the south wanted no connection to this development because they were concerned traffic would cut through their neighborhood.

Mr. Petruzzelli said he is not talking about daily traffic, only emergency vehicles. He was just asking the developer take a look at this. He is not sure how the other residents feel about this and this is his own personal opinion. In regards to the issue why they are here tonight he is against it. He does not feel that their financial numbers are that tight that sacrificing that much more property would hurt them. He thanked them for the additional landscaping on Parker; otherwise it would have been ugly looking into that development.

Brian Simone stated he lives in Erin Hills. The point is being missed about what they are talking about here. Adding two more houses is changing the whole demographic of the area. It is going to be all small row homes through this whole bottom part. The developer is trying to sell you on the fact that they are trying to help the Park District out. At the last meeting for this development, he had brought up the fact that there was no parking for this park. Nobody had an answer at that time which was a year ago and now this is being brought up. Everyone is concerned at how this development is going to look with all these row homes here. They think that they are doing us a favor by putting all that extra landscaping in, but they did it so they can make their property look better so they can sell the homes. He wants to know how many more times are they going to have to come here for all these changes. This is the plan and they have to deal with it. Ms. Daubaras brought up the fact about the road not being wide enough and has anybody looked into that. It feels like we have given this developer a free pass to do whatever he wants here. It needs to end so they don't end up back here in six months when they can't sell any houses. He is concerned at that fact that anybody would be concerned about their bottom line. If they are going to be in the negative because of these two lots then this development could go belly up and then what happens after that. He feels they should donate a lot and they have inconvenienced them enough.

Bruce Biwer, 13527 Oak Ct., said he lives on an average size lot which is 54,000 square feet. He finds it amusing that they are talking about going from large to small lots. There are lots across the street that are an acre. He has at least 50 to 60 feet between the houses where he lives and his house has 400 feet across the back with a retention area in the back. The water that Ms. Daubaras talks about ends up in his yard. He was trustee of the Township when this development started and he has been watching it for years. When it first was talked about they had made promises to residents that had annexed. There was suppose to be no access to Derby Road and now there are going to be 19 homes. The point he wants to make is they keep getting nickel and dimed. The developer keeps getting more and the residents keep getting less. There is a meeting over at the community center in regards to Palos Park. He asked why is the Planning and Zoning Commission not there and why didn't they plan around that. What he can see is that Lemont is just looking at the bottom line and not the aesthetic qualities. Then they expect people to come and help them fight against places like Palos. He can actually bike to Homer Glen and do shopping but he can not do that with Lemont and he is just as close. When he was on the Township Commission they had tried to talk to the Village about bike paths but they had said their streets are too narrow for bike paths. He appreciates their time and has been on the end of this. However, the people that live around this are not very happy. He understands that it could be worse but he would like to make it better.

Gary Schlesselman stated he lives on Dublin right along where the small lots are going. He asked what the developer is doing in regards to the water shed.

Chairman Spinelli said the development has to contain its own stormwater. Whatever water runs off of the lots has to be collected with their storm sewer and be directed into their retention basins before they are released from the site.

Mr. Schlesselman stated then he should not have any problems.

Chairman Spinelli said he should not receive any water coming off of someone's patio.

Commissioner Sanderson stated if he starts to have any problems then he needs to contact the Village right away.

Mrs. Schlesselman said there has always been a natural flow of water that would go through the back of the yard. Now there is a mountain that has been behind their house for about a year and half. It is very weedy and full of junk.

Mr. Nicklas stated nobody has talked about the traffic that is going to coming out onto Parker. The average home where people live is about two cars per family. There will be approximately over 500 cars including garbage trucks, mail trucks, and delivery vehicles going to that property. If there is nothing going to be done with the traffic on Parker then people are going to try and cut through on Huntmaster and come out by Fox Hills. The people that live in Fox Hills and Fox Point are going to be complaining and you will hear about it. The problem at Parker and 131<sup>st</sup> is not going to go away and it will only get worse.

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

Mr. Pagoria declined.

Chairman Spinelli asked if any of the Commissioners had any more questions or comments for the developer. None responded. He then called for a motion to close the public hearing.

Commissioner Maher made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 15-13. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Commissioner Kwasneski asked staff if any other park had a parking lot.

Commissioner McGleam said there is not one at the Glens of Connemara.

Chairman Spinelli stated there has been complaints of people using the parks and parking in front of people's house even though it is a public street. It is proactive by Park District to ask for some spots and he feels that 50 feet of pavement is not that big of a deal. He also likes the idea of having an open vista to the playground area for public safety. He does not like the 40 foot access points. The residents might not see it but he believes it is a benefit to that area once the Park District has the chance to develop it.

Commissioner Maher said the Northview Park has parking as well as Covington.

Chairman Spinelli stated in regards to the Northview Park which was recently redone, the residents on the north side of the park had requested the Village to not allow parking on that street for people to access the park. The park is being redone and they are adding more parking to the facility because the neighbors around the park do not want people to park on a public street to access a public park.

Commissioner McGleam asked if those parks were similar to what is being proposed here.

Discussion continued in regards to the different size parks and parking.

Commissioner Kwasneski asked if they felt six stalls were enough.

Chairman Spinelli said there is still on-street parking at the other entryways.

Commissioner Sanderson stated there was a listing of parks. He asked where this park ranks among them.

Mrs. Jones said she thinks it would be considered a neighborhood park under the Comprehensive Plan. If the Park District chooses to build this out and put in a walking path then that is a different park characteristic rather than putting in fields which might be more active.

Commissioner Sanderson stated six spots is a good start, but he does not feel it is too many.

Commissioner McGleam said it could all change once it is all developed. He said he could see those six spots turning into an entryway with internal parking. He stated maybe the Park District should buy a lot and leave everything else alone.

Chairman Spinelli stated he does not see whether the Park District buys a lot or they get a lot they are still only going to have a 100 foot access. He does not see any planner recommending coming in with a driveway and a big parking lot back behind these homes. Unless the Park District bought two more lots north of what they were getting of the 100 foot wide and have a large opening on the west end there. He does not see any kind of off street parking than the six stalls that are being proposed. In Rolling

Meadows on various occasions there are about six to eight cars parked on the street surrounding the park with parents that have young kids that are using that park. Everyone in the neighborhood walks to the park people who live elsewhere drive to the park. The six stalls are good, but it will not solve all the problems. Again it is a public street for a public park. This developer who bought the property was not the original developer that all the residents are against. For good faith to the Park District the developer is making the effort by saying he will give them extra space in return for two more lots. The large lots are on average 90 and the medium lots are 75. He said they are talking about reducing these lots by 15 feet.

Commissioner McGleam said 15 feet times 19 lots is 280 feet.

Chairman Spinelli stated he understands that people like the larger lots. It never made sense to him to have a pod of the larger lots in this corner that are not connected to the larger lots on Derby. As a planner and engineer it never made sense. The medium lots would make more sense because you don't have isolated larger lots next to the smallest lot possible in the development. It is not a correct transition to go from smallest to largest to medium. It makes more sense to have this transition.

Commissioner Maher said he does not think they should change the masonry. Most of these requirements are for homes along Parker and Derby. Whether it is a large lot or a medium lot it was for a transition from the other subdivisions to this one. He stated they are talking about six homes.

Chairman Spinelli stated then his suggestion is to increase from the percentage and maintain the 25 structures.

Commissioner Maher said the way it was listed it was not looking for a percentage, but it was looking for a percentage along the main arterial roads in the area. He feels it should not change just because the interior lot sizes decreased.

Chairman Spinelli stated he agrees because he remembers having a long discussion about the masonry. It was to consider the perimeter lots to keep that in par to what people will be seeing driving by.

Mrs. Jones said the requirement is broken up between the large lots that are accessed from 131<sup>st</sup> and Parker and those accessed from Derby. It doesn't necessarily specify that it has to be the homes that back up to Parker or Derby. There are separate requirements for high visibility lots that require a rear enhancement. The masonry is a flat percentage for the number of large lots.

Commissioner Maher stated in regards to decks he feels they should not give the variance for the decks. This was expected coming into the subdivision when they approved the smaller lots. The deck sizes should remain what the requirements are.

Commissioner Sanderson said you are hurting the person who is buying the house. When you are buying a house you usually are not thinking about a deck when you are negotiating. It is usually afterwards that you realize your deck can only be a landing strip. He understands holding the developer accountable but he is not sure who is going to hurt from it. All of those houses are going to come in and ask for a variance.

Commissioner Maher stated these are the lots that were proposed and approved. The expectation on decks were there when it was built. When you build a walk-out basement you know you are going to build off your garage a deck. He feels if there is an issue then they need to adjust something else.

Chairman Spinelli said before this got approved by Village Board he does not remember having a discussion with this petitioner regarding decks.

Commissioner Maher stated he understands but most of the subdivisions currently under construction have a 15 foot side yard setback.

Chairman Spinelli said but when they have varied at 10 feet then they have allowed decks at 10 feet.

Discussion continued in regards to setbacks on decks.

Chairman Spinelli stated he can see the variance for the small and medium lots, but not for the larger lots.

Commissioner Kwasneski agreed.

Chairman Spinelli said if this does get approved, he would recommend that the parking area gets paved by the developer along with the pad and sidewalk being graded out. He asked if there were any more questions or comments. None responded. He then called for a motion for approval.

### **Plan Commission Recommendation**

Commissioner Sanderson made a motion, seconded by Commissioner Zolecki to recommend to the Mayor and Village Board approval of Case 15-13 Kettering Subdivision PUD Amendments and Phase II Final Plat with the following conditions:

1. Prior to final Village Board approval the applicant shall submit final grading plans for Phase II for Village approval.
2. The reduced deck setback shall only be applied to medium and small lots.
3. The number of side load garage will be 26 to maintain at least 33% of large lots with side load garages.
4. The number of large lots to have first floor masonry on all elevations will stay at 25 lots and the percentage will go up.
5. The developer must pave the parking stalls and grade the sidewalk and the proposed pad area.



A voice vote was taken:

*Ayes: Sanderson, Zolecki, Kwasneski, Spinelli*

*Nays: Maher, McGleam*

*Motion passed*

## **B. 15-08 Estates of Montefiori Final PUD**

Chairman Spinelli called for a motion to open the public hearing for Case 15-08.

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

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Ms. Milway said on August 10, 2015 the Village of Lemont approved a preliminary plat/plan for 52 townhomes and 35 single-family residents. The development is located at the intersection of Archer and Bell Road. Two UDO exceptions were part of the preliminary approval. The first was setback requirements for single-family interior side yards shall be 9 feet. Second, single-family lot sizes shall be as indicated in the site plan (typical size is 11,700 square feet). The preliminary plan PUD also identified the following conditions for approval.

1. Prior to final plat approval, a final engineering, landscape and subdivision plans shall be submitted and approved.
2. The applicant shall establish a HOA (Homeowners' Association) for the townhome prior to the issuance of a site development permit to maintain the common areas including Outlots A, B, the walking path located at Outlot C, the emergency access located at Archer Ave and the maintenance access located at Main Street.
3. Prior to final plat approval, a tree preservation plan shall be submitted and approved. The plan shall include provisions to preserve the existing trees in fair or better condition located within 10 feet of either side of the property line between the townhomes and single-family detached units (generally the rear lot lines of 31-35 and 43-50, and west lot line of the lot 36). If such trees cannot be preserved, the petitioner shall comply with the tree mitigation requirements of the UDO.
4. Prior to final plat approval, a landscape plan shall be submitted and approved. The landscape plan shall include a walking path around the detention pond located in Outlot C.
5. Prior to final plat approval, subdivision plat shall be submitted and approved.

The ordinance also requires the following anti-monotony standards for the single-family homes.

1. At least 13 of the single-family detached homes shall have side load garages.
2. No more than 11 single-family detached units shall have three-car front loaded garages.

It also required additional requirements for exterior materials and features.

1. All elevations of the single-family detached unit constructed on lot 5 shall be constructed with masonry extending from grade to the top of the first story. Of the remaining single-family detached units 12 units shall NOT have a minimum first floor masonry requirement; however, single family detached units constructed with less than 25% masonry on all elevation shall be subject to further design guidelines.
2. Brick and stone veneer shall be anchored.
3. When a single-family detached unit includes masonry on at least 40% of the front elevation, such masonry shall be extended to all elevation of the detached unit.
4. Siding shall be cement fiber board.

Ms. Milway stated on August 24, 2015, Ascend Real Estate Group submitted an application for Final PUD approval as the contract purchaser. No changes are proposed to the preliminary PUD plan. Therefore, the PZC's scope of review shall be limited to reviewing the final landscape and engineering plans for consistency with the approved preliminary plans. Also, reviewing the residential design proposal as presented for consistency with the approved preliminary PUD.

Ms. Milway said the site plan is consistent with the approved preliminary PUD. However, there are changes that have occurred after the PZC's review in June. The applicant is proposing a 30 foot emergency access drive for the use of the Lemont Fire Protection District or other emergency agencies. It will be 85 feet east of the proposed entrance to the development. The plans also include a 15 foot wide paved maintenance access drive from Main Street to Outlot C. The grade of the proposed maintenance drive is 15%. The applicant is also including a walking path around the detention facility.

Ms. Milway stated the Village Engineer is satisfied with the engineering plans submitted for final approval. He does comment initially that Cook County DOT will need to approve the non-perpendicular access from Archer Avenue at the main entrance. Additionally, he noted that prior to the change of the maintenance access from 20% to 15%. The engineer has not reviewed the 15% access. Lastly, the final grading plans for the individual lots and WMO permitting will still need to be finalized. The Fire Marshal identified the right provide comment with respect to utilities and other applicable fire/life concerns at an appropriate time, The Fire Marshal indicated that the turning radius for emergency access off of Archer Avenue must be sufficient for the fire apparatus; however, he did not comment whether the submitted plans were or were not in compliance.

Ms. Milway said the existing tree survey identified 3,263 trees; 41 of which are proposed to be preserved. The bulk of the 41 trees are located along Main Street, therefore, 3,222 trees are proposed to be removed. The Village Arborist and she had conducted a site visit with project engineer and the landscaped architect on the site. The three discussion items were the proposed plantings in the Outlot C's detention pond, the undisturbed area indicated in the northwest corner of Outlot C and lastly the existing

trees located between the single-family and townhome lots. The Village Arborist proposed a change from the low profile prairie mix to a “no mow” mix to the area surrounding the detention pond. The “no mow mix” will generally reduce the amount of maintenance in that area. The applicant indicated both at the site visit and in the subsequent letter she received that the change in plantings have been recorded in the revised plans.

Ms. Milway stated looking at the Outlots, C is the largest of the three. The approved plan did not include a preliminary tree mitigation plan. The plan is required as a final condition of the PUD. The site has numerous trees many of which are designated to be removed due to grading. One area in the northwest corner of Outlot C is labeled as undisturbed from grading activities with only one tree being preserved in the area. This undisturbed area is an opportunity to preserve existing trees. Staff recommends that the applicant revise the tree preservation plan to maintain existing trees of fair or better condition in the undisturbed area indicated on the plan. The applicant had agreed at the site visit and in the letter received by staff to treat this area as a woodland restoration area. This means that the trees that are in good or fair condition are to be maintained through pruning or removal and replant additional trees in varieties and sizes to restore the area to a woodland state.

Ms. Milway said the project landscape architect had submitted a letter to that effect today and has indicated that an additional 73 will be preserved. This will increase the number of preserved trees to 114 trees. The final is that the preliminary PUD required trees of fair or better condition within 10 feet of either side of the property line between the townhomes and single-family be maintained if not they must meet the preservation requirements in the UDO. There are 7 trees that meet these qualifications, none of which are proposed to be preserved by the applicant. Thus they need to mitigate with an additional 26 trees. The applicant has within his letter and on the site visit confirmed he will comply with the 26. The Village Arborist and the project landscape architect will walk the site again before final grading and stake any additional trees that could be preserved through grading.

Ms. Milway said as previously stated in regards to residential design standards a selection of anti-monotony standards were approved as part of the preliminary PUD. Staff is proposing the following additional standards to finalize the single-family standards to section 3C preliminary ordinance, so that is just the exterior materials and features. It would change from what was presented earlier to this:

1. All elevations of the single-family detached unit to be constructed on Lot 5 shall be constructed with masonry extending from grade to the top of the first story. Of the remaining single family detached units 23 or 65.7% shall be constructed with masonry extending from grade to top of first story on all elevations and 12 or 34.3% units shall not have a minimum first floor masonry requirement.

Single family detached units constructed with less than 25% masonry on all elevations shall be subject to the following additional requirements:

- a. All windows shall include trim that is at least 3” wide.

- b. Window shutters shall be no less than half the width of the adjacent window. Windows with shutters must have shutters on both sides of the window and the shutter shall be same size.
- c. When the front elevation of a home includes a cornice, trim board/belt course, lintel, eave bracket or other similar ornamentation, such ornamentation shall be present on all elevation of the home, unless explicitly inappropriate to the other elevations.

All of the other requirements from the preliminary would be required, in addition to the section just listed.

Ms. Milway stated as the application is substantially conforming to the Preliminary PUD staff is recommending approval with the following four conditions listed in staff's report on page seven.

Chairman Spinelli asked if all three Outlots will be maintained by the HOA.

Ms. Milway said Outlots A and B will be maintained by the HOA. Outlot C the Village will take over after the establishment period and possibly the maintenance access drive otherwise the bulk of that area will be maintained by the HOA including the walking path.

Chairman Spinelli stated his concern is with the walking path. On the preliminary plat it was indicated that the path was an eight foot wide crushed path. The final plat now indicates that it is only five foot wide crushed limestone path. His concern is that being limestone eventually if not properly maintained it will be reduced significantly by vegetated growth within the limestone. He asked if there was a requirement that the path must be maintained and exist.

Ms. Milway said the HOA will be required to maintain the walking path.

Chairman Spinelli stated his other concern is being limestone, on the grade that the proposed path is at, being place on top of the detention basin and going through the overflow of the detention basin there would be significant maintenance for the HOA. They will have to constantly repair the limestone similar to what the Forest Preserve has to do because the limestone washes away. He is not telling the developer that he has to put in asphalt. But reducing the path to five feet should not be done because you are going to lose the edges anyways. He feels it should go back to the eight feet and as long as it is not the Village's responsibility or liability then the developer can put whatever type of material he wants.

Commissioner Zolecki said he had a question regarding the additional recommended design standards. He had asked if anything been presented as to what the single-family homes will look like.

Ms. Milway stated the developer had requested that 12 single-family units shall not have a minimum first floor masonry requirement. Although, they are not adopted the

proposed house plans as part of the PUD, he is planning on following the required UDO requirements. The bulk of his proposed homes do propose quite a large amount of brick. There are only a few house styles that do propose a bulk use of siding. Therefore the request was met that they were asking for.

Commissioner Maher said on page three it states there are no changes proposed to the approved preliminary PUD plan. He asked if that was the PUD plan from the Village Board.

Ms. Milway stated that is correct.

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**

Walt Rebenson, CEO of Ascend Real Estate Group, said in regards to the 12 homes that shall not have a minimum first floor brick that is not required. If they choose to they can do up to that amount. It could end up that all 35 homes are done in all brick. He did present two homes at a previous meeting that were craftsman style, which still have a fair amount of stone or brick. As far as the walking path, staff had wanted to create some usable open space. As the engineers looked at how to place it because of the slopes they decided to put it at the top of the berm rather than the basin. It created an expansion of that berm and that is why they proposed five instead of the eight. The last concession was that the HOA has to maintain it and there will be landscapers out there during the spring and summer.

Chairman Spinelli stated he is not opposed to the five feet, however seeing gravel paths, weeds do not get maintained. He strongly suggests that the overflow is a hardscape and not limestone.

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

### **Public Comment**

None

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

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam 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 stated he appreciates the effort in getting more trees preserved.

Commissioner Maher said he agreed.

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

### **Plan Commission Recommendation**

Commissioner Maher made a motion, seconded by Commissioner Sanderson to recommend to the Mayor and Village Board approval of Case 15-08 Estates of Montefiori Final PUD with the following conditions:

1. Maintenance access off Main Street be graded as approved by the Village Engineer.
2. Revise landscape/tree preservation plan to either preserve the existing trees of fair or better condition within 10 feet of either side of the property line between the townhomes units and single-family detached units (generally the rear lot lines of lots 31-35 and 43-50, and west lot line of lot 36) or add the 26 additional trees to provide the required mitigation.
3. Revise the tree preservation plan for northwest corner of Outlot C to preserve trees of fair or good condition from the proposed undisturbed area north of lots 20-22 and south of Main Street.
4. Comply with the final residential design guideline as noted earlier in the report.
5. Add hardscape to the overflow on the walking path.

A voice vote was taken:

*Ayes: Maher, Sanderson, Zolecki, Kwasneski, McGleam, 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 15-13 and 15-08 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

## **IV. ACTION ITEMS**

None

## **V. GENERAL DISCUSSION**

**A. Update from Village Board**

Ms. Milway said Lemont Nursing will come before the Village Board on September 28<sup>th</sup>. The UDO amendments were approved on Monday, September 14<sup>th</sup>. Dunkin Donuts was also approved on September 14<sup>th</sup>. They were required to comply with tree preservation and cross access easements. There was one change to their building façade where they added a few additional windows. They also moved the entrance and the easement line up to add the extra space for turning.

Commissioner Sanderson asked what happened with signage for Dunkin Donuts.

Ms. Milway stated they did come down and meet the UDO requirement.

Chairman Spinelli asked how it went with the Forest Preserve.

Mrs. Jones said Lemont did have a good showing. The general consensus was that Lemont made a very good impression at the Forest Preserve District meeting. They did not vote on it that night. They referred it to their real estate committee so the earliest it will come back up is early October.

Discussion continued in regards to the boundary and property lines for the Village.

**VI. AUDIENCE PARTICIPATION**

None

**VII. ADJOURNMENT**

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

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*