

Village of Lemont
Planning and Zoning Commission
Regular Meeting of February 15, 2011

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, February 15, 2011, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Schubert led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Maher, Messer, Spinelli, Schubert

Absent: Murphy, Sanderson

Village Planner Charity Jones and Village Trustee Ron Stapleton were also present.

C. Approve Minutes

Commissioner Messer made a motion, seconded by Commissioner Spinelli to approve the minutes of the January 18, 2012 meeting with one change:

1. Page 4 Commissioner Sandberg to Commissioner Sanderson.

A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Sanderson showed up for the meeting at 6:33 p.m.

II. CHAIRMAN COMMENTS

Chairman Schubert greeted the audience. He asked everyone to stand and raise his or her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. Case #12-02—Timberline Knolls. A public hearing for a PUD and rezoning to R-4 for the Timberline Knolls residential treatment facility.

Commissioner Kwasneski made a motion, seconded by Commissioner Spinelli to open the public hearing for Case #12-02. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Jones stated that the applicant is requesting a PUD for the primary property that is developed. She said also there are two parcels that they are requesting to be annexed and rezoned to R-4. Mrs. Jones then showed on the map where the two parcels were located. Mrs. Jones gave some background information on the property. She stated that typically when there is a PUD request the property is usually vacant and has not been developed. She said back in 1987 when Four Winds (original development for this site) was initially approved it was part of an annexation agreement. Normally, a PUD agreement is adopted right after an annexation agreement is approved, however that did not occur back in 1987. For 20 years Four Winds, and then Rock Creek, were operating under the original annexation agreement which then expired in 2007. Mrs. Jones stated that last fall in 2011 Timberline Knolls came to the Village asking to add on to the Maple Lodge. She stated that is when staff discovered that they did not have zoning approval for their use and it is considered a non-conforming use at this time because their annexation agreement expired. She stated that the applicant is coming in to get the PUD to shore up the zoning for what is out there now and to continue to develop their site which has been consistent to what they have been doing over the past 20 years.

Mrs. Jones stated because there are a lot of people present for the public hearing she will go through the staff report with a little more detail than normally. She stated that one thing the Village looks in evaluating PUDs and rezonings is compliance with the Comprehensive Plan. She said that the Comprehensive Plan from 2002 shows the area as low density residential development. Further, in the Comprehensive Plan the area is shown as residential conservation/cluster design overlay area. She stated that designation is intended to encourage land development practices that preserve natural resources and historic structures. Mrs. Jones stated that staff finds that the existing property reflects the intent if not the letter of the Comprehensive Plan. The conservation cluster design has generally been followed in that natural water features and historic structures on the site have been preserved. Mrs. Jones said that the requested R-4 zoning and the existing R-4 zoning allow residential densities higher than what the Comprehensive Plan allows. However, Timberline Knolls does not have a residential density like a subdivision would have. It is an institutional use and each of the lodges where the women stay are not individual dwelling units. The women share kitchen facilities, eating areas, and common living spaces. Mrs. Jones stated that the Comprehensive Plan does not address institutional uses at all. She stated that recognizing the shortcoming of the Plan, staff finds that the existing development is consistent with the intent if not the letter of the Comprehensive Plan. Mrs. Jones said to ensure continued consistency staff recommends that a PUD approval should require the applicant to continue to preserve natural features and historic structures. The applicant has already agreed that in any future development they would be required to submit a tree survey and preservation plan.

Mrs. Jones stated that the next item is compatibility with existing land uses. The property is surrounded by single-family homes predominately. There is some multi-family zoning; almost all of those lots are developed with single-family homes. She stated that there is no existing record to indicate that the existing use has been incompatible with surrounding land uses. Mrs. Jones said that back in 2007 Timberline Knolls received a special use approval to expand their facilities to include One Pavolish

Court. That is not part of this PUD application, however it is mentioned because it did represent expansion of their area and there was no public comment or opposition during that public process.

Mrs. Jones said that the PUD application requests zoning approval for basically the same uses they have now. She said that it is a residential treatment center with group living, academic, and therapeutic programs. Timberline Knolls currently offers women treatment for substance abuse, eating disorders, mood disorders, and co-occurring disorders. The applicant has also requested approval for a private tertiary care psychiatric hospital. Mrs. Jones stated that these were the terms that were used in the 1987 annexation agreement. She said that staff finds that term to be a bit broader than what they are comfortable with. Staff would like to work with the applicant to create the appropriate terms in the PUD approval to ensure that they allow them flexibility in their therapeutic offerings. Also, to ensure that the operations at Timberline Knolls will not change so that it begins serving a significantly different patient population than what is currently being served. Mrs. Jones said that the requested R-4 zoning is consistent with the surrounding zoning.

Mrs. Jones stated that the Village Engineer had no comment related to traffic. As a residential treatment facility, the only traffic is staff entering and leaving. Staff recommends that if they ever change to a day treatment facility, the Village should require a traffic study. The Village Engineer had no other engineering concerns.

Mrs. Jones said that the Fire Marshal did not have any comment at this time. She said prior to the public hearing lots of residents called or came in and asked questions. She said one resident questioned the demand of public services, specifically fire and police services. Mrs. Jones said that she spoke with the Police Chief of Lemont late that day and it is not reflected in the staff report. She stated that he said they do receive calls but he does not foresee it being an undue burden on police services. Mrs. Jones said that the Fire Chief also stated that they do get a few calls from time to time for a variety of reasons. Primarily these calls are for an ambulance and they are reimbursed for those calls through the patient's medical insurance or by the patients themselves.

Mrs. Jones said that another component of the PUD application is the request to allow the construction of a barn or other structure for the keeping of horses. She stated that Timberline Knolls uses the horses as part of its therapy program. The patients do not ride the horses, but do take care of them. Mrs. Jones stated that the UDO does have provisions for accessory structures for the keeping of animals. Mrs. Jones then read those standards. She said that all of the standards are good except for the last one. "The number of livestock is limited to one per 20,000 square feet of lot area." This site is over 40 acres, the UDO would allow up to 87 horses and that is not compatible with the surrounding area. Mrs. Jones stated that the PUD should restrict the number of animals allowed on site. Staff recommended ten animals, however Timberline Knolls requested 15 due to the class size. She said that the International Building Code would govern the construction of a barn and provide standards so that it is a safe structure. She stated that the PUD should include some additional standards for the care and keeping of the animals and disposal of waste.

Mrs. Jones said the original annexation agreement contained some provisions that differed from the zoning standards at that time. She said that she will go over the ones that still apply. Some no longer apply because the UDO standards are not the same as what the zoning standards were back in 1987. She said the original annexation agreement stated that all buildings would have to be set back 50 feet. Staff feels that this is still a good standard. The existing buildings are currently at 80 feet from the property line. If they keep a 50 foot setback it would allow them to be able to expand on the property, still be compatible with the existing development and not be a problem with the neighbors. Mrs. Jones stated that parking lots would be permitted in any required yard as long as they are 20 feet from the property line. She said that this is consistent with what they have on the property now. She stated that one exception she would make is that the two PINs that front Timberline Drive not be allowed to have parking in the front yard. Mrs. Jones stated that if they were going to build a house like the one at One Pavolish Court, which she understands is their intention, then the parking should be provided in the rear. There is a single-family home south of that property and that would be more consistent with the existing single-family home.

Mrs. Jones stated that the property had been given some exceptions to the normal street widths. The street widths within the development are 24 feet and 20 feet wide. She said that she does not see a problem allowing them to continue with those widths if they were going to add any other internal street. She stated that they were allowed to develop the interior of the property without sidewalks. Due to the institutional nature of this use staff does not see a problem with allowing them to continue. Mrs. Jones stated that there is also an allowance that curbs are only required at stops in parking lots, or if needed for drainage purposes on the street. Staff does not see a problem allowing them to continue with what is consistent on the site. She said in regards to parking, the original annexation agreement stated that parking had to be consistent with what was shown on the site plan. She stated that the Village's records of the annexation agreement don't include a site plan. There is no way to no whether what on site is consistent or not. However, the existing parking does exceed what is required by the UDO. She said that staff recommends that any future development would be subject to the normal standards of the UDO.

Mrs. Jones said that in conclusion, staff is recommending approval of the PUD with the following conditions listed in the staff report. Mrs. Jones then read those conditions.

Chairman Schubert asked why she had skipped over the lighting.

Mrs. Jones said that she didn't address it because the original provisions in the annexation agreement stated that it allows them to keep their lighting on all night. She said that there is no requirement in the current UDO stating that they can't keep their lighting on all night, so it is not needed in the new PUD.

Chairman Schubert stated that any lighting would be back by the parking spaces.

Mrs. Jones said that they would have to still conform to the UDO light spillage maximums. They would not be allowed to have lighting that would be creating a lot of excess light on the adjacent properties. There are standards in the UDO that limit the

amount of light at the property line that is allowed for a parking lot.

Chairman Schubert asked if any of the Commissioners had any questions for Mrs. Jones. None responded. He then asked if the applicant would like to come up and speak.

Al Domanskis, attorney for Timberline Knolls, introduced Tom Dattalo, Administrator for Timberline Knolls, James Gresham, President for Timberline Knolls, Randall Kurzman who is an architect and land planner. He stated that they are requesting approval of a Planned Unit Development in the R-4 zoning district and the annexation of two vacant lots. He stated they will be available afterwards to continue conversations with any nearby property owners out in the hallway. He said if you looked at the plan (which was shown on the screens) on Timberline Drive, the north west corner, there are two vacant lots. When the issue came up about the expired PUD, staff had pointed out that the two lots were not annexed into Lemont. Mr. Domanskis stated that it made sense to annex those properties at this time, so the whole development would be in the Village of the Lemont. He said that there is no development being proposed for those lots.

Mr. Domanskis said as required a public notice sign was posted on Timberline Drive. He said he provide staff notification and pictures of the sign. He said they sent certified mail notices and then handed Mrs. Jones all the certifications received back.

Mr. Domanskis said the biggest question is why they are here. He stated that they have something that already exists, there is almost no change taking place at all, and the same buildings are here that were present in 1987. He stated that in 1987 an annexation ordinance got passed and usually there is also an ordinance that zones the property. He said no ordinance was done for that or at least there is no public record. Mr. Domanskis stated that Timberline Knolls had no idea that this had taken place. He said they hired Mr. Kurzman to do an expansion on one of the lodges. These are the same four lodges that were there, which were constructed back in 1988 or 1989. Two of the lodges are 35 beds and the other two are 26 beds. He stated that Timberline Knolls wanted to expand one of the smaller lodges to 35 beds; this is when they found out that the PUD had expired. Mr. Domanskis said one of the items he would like approved would be that they are able to do that expansion this spring and they would comply with all the requirements that are set forth in the staff report.

Mr. Domanskis stated that Timberline Knolls is a unique and sought after woman's treatment center. There are very few centers like this in the country. He said that it is very important for women who come there to know that they have privacy. Timberline Knolls were having some trouble with photographers trying to take pictures of celebrities that were coming on site or who might be coming on site. As a result, they had to put up a privacy fence. He stated that the woman that are there want privacy while they are trying to get their life back together. The property has four residential lodges, a school building, a dining area, an art center, an administrative building and a maintenance building. When the fence was constructed there were various issues that had come up. He said one issue was in regard to fill. He stated when talking with staff, one of the fence contractors was taking advantage of the situation and was doing a little

bit of dumping. Mr. Domanskis said that the Village had caught that, and he is not sure that Timberline Knolls were aware of the issue. Another issue is along the property line there are elevation changes, which are very substantial. He stated that in some places they had to put some dirt to stabilize the ground. Mr. Domanskis said that there were questions in regards to a gulch by Povalish. He stated that there is no intention to fill the gulch, no intention to flood any properties, and no plans for expansion that could result in flooding or changes. He said the only changes taking place are to the lodges and everything has to go through Village approval and engineering approval. He stated that they would abide by whatever the Village tells them in regards to those issues. One of those issues would be that neighbors don't get flooded, and they are aware that they can't fill in anything that they are not allowed to fill in. Mr. Domanskis said that they have a 40 acre site with so much land and that they would not expand right there by Povalish. He stated that there was parking there and not a lot of area to expand.

Mr. Domanskis said that there are various therapeutic programs including a school. He said as part of their therapy they have a program called equine therapy. When the weather is good they bring in horses to have classes that have up to 13 people. The residents work with the horses but there is no riding. He stated that when he knew they had to come in for a public hearing, he had asked Timberline Knolls "If you had to make a plan for the rest of the site, what would you think of doing?" That is when they thought of the equine therapy. They can not do it during bad weather and they have to stop during the winter. He said they are willing to do only 15 horses not the 80 that would be allowed with the zoning ordinance. Mr. Domanskis stated that some other ideas would be a gymnasium for winter use, a ropes course or possibly some type of outdoor recreation. He said that these are all tying in to the therapeutic functions which are there on site. He stated that they are willing to live with all the requirements and restrictions that are set forth by the Village. Mr. Domanskis said that all the programs that are there are for residents. There is also a transition house which is located on Povalish; residents from there walk over to Timberline Knolls for programs.

Mr. Domanskis stated that in regards to the staff report, he had a few comments. He said that this is a very difficult site to survey and draw. He stated that he has been on the surveyor about getting a final plat. He stated that he had a preliminary plat and apologized that he did not have a final plat. Mr. Domanskis said that the preliminary plat showed 206 parking spaces, however there are 216 parking spaces. He stated that it would be corrected on the final plat which would be done in two weeks.

Mr. Domanskis said that there is a reference in the staff report in regards to historic structures. He said that the art building is a historic structure which is used. He stated that they have every intention in preserving and using. There is an old single-family house which is known as the Quarry Foreman House. It has not been used for many years and there is no intention to use. He said that it is not accessible to the general public because this is a private facility. He stated that he would request that they would be allowed to demolish the house or do what they want with it. Mr. Domanskis said that he has been involved with the movement of historic homes. If the Lemont Historical Society or anyone else finds this house historic and would like to move the house, they would be willing to co-operate with them.

Mr. Domanskis said that Timberline Knolls is a very important part of Lemont. It provides a valuable service to people in need not only from the United States but also internationally. It employs residents from Lemont and other local areas. It does community outreach and the park, which is owned by Timberline Knolls, has been allowing the Park District to use that park for one dollar a year. He stated that Timberline Knolls paid \$330,000 in real estate taxes last year. Mr. Domanskis stated that he welcomed any comments and questions.

Chairman Schubert asked Mr. Domanskis if any of the other gentlemen that were with him wanted a chance to speak. They responded no.

Chairman Schubert stated that in regards to the Quarry Foreman House, he would like to talk to the Historical Society about the house. He stated that he does not want this to be the only discussion about the house.

Mr. Domanskis stated that he did not know if it is a historical site. He said that he did not want to get into a situation where an ordinance gets passed and now they have to preserve something that hasn't been used in 30 to 40 years.

Chairman Schubert stated that he would like to make sure that it is not a historical site. He stated that it was saved for a reason.

Mrs. Jones said that the property is not part of the historic district. There is no survey of the structures on the site to say by some objective standards which structures are historic. The preservation of historic assets is a component of the Comprehensive Plan designation for the area so that is why it is mentioned in the staff report. She stated how it is to be addressed in the PUD is a matter of this Board and the Village Board's choice as to whether they would like to try to limit some of that. Mrs. Jones said that there seems to be two potentially historic structures on the site and Timberline Knolls are willing to commit to preserving the Arts Center, maybe that is sufficient.

Chairman Schubert asked if anyone has used the Quarry Foreman House recently.

Mr. Domanskis stated that it has not been used since before it was developed in 1987 or 1988.

Commissioner Sanderson stated that it is not open to the public, so a deal would have to be made to move the house to preserve it.

Mr. Domanskis then pointed on the map where the Quarry Foreman House was located.

Chairman Schubert asked in regards to the keeping of the animals is there any intent in hiring a full-time professional trainer or keeper for taking care of the animal needs.

Mr. Domanskis said that at this point he was not sure that it will be required. He stated that they are open to what staff would recommend on that issue. He said that he thinks that would be appropriate if you were going to have 15 horses.

Mrs. Jones said that staff has not defined all the parameters as far as what should be in the PUD for the safety of the horses. However, the Village Attorney has some experience in matters like this and has some recommendations.

Mr. Domanskis stated that the one thing he forgot to mention was, for the remodeling that they plan to do, they did do a landscape plan and a tree preservation like staff required. He said that this is a 40 acre site and they are not looking to do a landscape plan and tree preservation for the whole site. It needs to be clear that it has to be a disturbed site and the landscape plan and tree preservation only has to be done for the area that they plan to be working.

Chairman Schubert stated that he thinks that was the intent.

Chairman Schubert stated in regard to the dirt being moved, his concern is that they are not piling it up someplace and it causes a water dam. This time of year there is usually a lot of rain or snow melting. No berm should be put in that is not planned for without having an Engineer say it is alright to do.

Mr. Domanskis stated that he asked Mr. Gresham about the issue. Because it is an open site sometimes people were using it to dump things on.

Mr. Kurzman, architect for Timberline Knolls, said he wants to make it understood that it was other people dumping onto Timberline Knolls site, not Timberline Knolls.

Commissioner Maher asked if the streets were maintained by public works or is it private.

Mrs. Jones stated that it was private. She said one thing she forgot to mention was there is a portion of the property that is a special flood hazard area and there is a floodway on the property. In the UDO there are provisions regarding construction in flood hazard areas and regulating construction in floodways and it is severally limited. She said that she understands that neighbors are concerned about potential flooding. The Village has regulations in place to ensure that it is addressed properly.

Chairman Schubert asked Mr. Domanskis to step down. He then asked if there is anyone else in the audience that would like to come up and speak.

Dave Defina, 716 Ridge Road, Lemont, asked if Mr. Domanskis could clearly identify the boundaries of the property.

Mr. Domanskis then pointed out on the map the boundaries.

Mr. Defina asked what the location would be for the anticipated or projected horse barn.

Mr. Donanskis said that nothing is set at this point and that is something that would have to be reviewed and presented to the Village staff. He stated that it would have to be a great distance from the property lines.

Jim Rotto, 49 Evergreen Drive, Lemont, said that the map is a little confusing. He asked where is his house located on their map.

Mr. Domanskis then passed out a larger plan for the audience to pass around.

Mr. Rotto asked what the footage was for the setback from fence to building. He stated that Mrs. Jones read three different footages and he was not sure what they were.

Mrs. Jones said that any expansion of existing buildings or new buildings would have to 50 feet from their property line. As far as parking lots, they would be 20 feet from the property line. She stated that if they were able to build a horse barn or stable, it would have to be 150 feet from the property line and 200 feet from any neighboring house.

Mr. Domanskis stated that they have no intention of putting more parking in because they have more parking than what they need.

Chairman Schubert then asked anyone who came in late to stand and raise his or her right hand. He then administered the oath.

Jim Connelly, 58 Timberline Drive, Lemont, said that he has been in Lemont since 1987. He stated that Timberline Knolls has been a good neighbor for many years. He said his concern is the stark white fence that was put up around the property. He stated that he understands the need that was explained. If you noticed most of the properties around Timberline do not have any fencing. He asked if the Board could make it so landscaping can be added around the fencing so it lessens the harsh look of the fence. Mr. Connelly asked if the Board can make a condition to the PUD that makes them put up landscaping around the fence.

Tony Vissios, 16186 New Avenue, Lemont, showed on the map the property that he owned. He said that there is a pond that is not shown on the map. He stated that the fence is right on his property line and asked if there was any kind of encroachment.

Mr. Domanskis stated that the surveyor was working with the fence contractor. He said that if his surveyor wanted to look at it as well, but it is on the property line.

Commissioner Sanderson asked if the applicant had to submit anything after the fence goes up to show where the fence was put.

Mrs. Jones said that the building department does go out and does a final inspection.

Commissioner Sanderson stated that the applicant is in the process of doing a final plat and the fence should show up where it is located.

Mr. Vissios asked how their property line could be on his side of the pond.

Chairman Schubert stated told Mr. Vissios that his is a question for a surveyor, or the

final plat would show.

Mrs. Jones stated that the Village does not get into property line disputes. She said that any issue would need to be worked out between the two property owners.

Mr. Vissios stated that he believes the property line should be on the other side of the pond.

Mr. Domanskis said that he would be willing to discuss it after the meeting.

Nancy Jackson, 15964 New Avenue, Lemont, stated that she heard rumors that Timberline Knolls was trying to buy some houses on Povalish for extended care. She asked what are they going to do about the vandalism that they end up getting in the alley on New Avenue. She stated that there was graffiti on the fence. Ms. Jackson asked if the horses were going to be there year round and are they planning on using the alleyways to exercise the horses.

Chairman Schubert stated that the horses would be on Timberline Knolls property.

Mr. Domanskis said that they were not aware of any vandalism. He said that the residents on site were very heavily supervised. He stated that there were some discussions with residents on Povalish to purchase some of the properties. However, there is nothing on-going at this point. He said that if it does take place it is not part of any of the discussions here.

Ms. Jackson said about the white fence, all of the neighbors were wondering why they did not use something that blended in more with the woods. She asked why do they have to look at something so white and shocking.

Mr. Domanskis said that he does not know how to address the aesthetic. He said that it is an all weather fence. He stated that the issue came up about landscaping, but in most places the fence is on the property line. He said that you can not put landscaping on someone else's property. He stated where they can put landscaping, they are looking into it. It is important for Timberline Knolls especially along Timberline Drive.

Commissioner Messer asked what the process was to get a fence approval. He asked if there was an architectural review.

Mrs. Jones stated that they are in R-4 zoning so they submitted a fence permit application. She said with that zoning it allows for pretty much anything but chain link fencing. She stated that there are height restrictions, which they conformed to. Mrs. Jones stated that the R-4 zoning district is stricter than the other zoning districts.

Commissioner Sanderson asked what was the timing of them putting the fence in and them becoming aware that their annexation agreement had expired.

Tom Dattalo stated that the permit was issued in May 2011 for 6,000 linear feet. He

stated that they are now near the end of that installation.

Mrs. Jones stated that it was in late November 2011 that they learned about the zoning issue.

Commissioner Sanderson stated it would have been nice to make that part of the PUD. He said that if given the opportunity the Board could have made them put bushes in front and push the fence back a couple of feet. He stated that it is unfortunate the way it worked out and it is a little too late now.

Ms. Jackson stated that they could have used other colors that might not be so shocking.

Dorothy Witkowski, 15 Povalish Court, Lemont, stated that all she sees when she looks out back is the white fence. She said that the only thing she has going for her is that they might buy her property so she can get out of there. She stated that she has lived there for 56 years and they have taken her way of living away from her. Ms. Witkowski said that they will comply when asked. She said that there was a light shining in her window and when she called about it they came and turned the light off. She stated that she blames the Village, because she worked for them for 23 years, and they did not think about the neighbors.

George Lubben, 48 Logan, Lemont, said he would like to support the comments that have been made about the fence. He stated that he too used to see coyotes and deer and now all he sees is a white fence. Mr. Lubben stated that if there was any consideration for the neighbors then this would have never happened. He said there could have been other types of fencing that could have served the purpose. He stated that he feels it has affected the value of his property. It makes the property look like you are in jail.

Pat Bracken, 15940 New Avenue, Lemont, asked that she would like an explanation or definition of tertiary psychiatric. She said that deems different than what is being presented right now.

Mrs. Jones stated that the private tertiary psychiatric hospital is the term that is used in the original annexation agreement. She said that the application requested that the term be included in the PUD. She stated that Village staff is recommending that it not be the term used, but instead be very specific about how they define the use that is allowed.

Chairman Schubert stated that it was with Four Winds.

Ms. Bracken asked if that is where they are going back to, because all of a sudden a fence is put up. She said that they have been subject to patients escaping and leaving. She stated that this is a different clientele; however she does not want to go back what it was.

Terry Kolacki, 38 Timberline Drive, Lemont, stated that there is a lot of grief about the fence. He said when he saw the surveyors out there he had taken the initiative to talk to them. He then called Mr. Gresham and Mr. Dattalo and met with them. Mr. Kolacki said that he had never had an incident with anyone coming over on his property. He

asked if they could do a different fence or go without it. He stated that they worked with him and pushed the fence back. He said that if some of these people would have called them at that time then they would have worked with them also.

Mr. Rotto said that there is no argument that the fence is ugly. He stated that the color could have been brown. He said that the only solution is that they plant ivy with blue flowers. Mr. Rotto said if they plant it close enough to their fence it will make it look a little better.

Ms. Jackson asked if they purchased the other houses would the white fence appear along the alleyway on New Avenue.

Chairman Schubert stated that those are separate lots that would have to come back before the Board.

Mrs. Jones stated that it is not part of this PUD. She said that those are residentially owned lots and you can not put a fence in the front yard. Mrs. Jones did say that the Village did allow fencing in the front yard; however they can not be more than three feet high and decorative in nature.

Judy Gerches, who is speaking for her mother Henrietta Smith, that lives at 25 Povalish Court, Lemont, stated that they are the last house on the block and all they see is fences. She said that there is even a house with fencing in the front yard.

Mrs. Jones stated that she is not familiar with the lot that she is talking about, but the code only allows a typical privacy fence in the rear yard. It can not extend past the front of the house.

Judy Gerches stated that this fence is high with evergreens in front.

Mrs. Jones stated that there is no restriction on what people can plant in their yard.

Chairman Schubert stated that the majority of people that spoke tonight had a problem with the fence. He said that maybe Timberline Knolls, as a good neighbor, would want to sprinkle or plant wild grasses. Chairman Schubert stated for those that have to look at the fence, they can plant anything on their own property to help block the fence.

Mr. Domanskis stated that if the fence is right on the property line then they can not do anything.

Chairman Schubert asked if Timberline Knolls would like to talk to the neighbors and work with them in regards to that problem.

Mrs. Jones said that in order to facilitate this, if they had signed in and want to talk to Timberline Knolls about softening the fence on their property, to put a check mark next to their name. She stated that they would give that information to Timberline Knolls.

Mr. Domanskis stated that in regards to purchasing other properties on Povalish, the

intent of the fence was to separate out what treatment facilities are there on site. He said what were put up on Povalish were transition homes. The intention was not to put up a fence there. There was not a fence there and no fence was put up around it. He said if there were additional homes purchased on Povalish; it would not be their intention to add a fence to the street side. He stated that it is a separate approval and they would have to come back before the Board.

Mr. Domanskis stated that there was a comment made about tertiary psychiatric services. He said when it was built, it was Four Winds. The treatment is provided right now for psychiatric services. He stated that he fully understands those issues. They will have the discussions with staff to formalize or define as best they can; however, it is psychiatric services. Mr. Domanskis stated they are not Good Samaritan Hospital or Silver Cross. He said that Four Winds had to go through a hospital process and state process. He stated that if the use would change, they would have to go through extensive processes and public hearings. He said that they are trying to define, but this is a psychiatric treatment facility. Mr. Domanskis stated that it has been working well and they supervise their people. If you go to something like a Four Winds then you are looking at very extensive security. He said that he wants to work with staff on that issue, but he is having a hard time trying to define it.

Commissioner Spinelli stated that parcel four, which is the park site, is not include in this PUD. He asked why parcel three, which is adjacent to the park, is included in the PUD.

Mr. Domanskis said when he was asked to do this and get it on the agenda as soon as possible, he did not have a map. He said that he did not have a problem excluding that parcel from this.

Commissioner Spinelli said that he is not worried about the exclusion, but wanted an explanation.

Mr. Domanskis stated that all he got was a Chicago Title Commitment that had parcels which said that they owned it.

Commissioner Spinelli asked if they are willing to exclude parcel three along with parcel four.

Mr. Domanskis said that was exactly appropriate.

Commissioner Spinelli asked that they direct their surveyor to make the modification.

Commissioner Messer said his concern was not being able to access the property and see the buildings. When he came to the property he was greeted by the fence and the sign saying private property. He said he is being asked to blindly approve this PUD without being able to see into the property. He stated the only way to resolve this is to visit the property.

Mr. Domanskis stated that he can come out for a tour and the facility does have open

houses.

Commissioner Spinelli asked if a building permit would have to be issued for any additions.

Mrs. Jones stated yes and the one addition to Maple Lodge, the building plans has already been submitted. However, it can't be approved without this approval.

Commissioner Sanderson stated that he would like to talk about the restrictions with the horse boarding. He said that there is not enough information to make it part of the PUD.

Mrs. Jones stated that the condition for the horses is that a maximum on the number of horses that are allowed be set. Another condition would be that the applicant is directed to work with staff to develop appropriate standards for paddocks, yards, pasturing, feeding and care of the animals. She stated that this would cover the uses and it is saying that staff would develop it and incorporate it into the PUD ordinance that would be adopted by the Village Board. Mrs. Jones stated that they would not have all of the standards worked out, like how many square feet a stall has to be.

Chairman Schubert stated that they are not trying to approve a PUD. The PUD has already been approved, what they are looking for is an addition to the PUD.

Mrs. Jones stated that they never had a PUD in place. They had an annexation agreement and that expired.

Commissioner Sanderson asked if they could ask that the horses come back as a special use to the Board.

Mrs. Jones stated that the Board could do that. Mrs. Jones said that this is a little different type of a PUD. Normally they would have architectural drawings of what the buildings are going to look like. There are no architectural guidelines on this property as part of the PUD. She said they are requiring much larger setbacks and they need to conform to the requirements of the UDO.

Commissioner Sanderson asked why they don't have plans.

Mrs. Jones said because they don't have specific expansion plans at this time. Mrs. Jones stated that staff is comfortable that it is an existing use and an existing plan of development. She said with the appropriate setbacks and extremely good UDO standards, staff are confident that it will be a fine future development. Mrs. Jones said that if he felt different about the horse issue there are two different options the Board can take. One would be to not allow it as part of the PUD and they would have to come back for an amendment to the PUD to allow the horse barn. The second would be to continue the public hearing until the next meeting so staff can work out all the details with the applicant.

Commissioner Sanderson said he likes the horse therapy idea, however, to try and make

this part of the PUD; he does not have enough information himself.

Mr. Domanskis stated that something that he has seen done is that it is approved, but the owner is required to come back with a presentation showing what they are doing. He said that Timberline Knolls does not have a barn in place or the standards. They can have an architect draw up drawings and come back. He stated that they just want to know that it is allowable, subject to whatever restrictions.

Commissioner Sanderson stated that he heard enough public comment tonight about the fence. He does not want to put anything in place tonight that allows them to go through just the building department without giving the public a chance to see what is going to be put up.

Mr. Domanskis stated that Timberline Knolls is fine excluding the horse barn.

Mrs. Jones stated that what Commissioner Sanderson is saying is that it should have another discretionary review and to exclude it from this PUD. If they want to build the barn then they would come back with an amendment to the PUD at the time they had plans.

Chairman Schubert stated that he agreed. He asked if Timberline Knolls would have to do another mailing.

Mrs. Jones stated that they would.

Mr. Domanskis stated that they just want to get an approval now and to allow the expansion of the lodge.

Commissioner Maher asked if there was a way that they would have to come before the Board without having to do a public hearing. He stated that they do currently bring horses into the facility, so there are issues that can occur with animals on site. There is a safety issue if a storm comes in. He said that this is a long process for them to go through and then to have to come back with a modification to the PUD. Commissioner Maher stated that when talking about building stables, the Village has the UDO which defines the building codes. He stated for him it would be different if they were not bringing horses on site. However, they are, it is acceptable and done regularly. He said he is hesitant to take it out, when there is a safety concern and that is why they might want it there. Commissioner Maher said that he thinks they should push back the setback and make it more centralized. He said there are trees, fences and building requirements in place for this specific reason. He stated that this is a barn not a three or four story structure.

Commissioner Sanderson said that his problem would be that he is not familiar with the UDO. He is not familiar with the height requirements.

Mrs. Jones stated that they would be limited to 37 feet which is the maximum height for any structure in the R-4 zoning district.

Commissioner Sanderson said that he understands that there is a safety issue for the animals. He asked how long they have been bringing horses out there.

Mr. Gresham stated several years.

Commissioner Sanderson stated that in several years there were some pretty strong storms and no structure.

Commissioner Maher asked if a property was zoned agriculture do they have to come before the Board to build a barn.

Mrs. Jones said that the UDO standards that she mentioned in the keeping of livestock as permitted by right in the UDO. So as long as you meet the standards, you can have however many animals you want in whatever kind of structure as long as you meet building code requirements.

Mr. Domanskis stated that they want to proceed as quickly as possible so that they don't miss the spring for the construction. He said they would like to get it approved and not have to go through the whole process, but they are fine with omitting the horses.

Commissioner Messer asked if the construction they were referring to was the construction to the Maple resident home.

Mr. Domanskis stated yes.

Commissioner Messer asked if this was the only construction.

Mr. Domanskis said at this point there was talk about making the other lodge 36 beds also. He stated that they can do all the Village requirements, but do not have any specific plans.

Mr. DeFina stated that Timberline Knolls is trying to do the right thing. If they are willing to exclude the horse barn from the PUD, why even consider denying the public the opportunity to consider it in the future.

Commissioner Sanderson asked if there is a distance from the fence to the street and who owns it.

Mrs. Jones said that along Timberline Drive the fence is setback from the property line. She said that she thinks it setback 10 feet, but she is not sure. There is room along Timberline Drive to install landscaping if they wanted to make it a condition of the PUD.

Commissioner Sanderson stated that there was the issue with the buildboards on I355, but now when you look off at Lemont all you see is this fence. He said if there is room to put the plantings then he does not see why not. He asked Mr. Domanskis why they are not putting plantings there.

Mr. Domanskis said it was their intention to look at it this spring. He said that they are having discussions with landscape architects to look at this.

Mrs. Jones stated that they can make a condition that along Timberline Drive landscaping be accommodated where the property permits.

Ms. Gerches asked why they can not plant something on Povalish Court, because that is right in front of their homes.

Chairman Schubert said that he was hoping that by putting an "x" by their name and Mrs. Jones passing their information on to Timberline Knolls that they could work together to resolve this issue.

Commissioner Messer stated that he felt the landscaping in front of the fence should be part of the conditions.

Chairman Schubert stated that Commissioner Messer and Sanderson feel that it should be part of the conditions. That in good faith Timberline Knolls should be doing whatever could be done and more than just Timberline Drive in regards to the landscaping. He said if something extra needs to be done with the neighbors then they should take care of it.

Mr. Domanskis stated that the only two places the fence is set back are on Timberline Drive and Povalish. So they might be able to accommodate something there. He stated that the fence is actually shown on the plan and there is a little room on Povalish.

Chairman Schubert asked if anyone else wanted to speak in regards to this case.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to close the public hearing for Case #12-02. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Schubert then read the Findings of Fact:

- a. The requested rezoning is consistent with surrounding zoning and existing land uses. *All Commissioners agreed.*
- b. The requested PUD will allow for continued development of an important community asset, while preserving the character of an established area. *All Commissioners agreed.*
- c. The PUD will contain sufficient safeguards to ensure future compatibility of the use of the subject site with adjacent land uses. *All Commissioners agreed.*

Commissioner Sanderson made a motion, seconded by Commissioner Messer to recommend approval for Case #12-02 with the following conditions:

1. There is a landscape plan that is presented to staff showing landscaping in front of

- the fence along Timberline Drive and Povalish Court.
2. The horse boarding is omitted and becomes a future amendment to the PUD.
 3. Parcel three, west of the park, is removed from this PUD.
 4. Including all remaining conditions that are stated in the staff report, excluding the conditions on the horses.

A roll call vote was taken:

Ayes: Kwasneski, Sanderson, Spinelli, Messer, Maher, Schubert

Nays: None

Motion passed

IV. ACTION ITEMS

A. Active Transportation Plan

Mrs. Jones stated that she will give a brief presentation and then she will take questions or comments from the Board. She said one of the key reasons they did this plan is because by having an adopted plan it communicates the Village's goals to all the outside agencies. That way when IDOT is coming up with a project the Village can let them know, based on the plan, their vision. She stated another reason is it helps when applying for grant funding. She said one example is there are recommendations on how to connect to the Cal-Sag Trail. The Route 83 and Main area is going to be redeveloped in the future and this will help the Village be ready with bicycle and pedestrian plans.

Mrs. Jones stated that the Village received a grant funded project, which came from the American Recovery Reinvestment Act through the Center of Disease Control. It was granted to Cook County Department of Public Health and they made grants to different municipalities. She said that Cook County hired Active Transportation Alliance to serve as a technical assistance provider in the grant program. Mrs. Jones said that Active Transportation Alliance were the ones who conducted the public meetings, worked with the steering committee, and drafted the plan. She stated that there was money in the grant that was used to hire a consultant for the Village.

Mrs. Jones stated that there were two different public workshops. One workshop included Mark Fenton, national expert on public health and active transportation, and the host of a PBS television series. There was also a workshop held at the Township Community Center. Mrs. Jones said overall they had a good public involvement with the project.

Mrs. Jones stated that the plan itself had a few different sections; one was the Active Transportation Network. Within that section are three different categories for infrastructure improvements: Intersection, Bicycle, and Pedestrian. She then went through some examples of each. Mrs. Jones then stated that there is not much to talk about for the Transit Improvements. Encouraging Metra to do add more service is something that the Village has been working on.

The next section of the Plan talks about policies. Mrs. Jones stated that the Village just adopted a Complete Streets Policy last year. She said it states that it will include all

users of the roadway in any future roadway projects.

Commissioner Spinelli asked if it would apply to any new subdivision built in the future.

Mrs. Jones said that the policy does not change the Village's subdivision standards, but it is a Village policy so it would be considered and it would apply to any new road project or any new reconstruction of an existing road that the Village is involved in.

Discussion continued about subdivision streets widths and sidewalk regulations.

Mrs. Jones said that the last part of the plan is programs. She said some are simple to implement, others are a little harder. She stated that they would be relying on volunteers to step up and help organize. There are some education programs that the Village and school district would participate in. It talks about encouragement and using these programs to create a "right of passage" for kids riding their bikes to school.

Commissioner Messer asked what the five question quiz would be when purchasing a Village sticker.

Mrs. Jones stated that on the Village sticker application that they mail out, on the back or bottom there would be a five question quiz in regard to bike safety.

Commissioner Messer stated that they might want to reword it because it makes it sound like you will not get your sticker if you do not answer it correctly.

Mrs. Jones said that the last part of the plan talks about implementation. It talks about how they are going to implement the Complete Streets Policy. There is a Complete Street Review Committee that will meet on a periodic basis to review upcoming infrastructure projects. The plan also talks about establishing a Bicycle and Pedestrian Advisory Committee to monitor the implementation of this plan.

Mrs. Jones stated that this is still a draft and that there is still time to edit and change anything if the Board had any ideas or suggestions.

V. GENERAL DISCUSSION

Chairman Schubert asked if there was anything in March.

Mrs. Jones stated that she was hoping to have something for the Comprehensive Plan. She said that she has been working on the Economic Development portion of the Plan.

Commissioner Maher asked why the public hearing signs are still up especially down Main Street.

Discussion continued about charging fees and getting the signs down.

VI. 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