

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of March 19, 2014

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, March 19, 2014 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 greeted the audience and called the meeting to order at 6:31 p.m. He then led the Pledge of Allegiance.

**B. Verify Quorum**

Upon roll call the following were:

Present: Kwasneski, Maher, McGleam, Messer, Spinelli

Absent: Sanderson and Sullivan

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

**C. Approval of Minutes from the February 19, 2014 Meeting**

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to approve the minutes from the February 19, 2014 meeting with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS**

Chairman Spinelli thanked Commissioner Sanderson for filling in for him last month. He then asked the audience to stand and raise his/her right hand. He then administered the oath.

**III. PUBLIC HEARINGS**

**A. Case 14-02 – 931 Singer Ave. Variation.**

A public hearing for variation to allow a proposed detached garage to be accessed from the street as opposed to the alley as required by code in the R-4A district.

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

Commissioner Messer made a motion, seconded by Commissioner Maher to open the public hearing for Case 14-02. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mrs. Glas, Planner for the Village of Lemont, said the variation is to allow a detached garage to be accessed from the street as opposed to the alley as required by the R-4A district. She had then shown pictures of the proposed property on the overhead screen. She stated to the west is Singer Avenue and to the south is Peiffer. The applicant is requesting a variation to allow access onto Peiffer. Staff in reviewing the request finds that there is a demonstrated hardship on the property in its surroundings. She said there is a utility pole where the alley is and a guy wire that limits the access from the alley. The distance of the utility pole to the corner is about 20 feet and the guy wire is an additional 20 feet. Additionally, the character of the block faces Singer Avenue with the majority of the homes having access from the alley. Mrs. Glas stated the majority of the homes on Peiffer do have access along Peiffer. Staff is recommending approval in that all three standards for the variation have been met.

Chairman Spinelli asked if the Commissioner's had any questions for staff.

Commissioner Maher said in the staff report there was mention of a cut out on the curb. He stated he did not see a cut out.

Mrs. Glas stated there is a picture in the staff report that shows a slight depression and the curb would have been off of Peiffer. She said it is an area where the previous garage had access.

Chairman Spinelli showed Commissioner Maher where the curb cut or depression is. He then asked the applicant to step forward.

Tracy Nappier, 12500 Briarcliffe Drive, Lemont said she was hoping that the Commission would approve the variation request for the driveway. She stated that staff did a good job with presenting.

Chairman Spinelli asked if this variance was granted can the garage be built without the primary residence being built.

Mrs. Glas said that the home would have to be built. She stated the applicant wanted to get assurance that the garage would be permissible the way she wants it prior to submitting a building permit for the home and garage.

Chairman Spinelli asked if any of the Commissioners had any questions for the applicant. None responded. He then asked if there was anyone in the audience that would want to speak in regards to this Case. None responded. He then called for a motion to close the public hearing.

Commissioner Maher made a motion, seconded by Commissioner McGleam to close the public hearing for Case 14-02. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Spinelli asked if there were any further comments or questions. He then called for a recommendation to the Mayor and Village Board.

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to recommend to the Mayor and Village Board approval for a variation to allow a detached garage to be accessed from the street as opposed to the alley as required by code in the R-4A district. A roll call vote was taken:

*Ayes: McGleam, Kwasneski, Maher, Messer, Spinelli*

*Nays: None*

*Motion passed*

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to authorize the Chairman to approve the Findings of Fact for Case 14-02 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**B. Case 14-03 – Chicago Blaze Rugby Club Variations.**

A public hearing for 10 variations pertaining to the redevelopment of the site. The redevelopment includes the construction of a new clubhouse facility and associated parking.

Chairman Spinelli called for a motion to open the public hearing for Case 14-03.

Commissioner Kwasneski made a motion, seconded by Commissioner Messer to open the public hearing for Case 14-03. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mrs. Glas said this variation request consists of 10 variations. The variations are related to the redevelopment on the site which includes the construction of a 4,738 square foot clubhouse facility and associated parking. She stated some additional background would be that the property was subject to an annexation agreement (O-11-98) which allows for the continued use of the site as a rugby club with athletic fields. There is an exemption for having to provide street lighting and parkway trees. It also requires 50 feet of right-of-way to be dedicated. She said paved parking and associated

interior parking lot requirements have been previously waived, but other UDO regulations do apply.

Mrs. Glas showed an aerial view of the site on the overhead projection. She stated north of the site it is unincorporated and it is zoned for single-family residential. East is the subdivision Rolling Meadows, south is the subdivision Smith Farms, and both of those are in the Village of Lemont. The property west is unincorporated which is zoned I-3 intensive industrial. The majority of the redevelopment will be happening on the western edge of the property, where the existing building and parking lot is located. She said the athletic fields and the existing vegetation to the east will be left as is.

Mrs. Glas stated some background information that is not necessarily pertinent to this case or variations but is worth mentioning is there is currently a property line dispute. The southern property line is in the difference of approximately two feet in the southwest corner and widens to approximately about ten feet in the southeastern corner of the lot. The proposed detention area is in close proximity to the southern lot line but is outside what is currently being disputed. Mrs. Glas showed on the overhead the location of the dispute. The Village Engineer is aware of the dispute and it will be closely monitored.

Mrs. Glas showed a picture of the site plan on the overhead. She said the redevelopment of the site includes a paved area and the other parking is to be left gravel. There is a chain link fence that exists which in a B-3 zoning that is non-conforming. She stated the applicant will be taking down a portion of the fence but wants to put it back up in a different configuration. Since it is non-conforming in a B-3 there is a variation request. She showed on the site plan the proposed detention area. Mrs. Glas showed the new facility. She stated there are two structures that exist on the site and will remain. The current clubhouse will be demolished to make room for the new clubhouse. On the submitted site plan, the 50 foot road dedication is not shown. She said at 50 feet the lot line would be where the parking lot is proposed. The applicant did state they would provide the road dedication but it has not been shown in the current plans and it will impact the site development.

Mrs. Glas stated in the staff report there are 10 variations that are numbered one through ten. She said all 10 of the standards are hardships that were created by the applicant. The first variation is the chain link fence that she had previously talked about. In redevelopment it will be pushed back some but will generally follow the same line. She said it is essentially put there as a barrier between the parking lot and the fields. The applicant states that reestablishing the fence is needed to maintain security at the sight and allow visibility onto the fields. Staff's position is that an aluminum fence or rod iron fence which is permitted in a B-3 would also provide this. Staff does not recommend approval of this variation.

The second variation is related to the illumination on the site. Mrs. Glas said off-street parking lots must be illuminated. Staff feels that having a parking lot with substandard illumination will negatively affect the general safety and welfare of the public. She

stated because of this it does not meet the standards for the variation and staff does not recommend approval. She then showed the submitted photometric plan and showed where the lighting does not meet the standards.

Mrs. Glas stated the third and fourth variations relate to landscaping around parking lots. Landscaping is required when there are more than 15 parking spots proposed. There is perimeter landscaping and interior parking lot landscaping. She said the requirement for the parking lot to be paved was waived so interior parking lot landscaping is not covered, however what is covered is perimeter. She showed on the overhead what staff has calculated as perimeter landscaping. Mrs. Glas stated there is no landscaping proposed around the detention pond area and the landscaping that is proposed does not meet the requirements for perimeter landscaping. Once the right-of-way is taken into consideration the landscaping would be in the right-of-way and not on the subject site. The applicant contends that due to their site location this requirement should not apply. While the site is situated in the periphery of the Village limits it is still in an area that is being developed and design standards including landscaping should apply. The applicant has failed to show hardship in terms as to why the required landscaping can't be provided. There are no site limitations that would prevent landscaping around the detention pond or perimeter. She said based on this staff does not recommend approval for the third and fourth variation.

Mrs. Glas said the fifth and sixth variations are related to the actual building design and construction. The building as proposed is 112 feet in length and the UDO states for every 100 feet there should be an articulation in the roof. She stated with this building there is no articulation in the roof. This was brought up to the applicant in November during a plan review when the first set of plans was submitted. The second set of plans that were submitted in January did not have a change and the applicant requested a variation. Mrs. Glas said the applicant had stated that given their location and proximity to residential areas they feel they don't need to do this. They feel the commercial design standards are more for downtown areas and not suited for what they are trying to do. She stated the downtown areas have a specific section for downtown so the commercial design standards would be applicable.

Mrs. Glas stated there is a section in the UDO that covers building entrances. It states that at least three design features are required for the building entrance. She said in the second submission there was an additional element that was added but it still does not meet the required three elements. The canopy roof is one of the elements. She stated the applicant again contends that given the location they should not be held accountable to the commercial design standards. The applicant feels that they do not fit that definition. In reviewing, staff finds there is no demonstrated hardship as to why those two features could not be addressed. Staff does not recommend approval of these two variations.

Mrs. Glas said the seventh variation refers to interior sidewalks. In the UDO a sidewalk is required from the building entrance to the public sidewalk as a means to providing safe pedestrian traffic access. The variation request is deemed to negatively

impact the safety and general welfare of the public. She stated anyone coming to the site would have to park and walk through the parking lots which the majority would be gravel. So the interior sidewalk is a public benefit and not providing one does not protect the public. As such staff would not recommend approval.

Mrs. Glas stated the eighth variation is in regards to windows. A minimum of 40% of the area between four feet and 10 feet in height on a building elevation facing the public street shall be comprised of windows that allow for views of indoor commercial space. Again the applicant is stating that their particular design is more in character with the residential design of the area. The applicant also states they have more windows facing east so people can see the fields which make more sense than the street. She said commercial buildings by their nature can be large and bulky so providing ample windows can break up that bulkiness of the building. Staff does not find a hardship and therefore does not recommend approval.

Mrs. Glas said the ninth variation is related to parking. No use shall provide off-street parking in excess of 140% of the minimum standards. The applicant is requesting a variation to allow for parking in excess of what is permitted. The minimum that is required is based on the use and in this case there are two uses. One of the uses is the clubhouse and the other is the athletic fields. She said the clubhouse by code is required to provide parking at a rate of one per 200 square feet of gross floor area and that amounts to 24 parking spots. In regards to the playing fields there is a standard in the landscaping architectural construction that references playing fields, soccer fields and lacrosse fields which are similar in size. It states there should be 16 parking spots per field at a minimum. Mrs. Glas stated that brings the total for the site to 88 parking spaces. The standard that they are asking a variation from is the 140% threshold so the maximum amount would be 123 parking spaces, which they are proposing 188 parking stalls. Parking has been a concern for residents in the area and they feel that it is inadequate. During tournaments people are parking on Pasture Street and walking over to the site. Staff agrees that parking needs to be evaluated, but they do not have information on whether this much parking is warranted for the use. She said staff does not recommend approval at this point.

Mrs. Glas stated the last variation refers to the public sidewalk. The applicant is not proposing to provide a public sidewalk. Staff feels that this will impact the public safety and should not be approved as a variation. She said the applicant contends due to their site location the requirement should not apply. A sidewalk from staff's prospective would better direct pedestrian flow and create a safer environment especially during high volume events. She stated that Smith Farms does have a public sidewalk. If cars park along Pasture to access the site, having a sidewalk that connects to what currently exists would help the pedestrian flow into the site. Staff is not recommending approval of the variation. Mrs. Glas said this would conclude staff's presentation.

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

Commissioner McGleam asked what the mechanism was for waiving the parking lot paving and interior landscaping.

Mrs. Glas said from what she understands is that the applicant came to the Village about three to four years ago with a concept plan. At that time there was an agreement made with the plans that were shown that gravel would be permissible.

Commissioner Maher asked if staff had an issue with not having any landscaping around the detention area or is it both.

Mrs. Glas stated it is both and that there are two variations. One is for the perimeter of the parking area to be landscaped and the other is for the landscaping around the detention pond.

Commissioner Maher asked if there was a liquor license and what are the restrictions with the license.

Mrs. Jones, Planning and Economic Development Director, said there is a liquor license but she is not familiar with the details of the license. The applicant might be able to answer that further.

Commissioner Kwasneski asked if parking was the only concern with the residents.

Mrs. Glas stated it was parking, access, and the volume of traffic during tournament events.

Commissioner Messer asked what the setback was for the detention pond.

Mrs. Jones said there is no setback.

Commissioner Maher stated it was mentioned in the packet about going to a PUD with this.

Mrs. Glas said when the applicant first submitted the application in January there were just three variations related to the building. In February staff received the revised site plan and the site plan still had issues that weren't addressed from the first November submittal. At that time the variations amounted to ten and it was recommended that the applicant consider changing to a PUD to be able to address some of the issues. She stated the applicant decided to go forward with the application for the ten variations and submitted a revised application.

Mrs. Jones stated the reason that staff recommended the PUD as opposed to the variation is because by State law variations have to meet certain criteria. One of the criteria is that there is a hardship that is unique to that property. This is a fairly high standard to meet. She said a PUD is more of a negotiated process, which provides

more flexibility. It encourages development that is more environmentally sensitive, economically viable, and aesthetically pleasing that might not be otherwise possible under strict adherence to the underlining zoning districts.

Commissioner Messer asked if there was an overlay that showed what the original agreed use is and what it is being compared to.

Mrs. Glas showed on the overhead where the existing buildings are and what is being proposed.

Discussion continued on where the existing parking is located.

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

Walt Rebenson, 1021 Edgewood Court, Lemont said he is a board member and also president of the Chicago Blaze Building Corporation, Inc. He stated he also has lived in Lemont for 25 years. He thanked the Commission and staff for meeting with them. He said they had started this project two years ago and had approached the Village at that time. Mr. Rebenson stated the Rugby club was formed in 1982. The ownership entity was formed in 1984 for the purpose of identifying 10 to 15 acres that they could purchase and build three to four fields with a clubhouse. He said they bought the original ten acres in 1986 and they were not annexed into the Village at that time. They added two fields, lighting, and a sprinkler system. The one building abutting the fields is an old horse barn that was converted into locker rooms and a serving area to the outside of the structure. He stated the old farm house was converted into their current club house which has a warming kitchen, bar, and two bathrooms. The original house dates back to 1882.

Mr. Rebenson said they bought an additional five acres on the north end of the property and added a third field with lighting. There are additional plans to put in a fourth field on the northeastern part of the property. He stated that is not part of the plan that is being considered tonight, but is part of their planning for the future. He said the Village had approached them about annexing into the Village possibly because of boundary issues with Lockport. He stated they did not want to be annexed into the Village but did so because they wanted to be good neighbors. At the time that they annexed in, everything west of I-355 was planned to be office/research or industrial. It was also the Cook County overlay long term plan, but a lot of it was agriculture at that time. Mr. Rebenson said when they agreed to the annexation agreement it was zoned R-4 special use with the athletic fields. There was an understanding that in the future if they ceased running a rugby operation and would want to redevelop it then it would automatically revert to office/research or industrial. He stated he is not sure when it happened but at some point ORI went away for that area and now it is B-3 and they were never legally notified of such change.



Mr. Rebenson stated their goal was always to create a facility that promoted athletics, specifically rugby. They were the first in the U.S. to have combined fields with clubhouse and have been used as a model for many different clubs. They have had players come from all over the world and have reinvigorated youth and high school rugby in the Chicago metro area. It has been an amazing growth over the past 15 years. He said they have worked with the Park District over the years and have had various soccer clubs use the facilities. Their goal 25 years ago was to create a sustainable plan to keep operating this facility. They have always strived to be a good neighbor and an asset to Lemont and don't expect that to change.

Mr. Rebenson said in order to continue this open use and athletic fields they knew they could not continue to survive without proper locker room, kitchen area and an area where people can get out of inclement weather. He stated it is also important to know the context of the area. The whole area was planned for ORI and not residential. At the time that Rolling Meadows and Smith Farms were proposed, he had attended the public hearing and opposed the zoning change. He said he did not feel it was compatible with their automatic underlying use if they decided to change. Mr. Rebenson stated they have always been concerned with residential because they do have lighted fields and tournaments. He said over the years they have been able to work through any issues. West of Smith Road is CITGO which is industrial with big holding tanks. He stated rugby plays mostly in the spring and fall with only a little bit in the summertime. Their use over the past 25 years has been only during five to six months out of the year. It usually runs from mid April to early June with a few summer events then picks up again late August to October. He said he does not see this schedule changing with the new structure.

Mr. Rebenson stated there are 15 players per team and on most Saturdays there are usually only one to two games. They do host two to four tournaments a year which will bring out more players and spectators. He said about 80% of the time, they usually only have 60 players out there.

Mr. Rebenson said out of the 15 acres they are only developing about 2.5 acres. They are adding parking in front of the new clubhouse and taking down two old structures. He stated by his estimate they are only increasing their actual building by about 40% by taking down two or three existing structures. This will be their biggest investment since they bought the property back in 1986. He said there are some unique things to their property and to their use. Mr. Rebenson stated he feels that the variances requested are unique to their site as well as to their use and it will not create precedence for the Village. He said the B-3 classification does not fit some of the elements of their use which was overlaid upon them at some point. There is not a separate use code with in the Village that pertains to their use. He stated he would like to go through and summarize each variance that is being requested.

Mr. Rebenson stated the whole premise of the building is to be able to look out at the fields which are east of the building. A lot of the glass is on the eastern side with sliding glass doors. On the south side are two locker rooms and on the north side are

two bathrooms as well as the kitchen warming area. The back of the building is really on the west side with the bar area along that wall. He said the main part of the building does have a vaulted ceiling which makes it harder to break that roof line. He stated he thought he was at 109 feet in length but there are the overhangs. He feels that the entryway which is over 13.8 feet in length provides the break in length which was the true intention of that code. It is approximately 16 feet high at its peak. He said he feels that they have met that code with the entryway. Mr. Rebenson stated it would be difficult to break the actual ridge of the roofline. It could be done, but it would be expensive and they would have to figure out where to do it because the middle part is vaulted. He said where they put the extra money in was in the material to help break up the façade of the building.

Mr. Rebenson said the next variance is defined as building entries. They have met two of the three requirements. He stated they can work with staff on possibly adding a third, but he is not sure what element they could add. They are willing to work with staff to try to eliminate this variance. He said there is one focal point on this building from Smith road and they would like to keep it this way.

Mr. Rebenson stated in regards to windows and the 40% minimum, they need this variance because the bar, bathrooms, and locker rooms are all on the north, south and west side of the building. The intent of the east side is to be open for viewing. He said this B-3 requirement is more for offices or retail and not for their unique use. They did break up the façade by using three different types of materials. Mr. Rebenson then showed the Commissioners the materials and colors they would be using for the roof and façade.

Mr. Rebenson said the fence was installed prior to being annexed into the Village. He showed the Commissioners where the current fence is located. They plan on only taking sections down temporarily to build the new building. He said they plan on taking out about 80 feet of the fence that exist already. They are not adding any additional chain link fence, but rather reducing the amount. There are a lot of families that come to watch with their children and dogs. The fence helps keep them from running out into the parking lot. He stated they could put up a wooden fence but after five years they start to deteriorate and require a lot more maintenance. The cost to switch out the fence is not necessarily a hardship, but they are already at the ceiling of what they could afford for this property.

Mr. Rebenson stated for the illumination standards, there are currently two small residential spotlights on the north side of the existing clubhouse. There is one small wooden pole on the south parking lot with two heads. He said they have been here for about 25 years with never an incident in their parking lot. They are putting 12 new lights on the façade of the building that will light a lot of the new parking area. They are also adding two new poles with three heads each. Those heads will be spotted where they will adequately light the parking lot. He stated having residential next to them; they worry enough about the field lights being on. They don't want to have to worry about more lighting spilling out onto those homes with the parking area lighting.

They play most of their games during the day and it is played only five to six months out of the year. He said there is an occasional night game and some practice use, but none of the tournaments are at night. The north and south parking lots will not be used that much so they feel they do have adequate lighting.

Mr. Rebenson said in regards to parking, they really don't have a problem with parking on normal games days. It is only when they hold these tournaments two to four times a year. He stated they do try their best from keeping people parking on Pasture even though it is a public street. Mr. Rebenson said when not all the homes were built some of the people felt they could cut through the empty lots. More of the homes are being built now though. He stated he does not think it is a negative to have adequate parking for the athletic fields. Smith road is a two lane road and it is too dangerous to park on it.

Mr. Rebenson stated he understands that public sidewalks are part of the code. He said their position is besides Smith Farms there are no other sidewalks. There are no sidewalks from 127<sup>th</sup> to 135<sup>th</sup> except for Smith Farms. He said if the whole area gets developed they would not object to kicking in a portion when the Village decides to put them in. He stated it does not make sense to impose this on them at this point in time.

As far as the internal sidewalks, he said he does not see any in other shopping areas like the Chipain's plaza or the Jewel plaza. He does not see how it protects the safety of people visiting their sight. He said even if you put something in they still have to cross drive aisles. Most people know how to walk through parking lots.

Mr. Rebenson stated as far as the landscaping for parking lots, they did make amendments to the Smith Road frontage where they included all the required landscaping. He said what Mrs. Glas is referencing is the area to the south. There is heavy vegetation already existing from Smith Road on back. He stated their parking area is set 52 feet back from that south boarder line. The two cell towers also have landscaping around them. Mr. Rebenson said he is not sure why they would have to take any of that out and plant more. For the north end, they are not developing that area. There is a gravel parking lot and then it is agricultural to the north. He said when you go north there is already landscaping there with trees and bushes. He stated the only area he could see is along the north edge and if the Village wanted some trees or bushes there then they can put some there. They can work with staff to figure it out.

Mr. Rebenson said the other landscaping issue was in regards to the detention pond. He stated he has built in Lemont before with his own business, not through Chicago Blaze, and has never had to landscape a detention pond. He said most of their site remains pervious because they are not adding much impervious to their plans. They pretty much self contain the majority of their water. The natural flow comes east and heads west between the two fields, then down in front of the clubhouse, and exits the south property line. He stated he thinks there is an inlet from Smith Farms that picks up any overflow from their property. Mr. Rebenson said they are putting in the detention pond because of the requirement but their property is pretty tight because of the fields. The

pond only goes down about three to four feet and then ties into that south property line. He stated a lot of people stand in that area or walk through that area and they envision it as a grassy area. Also, there will be a lot of balls kicked into that area too. There is player safety as well as spectator safety they need to be concerned about. It is a private detention area that they will be maintaining. He said he is not sure of the intent for the landscaping, but feels that they have unique circumstances with their athletic fields.

Mr. Rebenson stated in conclusion he feels that none of these requested variances even apply to athletic fields. He said if you look at several of the Park District facilities around town, a lot of the things that they requested they don't meet either. He stated he questions why they are being held to a different standard just because they were put into a B-3 zoning. He said he feels there is no precedence that is being set. It is very important that they try to keep their current use. The actual rugby club is a non-for-profit and they don't make any money. Mr. Rebenson stated the expanded parking should help solve some of the parking issues. He said they will be taxed at a higher rate. The property creates a buffer from the industrial that is across the street from them.

Mr. Rebenson said with this project they hired very reputable companies to handle the architectural work and the survey. That was when they were made aware of the Stone Lake Survey error. He said their survey was recorded and accepted by the Village. There is about ten or eleven feet on the southeast corner where Stone Lake overlaps onto their property and about two feet on the southwest side. He stated when they were aware of it they contacted Stone Lake and gave them all their drawings. After a month, they came back and admitted that they screwed up and as a result there are ten lots that are wrong along with easements. Mr. Rebenson said Stone Lake suggested that they just sell them some of their property at which point they stated no. He stated he has talked and wrote letters to the neighbors informing them of the error. They can not correct the mistake of their survey or title company and he is not sure where this stands. He said Stone Lake has stopped taking his phone calls. After talking with staff, if they grant four to five feet of easement along the whole south property line then all the improvements in place would be within the new easement so nobody needs to move anything. He stated they are willing to be accommodating to help resolve the issue; however they never hired Stone Lake.

Mr. Rebenson stated he would like to see this remain as open space and fields. He said if they are not allowed to move forward then it becomes unsustainable. At that point, they might have to look at turning it into something else. He asked the Commissioners to consider these variations and the overall context of the situation.

Chairman Spinelli asked if the building was going to be frame and brick and no pole barn.

Mr. Rebenson said yes it will be frame and brick with full sprinkler system and fire alarm. He stated they are putting in water and sewer. He said they have two well heads

and they are keeping one just for watering the fields. The building however will be tied into the Village.

Chairman Spinelli asked if any of the Commissioners had any questions.

Commissioner McGleam asked who the architect of record was.

Mr. Rebenson stated it was Rick Schmidt and Associates.

Commissioner McGleam asked if there was a zoning review done before they started designing.

Mr. Rebenson said yes there was.

Commissioner McGleam stated then they were aware of all the zoning requirements before they started designing.

Mr. Rebenson said they were not aware of all these zoning issues that came into play.

Commissioner McGleam stated he is use to the process of where you meet with the client and understand their need, go back and do a zoning and code review, then begin designing. He said it appears that they have skipped that step of understanding the zoning requirements and designed so they are not in conformance.

Mr. Rebenson said he is a real estate developer and he is very aware of what variances they were going to have to seek. He stated they tried to work through them with staff. He said their opinion is that none of these variances are that substantial and they are unique to their property.

Commissioner McGleam asked what their objection in regards to the PUD process was.

Mr. Rebenson stated he does not have an objection to the PUD process, but it came up kind of at the last minute. He said they had already filed for what they thought were five variances. At the last minute it grew into ten and he did not want to pull back from the process. He stated he consulted with an attorney in regards as to what else the Village can ask them to do. He said after several months dating back to November, it didn't seem like staff was agreeing with what they wanted to do. So they wanted to come before this Commission and get to the Village Board to get an answer. Mr. Rebenson stated for legality if everything is fine but we need to get it under a PUD then they will withdraw and file it under that. He said they do not feel that it needs to go under a PUD because their use is unique.

Commissioner McGleam asked how they are addressing the 50 foot setback requirement.

Mr. Rebenson said normally you have both sides dedicate what is needed. He said they are not aware of any expansion plans. The Village wants 50 feet but technically it

should be 25 feet from both sides. He stated the only property that he knows of that dedicated the 50 feet is Smith Farms, however they are fine with giving the 50 feet. The only thing that changes in their plan is that their new landscaping along Smith Road will end up five feet into that dedicated area. They will have to lose some of the parking spaces along the face of the building and they have no problem doing that.

Commissioner Messer asked won't that effect the north lot.

Mr. Rebenson stated they were not planning on changing anything on the north lot. Once it is dedicated it will go into their 50 feet, but for now they are saying to leave it instead of ripping out all the trees and landscaping that is there. He said they will put it in if they ever need to start using the 50 feet, which could be never.

Commissioner Maher said he is not sure if it works that way. He stated the point is the Village is asking for these things now to ensure that they get done. He said you certainly need a sidewalk going to the south so people can get into the subdivision to the south. He said you already admitted that you have people parking on that street and cutting through empty lots, so there is a need for the sidewalk. The north side is going to need to be put in when that farm converts to residential. There is a reason for these ordinances. Commissioner Maher stated you agreed to going into a PUD if we are all in agreement, but we are not in agreement. He said you are violating the UDO right now and you don't have a hardship. He said you would get a different answer from him if it was a PUD because he does not have to go in with the standards that there is a hardship. He stated he does not see a hardship. He said he supports active areas and feels they are doing great out there, but they are putting them in a situation. Commissioner Maher stated he can support one or two but not all ten of the variances.

Mr. Rebenson stated if they came in under a PUD and the Village still requested for them to put in a public sidewalk, an internal sidewalk and some of the other changes then they can't afford it.

Commissioner Maher said if you can't put in a sidewalk from a street that you have people parking on and walking into your parking lot, then you might want to look at other cost effective ways.

Mr. Rebenson stated he could see the Village asking them to put a sidewalk from Smith Farms sidewalk to the corner of their parking lot. He said he is sure there are residents present from Smith Farms that don't want to see any of their people parking on Pasture. He stated they are flexible but he feels that there are opposing things that they are trying to accomplish. They wanted to come tonight to get guidance, input, and to show the materials that they are using. He feels that sidewalks will never be used there and the property to the north is will have a difficult time being develop as residential. He stated you are asking to put the sidewalk in now. We are saying to put it in later when there is an actual plan for these other things to be developed.

Chairman Spinelli said in regards to the parking issue, in the past ten years most of the events during the summer, whether it is the high school or tournaments, there have been vehicles parking on Pasture Drive and Smith Road. The police department had to patrol both ends of Pasture. He stated not all those people walked through the mud to cut through. Those people were walking along Smith Road with the cars parked on the road. He said he disagrees with him when he states he doesn't need sidewalks on the front of the property. It is an unsafe situation that their facility is presenting. Chairman Spinelli stated public sidewalks are a requirement and he will not vote any other way. He said if this came in as a PUD they could work with him for adding a sidewalk from Smith Farms to the north paved parking lot entrance and doing the rest by a timeline.

Commissioner Kwasneski asked what is the latest time a practice or game goes till.

Mr. Rebenson stated they had night games that have gone till about 8:30 p.m. but the men can stay at the clubhouse till 10 or 10:30 p.m. The major tournaments are all done during the day.

Chairman Spinelli said at the Park District those lights have to be turned off at about 10:15 p.m. and are on timers. He asked if they would be opposed to any kind of restriction to their field lighting similar to what the Park District has.

Mr. Rebenson stated they would not have a problem. They are usually off the fields by 9 p.m.

Commissioner McGleam asked in regards to the internal sidewalk requirement where is it intended to go within the site.

Mrs. Glas said from the public sidewalk to the entrance of the building.

Chairman Spinelli asked since the property has three parcels, and they are proposing to build across the lot line of one and two, is there any requirement that they have to have a plat of consolidation prepared.

Mrs. Jones stated it is not required by the UDO, but they are encouraged.

Chairman Spinelli said they can do a plat of dedication for the right-of-way and still leave the remaining parcels as is.

Mrs. Jones stated if they so choose.

Commissioner McGleam asked if there was a requirement to do a PUD if you are developing over a certain square footage.

Mrs. Jones said there are mandatory thresholds for planned unit developments, but this one does not meet those requirements.

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

Mike McCormick, 16601 Pasture Drive, Lemont stated he would like to add to the record a copy of a letter from his attorney. The letter states that any of the variations that they are talking about tonight have nothing to do with the area that is in dispute. He said listening to the comments from the Commissioners they had said a lot of things that he would have said. He stated his concern is the public sidewalk and feels it is needed for safety reasons. People are cutting through the lawns constantly and he does not want his property destroyed. Mr. McCormick said parking is also an issue especially when they park on both sides of Pasture Drive. There is no way you can get emergency vehicles down that road during this time. He stated he has had people who were going to the Rugby Park that actually parked in his driveway. Overall they have had very few problems and he feels that Mr. Rebenson does a great job. He said the landscaping can go either way, but he does understand the need for it around the detention pond.

Jason Tomaras, 16602 Pasture Drive, Lemont said if the Village waives the lighting for the parking lots or eliminates the internal sidewalks and someone gets hurt, can they come back and sue the Village for approving it.

Chairman Spinelli stated it is his understanding that it occurs on private property so that property owner is still responsible for maintaining that property. It does not matter if they granted them a variance, so the Village can not be put into any negative situations.

Mr. Tomaras said he agrees with the parking. There are a lot of kids that live on Pasture now and there is a need for safety. He stated the fencing and landscaping are negligent. He understands it costs money but they do live in a nice Village and these ordinances do need to be followed. He said he loves the fact that there are athletic facilities there and it is good for the community overall.

John Bak, 16671 Pasture Drive, Lemont stated the issue he has is three to four times a year they have the huge tournaments. He said like it was stated they park on both sides and you can't get through there. He stated they usually use his backyard as the entrance. Mr. Bak said he addressed this and they have corrected about 90% of the issue. He does not have a problem with the lighting, but the parking is an issue. He stated he would definitely recommend the sidewalk on Smith Road.

Chairman Spinelli asked Mr. Bak if he or the residents had put up private property signs that he noticed along the curb.

Mr. Bak said the rugby club put those in.

Chairman Spinelli asked if that helped or reduced the problem.

Mr. Bak stated he was out of town then.



Bryce Elliott, 427 East Chicago Avenue, Naperville, said he is an executive for IYRA (Illinois Youth Rugby Association). He stated he was president of the Rugby Club many years ago for about 10 years. He said he is involved with promoting youth rugby across Illinois and he coaches about 500 kids. It is a very growing sport and there will be a huge need for more fields. He stated Naperville is addressing this issue now. Mr. Elliott said he would like to apologize to the neighbors in regards to the way they were treated with people crossing their lawns. He stated the Chicago Blaze did not rent to them this year because of the problems that they had over the past few years. He said they had to take their organization all the way to Rockford. Mr. Elliott stated human beings are lazy so they will take the shortest track to get anywhere. He apologized for anyone cutting through their lawns and said now that most of the houses are built hopefully they won't have this problem. He said as a community he feels they really need this here and they would be missing out if they don't build this here. Mr. Elliott suggested maybe limiting the parking to just one side of the street. He stated he is originally from New Zealand and the reason why he stayed in America was because he feels he can help promote rugby here. He asked the residents what you would rather have an old farm house that is run down or a brand new beautiful building. He said there is a lot of potential here and feels they would be missing out.

Chairman Spinelli asked if there was anyone else that wanted to speak in regards to this case. None responded. He then asked for the applicant to step back up to the podium.

Chairman Spinelli asked if they had any type of estimate of the amount of parking they currently have.

Mr. Rebenson said his estimate is that they can park about 80 cars and that is if you have people guiding the cars.

Chairman Spinelli stated some of the comments he has is that they have a lot of open space and they feel they have enough landscaping. He said whether or not you feel you have enough landscaping, these are the current requirements. There are creative ways where they could provide the amount of landscaping. It might not be around the parking lot but could be however along the building or south to help the neighbors. He stated for the detention basin maybe they could have their engineer take a look at it and do some kind of infiltration basin. It might not reduce the amount of detention that they have to provide but they might not need as much surface area. That could provide the safe walking area for the spectators.

Chairman Spinelli said as far as the fence, he does not like the chain link fence. He understands that rod iron is more expensive then chain link, but the split rail like at the Park District facilities is a nice looking fence. It seems to work very well and does the job. He stated earlier his opinion that the public sidewalks are a must. He said they can probably be creative where they provide the majority of sidewalk now and then the remainder at a later date.

Chairman Spinelli asked staff if they have the actual ability to look at the floor plan of the building. He would like to see if additional windows can be placed to meet the window requirement.

Mrs. Glas stated they do have a floor plan and asked if he wanted to see it.

Chairman Spinelli said not at this time but he wanted to make sure they did have it. He was wondering if they had the ability to see it so they can see if that requirement can be met prior to voting.

Commissioner Messer asked if it had to be an actual functioning window.

Mrs. Jones stated per the code you have to be able to actual see through it. She said what they have done with other developments is use spandrel glass. It looks like a window from the exterior but it is not an actual functioning window.

Chairman Spinelli asked if that was through a PUD process.

Mrs. Jones said yes.

Chairman Spinelli said he does like the additional parking that is primarily to the north. He stated with the parking lot lighting because the majority of the events are not in the evening, he is not too concerned about the low lighting. There could be some additionally lighting further north to expand it. Once the facility is closed he feels there should be minimal lighting for the parking lot and just security lighting for the building. This will help limit any lighting affecting the neighbors. Chairman Spinelli stated the last he has to say is the 50 foot right-of-way should be dedicated.

Commissioner McGleam asked if staff could elaborate on the variance for the entrance way.

Mrs. Glas said there is a list in the ordinance that list five specific elements. A canopy roof, which they are providing, three architectural features like stone façade, etc. She stated she does not have the actual list in front of her. She said of the three out five that is needed, they are meeting two and are asking for a variance for the one.

Commissioner McGleam asked the applicant if they had looked at the code.

Mr. Rebenson stated he will look at the code and is sure they will meet it. He said he is not sure what the five are.

Commissioner McGleam said he thinks this type of development because of its use and location really does call for a Planned Unit Development.

Commissioner Messer stated he would never give an approval based on the fact that there is no future provisions. He said 127<sup>th</sup> Street is a perfect example of this. He stated looking 24 years out he does see Smith Road wider.

Mr. Rebenson said they are obligated to dedicate the 50 feet.

Commissioner Kwasneski stated he would like to commend the Chicago Blaze for their service. He said this is exactly what they want, a destination place for people to go to. He said he concurs with the Chairman with the fact that safety is huge and the need for the sidewalk.

Commissioner Maher said from his perspective this is a PUD as well. There are a few variations that if this was a PUD they would be able to resolve, but as a general variance he has a hard time. He stated he feels they would be better off going with a PUD and working with staff to adjust a few things that are needed. He said they are definitely something that they would want to keep in the Village.

Mr. Rebenson stated the real purpose for coming here tonight was to get the feedback from the Commission and neighbors.

Commissioner Maher said in regards to the internal sidewalk his concern is that they have gravel parking lots. The problem is the pot holes that are in the parking lot. So as lighting is dimmed the further away you get there is a concern for safety for the public. He stated having an internal sidewalk makes sense and might be worth it because of the gravel parking lot.

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

Commissioner Messer made a motion, seconded by Commissioner McGleam to close the public hearing for Case 14-03. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Spinelli then called for a recommendation to the Mayor and Village Board.

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to recommend to the Mayor and Village Board approval for 10 variations pertaining to the redevelopment of the Chicago Blaze Rugby Club site. A roll call vote was taken:

*Ayes: None*

*Nays: McGleam, Kwasneski, Maher, Messer, Spinelli*

*Motion denied*

Commissioner Messer made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 14-03 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

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

None

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

##### **A. Comprehensive Plan 2030 Future Land Use Map**

Mrs. Jones said she wanted to get some guidance or feedback on some areas for the Future Land Use Map. She stated the first area is located by Ludwig Farms, Gleneagles and Mid Iron. She said the maps that they got from the workshops were inconclusive. The area is one of the key growth corridors along Bell Road. She asked if they felt this area was still a key commercial node.

Commissioner Messer asked if they knew what Mid Iron was zoned.

Mrs. Jones said she did not know.

Commissioner Maher said the two main corners of Bell Road are commercial and further south into Homer Glen it is commercial.

Mrs. Jones stated you don't want to line up all your arterial roads with commercial, however a more intense residential would be more appropriate or a mixed use.

Commissioner Maher said he would like to see more commercial out there than just those two corners.

Chairman Spinelli stated he could see Mid Iron as a mix being commercial and some low density multi-family with some townhomes. He said that property is locked between Bell Road and power lines. He stated the Glens of Connemara did not provide a stub or a connection to Mid Iron which then could have led out to Bell Road. He said that opportunity is gone now until Gleneagles is developed.

Mrs. Jones said some people at the workshop put the area as conservation design. She stated the other option they have is to leave it with an existing land use to what is existing there. Then when someone wants to develop it they come before them with a proposal. The down side is they have no guidance but the positive is they have ultimate flexibility.

Commissioner Maher asked what the Comprehensive Plan currently shows it at.

Mrs. Jones stated it is recreational because of the golf courses. She said she would also like some feedback on the Ludwig Farm. She stated the Village has seen some proposals for that property in the past and the area out there has changed substantially.

Commissioner McGleam said he likes the same as Glens of Connemara.

Discussion continued in regards to conservation design for Ludwig Farms.

Mrs. Jones said they will move on to the TIF district area. She stated one person had the Montefiore property as a mixed use, then another area as employment center. She said she feels that the Village is looking at retail/employment center or some sort of commercial use. She stated she is not sure if they would want to do some type of mixed use separate from that. The Montefiore property is a very unique piece of property and there has been some interest in it recently.

Commissioner Messer asked if the Montefiore property was in the TIF district.

Mrs. Jones stated it was.

Commissioner Messer asked what the acreage for the property is.

Mrs. Jones said about 20 acres. She stated if they would like to think about it for awhile, they could email her later, but she does see this site being redeveloped. She said she would like to see it something other than residential because the property is so unique. She stated they are continuing to market the property down in the TIF district for a variety of uses or for unique things. Mrs. Jones said she was surprised that in the last Comprehensive Plan it seemed like everyone wanted to get rid of the industrial along the Sanitary and Ship Canal. This time everyone put it on their map to keep it industrial. The other area would be east of the State Street and north of Archer Avenue. One map showed the area as employment center while the other maps were not labeled. She asked the Commissioners if they see this area as commercial or residential in nature.

Commissioner Maher stated because of the trees and vegetation in area he would like to see it as residential.

Commissioner McGleam said he saw it as commercial because of Archer Avenue and being so close to I355.

Chairman Spinelli stated residential right on State Street does not make sense.

Commissioner Kwasneski said he could see commercial as you get closer to Archer Avenue and residential as you get closer to 127<sup>th</sup> Street.

**VI. ADJOURNMENT**

Chairman Spinelli called for a motion to adjourn the meeting.

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

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*