

Village of Lemont
Planning and Zoning Commission
Regular Meeting of May 18, 2011

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, May 18, 2011, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Commissioner Murphy acted as Chairman because Chairman Schubert was absent. Commissioner Murphy led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Armijo, Erber, Maher, Spinelli, Murphy

Absent: O'Malley, Schubert

Economic Development Director Jim Brown was also present.

C. Approve Minutes

Commissioner Spinelli made a motion, seconded by Commissioner Erber to approve the minutes of the April 20, 2011 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN COMMENTS

Commissioner Murphy asked the audience to stand and raise his or her right hand. She then administered the oath.

III. PUBLIC HEARINGS

- A. Case # 11-06: Glen Oak Revised Plan and Amendments.** Public hearing requesting changes to the annexation agreement and planned unit development agreement to adopt a revised site plan that includes variations.

Commissioner Armijo made a motion, seconded by Commissioner Erber to open public hearing for Case #11-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated that he will first give some background information about the case. He said that first he would like to describe the approval process and where they are at with the approval process. He said he will cover how the case got to here and then he will make a few comments. Mr. Brown stated that the subject property is 131 acres and was formerly known as Leona Farm. It is often referred to as the Montebano piece, because Montebano Homes owned it for quite some time. He stated that Montebano sought development approval for the 131 acres.

Mr. Brown stated that in August of 2007, the Village approved annexation of the 131 acres and annexation agreements for the development of 250 homes for this site. He said that he has spoken to many people on the phone over the past few days. He was surprised to learn that a lot of people did not know that there was a development approved for this site. Mr. Brown stated that what it means is that the developer has the legal entitlement for building 250 single family homes. He said the normal approval process is the developer comes in with a preliminary plan/plat and submit an application. Staff will do a review and get a formal application before it comes before the Planning and Zoning Commission. Mr. Brown stated that they do not approve the plans, but they vote whether to recommend or not to recommend approval to the Village Board. He said that the Planning and Zoning Board can attach conditions to that recommendation. Mr. Brown stated that this is what they are doing tonight. Then it will go to the Committee of the Whole, which consists of the Village Trustees who will get all the information and minutes from this case and review it. He said that it is a nonvoting meeting, however they may make suggestions that can further alter the site plan or they can place their own conditions. Mr. Brown stated that it comes back to staff and with the guidance from the P&Z and COW; staff would prepare the appropriate ordinances. Finally it would go back to the Village Board and they would vote to approve the preliminary plan/plat. Mr. Brown said that this case was approved in 2007; however the applicant has requested revisions to the approved plan. He said that is why it is required to have the public hearing all over again.

Mr. Brown stated that the purpose of the preliminary plan/plat is for the applicant to obtain preliminary approval by the Village Board, so the intended development is acceptable and the applicant can proceed with the preparation of detail site, architectural, engineering, and landscape plans. He said the completion of the detail plans cost an exceptional amount of money. An applicant or developer would want to have some assurance that their preliminary plan would not be thrown out after paying for this expenditure. Mr. Brown stated that after the preliminary approval the developer or applicant can then produce the final and detail plans. Once this has been done, they file an application with the Village and it comes back to the Planning and Zoning Commission. At this time it is no longer a public hearing, it is just a review by staff and Commissioners to make sure the final plans coincide with the approved preliminary plans. From there it would go to COW for another review and then staff would draft appropriate ordinances and submit them for Village Board approval. He said even at this stage, usually not all of the engineering issues have been worked out. He stated that then they would go to site development approval. Sometimes it is allowed for some site development after the preliminary plan, but this would only included above

ground activity like the clearing of trees or shrubbery. He said after final approval, then they review all the plans and issue a site development permit, which is done by staff.

Mr. Brown stated that they already have an approved plan, but there is a request to change it. He said the approved plan is for 131 acres with 250 homes, which is 1.9 dwellings per acre. He said that there is a park site of 6.9 acres down on the southeast corner and the other open space is the detention area. He stated that it can be debated a long time why the Village approved this plan. Montebano, who was frustrated trying to annex into the Village, went to Cook County who approved this plan. Mr. Brown stated that the Village felt it was better to have control over any building that was done on this property rather than the county having that control. He stated that the Village has made some minor adjustments to the plan.

Mr. Brown stated that after 2007 the real estate market crashed, but one of the conditions was that Montebano Homes could not build on the site. He said that the property sat vacant for a few years until Glen Oaks LLC purchased the property. He said last summer they requested some changes to the phasing plan and other amendments. He stated that most were not approved, but they did approve a change to the phasing plan and did alter some zoning so that agriculture can occur on the property. Mr. Brown then showed via power point the preliminary plan that was approved in 2007 and the new revised plan that the applicant is looking to get approved. He stated that the applicant has a presentation that he will be presenting. Mr. Brown stated to the audience that at first glance, most people would approve the revised plan over the plan approved from 2007. As long as storm water and traffic is managed correctly. He stated that the new plan has over 30 acres of open space and trees preserved in the lower southwest corner of the site. He said that it honors the site topography and natural drainage patterns much more than the other plan. The density has decreased slightly with 247 dwelling units. He stated that the open space would eventually get turned over to the Park District, Village, or Township and this will be decided later. Mr. Brown stated that tonight they are only discussing the plans and the zoning related elements. He said that there will be a meeting with the Village board in a month or so to discuss the policy issues and fee waivers.

Mr. Brown stated that he would like any comments be addressed to the concept plan and zoning related issues. Mr. Brown then presented via power point pictures of the site. He stated that he strongly endorses going with this plan. He said it would be a great community asset to have that open space. The downside is the old plan has 250 homes with little open space; the new plan has a bigger open space but to do so you have to make the lots smaller. Mr. Brown stated that many of the lots would be smaller, than the previous plan. The setbacks would be reduced to accommodate that open space. Mr. Brown stated that the open space would have to be managed and maintained by the taxing bodies and there were a lot of discussion in regards to this. He said that staff felt it was important to acquire the land and once obtained to pursue grants or funding opportunities to make sure it was maintained. He said at this time he would turn it over to Commissioner Murphy.

Commissioner Murphy asked the petitioner to step up to make comments.

Jeff Martin of Teska Associates, 627 Grove Street, Evanston stated that Nick Patera, Senior Vice President would be presenting the plan with their Civil Engineer, Ted Virgilio. He said that Teska either looks to create a unique site plan that stands out or take a site that has natural features and try to preserve them. He stated that with the current housing market they need to come in with a plan that is unique to help sell the houses. Mr. Martin said that the developer asked what he could do to improve the plan. One of the things was preserving as many oaks as possible on the southern part of the property line. Another thing was work with as many natural drainage patterns on the site. Mr. Martin said that they wanted to increase the open space, but that is a give and take situation. He stated that some of the lots are a little smaller on this plan, however it is arranged with open spaces in a way that it takes away the impact of the smaller lots. Mr. Martin stated that they want to interconnect these open spaces and create a unique neighborhood. He said with the new plan you will see open spaces, curving roads, and things that break up the streetscape. He stated that he would like to provide a mixture of housing. In this type of market, if you come out with 250 homes with four different models it is hard to sell. Mr. Martin stated that he received a call from Mr. Brown last November about a plan that nobody felt comfortable with. He said that Mr. Brown asked if he could come down and talk about introducing conservation design into the plan. Mr. Martin said that the reaction to the workshop was positive.

Mr. Brown stated that he worked for Teska before he came to the Village in 2005. He said his employment ended there in August of 2005. He stated that he had no financial interest when he called Mr. Martin. Mr. Brown stated that he needed assistance with the workshop and that Mr. Martin is a colleague who came down pro bono. He stated that had nothing to do with the developer and Mr. Martin. He stated that the developer saw what Mr. Martin had done and dialogue started from there.

Mr. Martin stated that there was a small contract with Mr. Brown just to cover travel fees.

Mr. Martin stated that when he usually shows these plans to the developer it is met with resistance. He gives credit to the developer on this project. Not only does he want to sell the product, but he also wants to do what is right for the sight. Mr. Martin then talked about two different types of designs. The first design is traditional, with open space towards the front of the home. The second design is conservation with the open space towards the back of the home. Mr. Martin stated that when Mr. Patera does his presentation you will see both design worked into the plan.

Mr. Patera, Senior Vice President of Teska Associates stated that all of the 247 homes would not be put in at one time. It would be done in phases. He said the reason is because of the design breaks itself down into neighborhoods. He stated that this gives people the chance to involve themselves with the community. Mr. Patera said that the first phase would be with the entrance on Parker and with the roads lining up with Huntmaster. He stated the reason for this is they can display three different size homes

and lots. He said the rest of the site would remain intact till they got the first phase selling. Mr. Patera stated that he had three or four slides in his presentation. He said Mr. Virgilio would talk about drainage and grading. He said that there is a major break in the water shed. He stated that if you walked from Huntmaster straight west you are at the high point, then you drop 40 feet to the northwest and 20 feet to the west side along Derby. He stated that this adds personality to the property and they have to study the natural flow of the water first. Mr. Patera stated that the entrance from Huntmaster is a high point with a roundabout. He said these are the larger lots and are visible from 131st and Parker. He stated that the 12,000 square foot lots are on the perimeter going smaller as you go in. This allows for diversity in marketing and real estate sales. Mr. Patera stated that because the roundabout is at the high point you can look out and see the whole neighborhood to orientate yourself. As the road heads north there is a 2.3 acre central commons where people can come together. Mr. Patera said that the low end to the north would be a pond and the road stays away from the oak trees. He said that a house that is on the conservation part can open their back door and walk onto a trail. So even though they have a 7,500 square foot lot, there is still 30 acres of open space that they can enjoy. He said that the route of the roadway coming in off of Parker and 131st would wind its way down and back around. At the back end of the property, there is an alternative road, or an emergency access road from Derby. It can be used as a road and then you can disconnect 25 of homes so they only have access from Derby.

Mr. Patera stated that the centralized open space has buffers of perimeter trees and landscape along the west side for the neighbors. He stated that there will be landscape along the rear yards along Derby. He said that there will be a buffer yard along Parker Road. Mr. Patera explained that having curvilinear roads avoids having the line up of homes and it gives a nicer appearance. He stated that the village green would be about 250 by 450 feet with the homes comfortable situated in relation to each other. He said that other added features of design include roads leading to green space and no right into a home. This avoids car lights shining directly into a homeowner's window.

Mr. Patera stated that lot details are three different sizes. The larger lots are 12,150 square feet and the building pads are nicely separated with the next one. They have side, rear and front yard setbacks. He stated this is the flexibility that they are requesting from the Village to allow home placements on all these lots. He stated that when he was walking the property, the property near Derby felt like it was detached from the main property. He said the idea that they are proposing is whether they can connect to Derby still keeping emergency access. He said they kind of flipped it by putting a road through two of the homes on the west side of Derby. They would align the homes so headlights don't shine into the homes. He stated that the homes themselves would be arranged so that they are respectful of the woods and access can be reached to the open space.

Mr. Patera stated that the products they would use would be a blend of masonry and siding for the structure. He said that there would be an architectural review board that would present the restrictions set by the Village and the restrictions that would set forth by the Homeowners Association. He stated that way they can control the style and

colors that are used on the homes. He showed via power point pictures of the homes that would fit on the size lots. He stated that having the garage set back and having the front porch more prominent can still be done on all three character lots. He then asked Mr. Virgilio to come up and speak about the water shed.

Mr. Ted Virgilio of Branecki-Virgilio & Associates, 79 North Broadway, DesPlaines, stated that they have been in business for over 50 years with land development projects. He said the whole project is tributary to the Long Run Creek water shed. He said there is a major drainage divider running east/west direction where approximately 76 acres goes toward tributary "B" of Long Run Creek, north of 131st Street. The remaining 55 acres contribute to the main branch of Long Run Creek, which is located south of the project. Mr. Virgilio stated that the smaller sub areas are sub drainage divides that drain into small depression areas and exit either north toward the tributary of Long Run Creek or exit to the south of the Erin Hills subdivision. He stated that they are proposing to have three detention areas in the North part and that will discharge toward that tributary area north of 131st Street. The previous plan had one detention area. The current plan has four detention areas. He then showed them via power point where the detention areas would be located. Mr. Virgilio stated that the detention areas have been located so that they conform to the existing topography, honor the drainage areas, and release the water where it previously flowed to. He stated that they were trying to maintain the existing topography so that water goes to where it was before.

Mr. Martin stated that this concludes their presentation. He stated that they were excited about the project. He stated that the Village has the opportunity to get away from a plan that is not creative and doesn't work with the land. He said the new plan works with the natural features and creates a unique place. Mr. Martin stated that this plan is one of a kind in the Chicagoland area.

Commissioner Murphy thanked the gentlemen for the very informative presentation. She stated that at this time she would open it up to the Commissioners for comments.

Commissioner Maher stated that it looks like a third of the smaller lot sizes are not touching greenways. He then asked how many of those houses are not on open space.

Mr. Martin stated that there are 19 in the middle portion 10 on the south portion.

Commissioner Maher stated that roughly half of the lots are not open to greenways. He then asked if the low point of the park was potentially going to be a lake.

Mr. Martin stated that there is an existing low spot there now.

Commissioner Maher asked what the reason was for isolating the park in the back rather than having it in the center or the front.

Mr. Brown stated they are still trying to work things out with the Township or Park District. He said that there have been a lot of phone calls between the Mayor, Village

Administrator, and Park District Officials recently. He stated it appears to be a difference of opinion between elected officials of the Park Board. They are not sure whether to seek a park presence on this site or try and pursue a cash donation to be used for a park elsewhere. Mr. Brown stated that if the Park District preferred a park they would like to have the park on 131st Street. That however does not work out due to drainage. He said after talking on Friday, the Park District stated that their first preference would be a cash donation in lieu of land. Their second preference would be a park presence on that center green space, and thirdly down in the southwest corner. He stated that if they did get that southwest corner then they did not have any specific plans at this time. Mr. Brown did say that discussions are still going on at this time.

Mr. Martin said that these open spaces do not have to be a park to be used. He stated that you can put trails and seating in there to make it a more passive recreation.

Commissioner Maher asked what size house they would typically put on the 7,500 square foot lot.

Mr. Martin said about 1,800 to 2,100 square foot range size house. He said they are still developing the architectural.

Commissioner Maher asked if there was three access points.

Mr. Martin stated that was correct. He said there is one on Parker, one on 131st, and one on Huntmaster. He stated they are still considering one on Derby.

Commissioner Maher said if they only had the three access points most of the traffic would probably be at the Parker access point. He asked if they were going to expand the street for all that traffic.

Mr. Brown stated that he met with the Township Highway Commissioner and he felt the base of Parker Road was good. He said that the Commissioner stated an entire street reconstruction would be a waste of money and that Parker Road should be widened. He said that the bumps and hills would be corrected and it should match up with the width of the road as it goes into Homer Glen. Mr. Brown stated that everyone is in agreement that Parker Road should have a more rural profile to it.

Commissioner Maher asked if there were any thoughts about increasing the lot sizes from the 7,500 square foot which would reduce the total number of lots.

Mr. Martin stated it is the balance when trying to meet the economics of this site but also trying to keep it unique. He said to get away from a plan that has no open space you need some lots that get smaller. He stated they tried to isolate them, but did want to try to keep as close to the 250 units as they can.

Commissioner Maher said that his concern is the 7,500 square foot lots. He said that they don't fit in with the surrounding community and the Village has numerous

townhomes in this area that are vacant. He stated that these homes are on smaller lots and are smaller than some of the townhomes for sale.

Mr. Patera stated that they worked on a project that had townhome zoning but they changed it because the buyers want to get away from a common wall product.

Commissioner Maher asked if the development was in a central point of the community or on the outskirts of a community.

Mr. Patera said it was central.

Commissioner Maher stated that this is on the outskirts of our town. The land is more open with acre to half acre lots.

Mr. Patera stated that he understood what he was saying, however he has 40 acres that can be utilized as open space. He said that these things need to balance themselves out.

Commissioner Spinelli asked if the three access points be at collector street width and if not he wanted to make a recommendation that they are.

Mr. Patera stated that he agreed.

Commissioner Spinelli stated that the visual vistas into the open corridors need to be wider. He stated that at the small lots, you can lose four lots and visual connect the two open areas better. He stated that they are promoting the open space, but don't have the visual from the roadways.

Mr. Patera stated that they can look at that.

Commissioner Spinelli stated that the conservation design is a huge improvement. However, he is not happy with the 60 foot wide lots and feels that in this area it is not what the buyer will want. He said that he would suggest consider reducing the lot size by 10 feet in width at each tier. Then the lot sizes would be 90, 80, and 70.

Mr. Patera stated that they could take that into consideration. He said that 60 foot lots are important and can still be a nice house. He said with the wider lots they can incorporate side entrance garages. He stated that the 60 foot lots will have a recessed or front façade level. Mr. Patera stated that when you drive through you will see the vertical construction and the architectural which will make it look nice.

Commissioner Spinelli stated that he has seen numerous communities that have the smaller lots and when you drive through they look like boxes. He said that you can try to hide it with architectural features but it will still be a small house tucked into these larger homes in the area. Commissioner Spinelli asked what the date was on the drawing that they have, because the drawing he has in his packet did not match.

Mr. Martin stated that the plan on the overhead was from today.

Mr. Brown explained that the packets were assembled last week. He said the plan in the packet had 249 units, but the newer plan shows 247 units. He stated that one specific change was the Township Highway Commission thought to put the detention at Monaghan Road.

Commissioner Erber stated that he also shares concern with 7,500 square foot lots. He said if you kept the same amount of open space, went with 10,125 square foot lots then you would only lose approximately 12 lots. He said he did like the overall plan and it was an improvement over the original. He stated though that the 7,500 square foot lots would not be an asset to the community.

Mr. Patera stated that they are trying to build diversity.

Commissioner Erber stated that he did not agree with the term “today’s market” as an excuse to build smaller homes and get as much as you can out of a development. Commissioner Erber asked for further explanation on what they are planning to preserve.

Mr. Martin showed on the overhead the area that they are planning to preserve. He said that they might lose a few of the oaks along the perimeter due to stress from grading. He stated that their intent is to save as many trees as possible.

Commissioner Erber stated that he likes to see concrete drive-ways and brick on the first floor of all four sides. He asked if the open space was 41.4 acres and if that includes the detention ponds.

Mr. Martin stated that when he takes out the detention ponds he comes up with a total of 36 acres of open space. He said with the detention ponds it is 43 acres.

Commissioner Armijo stated that he is concerned about the trees. He asked what the estimated build out time was.

Mr. Marin stated that this project will be done in phases. He said that the first phase could start within a year, but the whole project could take about five to eight years to finish due to the economy.

Commissioner Murphy stated that it is a dramatic improvement over the first offer. She said that she is happy about the trees. Commissioner Murphy asked why the Derby access wasn’t discussed before.

Mr. Patera stated that it could have been limited due to the County. He is not sure why, but he noticed it when he walked the property.

Commissioner Murphy stated that she preferred that there was an access from Derby. She said this should help with some of the traffic, and that there should be access from multiple areas for emergency vehicles. She asked why it states that they were eliminating street lights when they are adding so much more traffic.

Mr. Brown stated that it was discussed between other taxing bodies and Village staff. He said it was decided to keep it a more rural profile.

Commissioner Murphy stated that she agreed keeping it a rural profile, but adding this much traffic is a little concerning. She said it doesn't have to be substantial, just a little bit more than what is being offered. She asked what kind of lights were going in the subdivision.

Mr. Patera stated that they haven't gone that far yet, however they might look at adding different types of lightning to the different streetscape.

Commissioner Murphy stated that if they were going to have the 7,500 square foot lots then those houses should be stunning in design and not buried.

Mr. Patera stated that he agreed. He said there was a development that they did in the Lake Geneva area and the smaller homes were showcased.

Commissioner Murphy stated that she agreed with the comments made by her fellow Commissioners.

Commissioner Erber asked if the Fire Department looked at the plan.

Mr. Brown stated that they have not seen the newest plan. He stated that they have seen earlier plans and they did not anticipate any problems. He said the Fire Department would also probably like the access off of Derby. He stated that they would see the new plans.

Commissioner Erber asked if the side load garages were going to be a covenant on those roundabout lots.

Mr. Patera said that there are percentages that they have to meet. He stated that if it is desirable then he would like to see it happen.

Mr. Brown stated that he would like to make a few concluding comments before they open it up to the public. He said that before it went to site development in 2007, staff and the developer realized that the topography was inaccurate and the inaccuracies were inconsistent. He stated that it meant that the entire engineering would have to be redone. At this time, the developer had approached some of the taxing bodies to see if they wanted to purchase any of the land. Mr. Brown stated that the developer was willing to sell some of the acreage and the developing rights for that land. Mr. Brown stated that he didn't think that the Village would be able to purchase the property, but

instead talked to the developer about doing a conservation design. He stated that he felt it was important to get the best design and open space from one of finest pieces of land available in Cook County. He stated that he sat down with representative of the taxing bodies and Open Land to discuss purchasing land, but the taxing bodies could not come up with the money. He stated that he understands the concerns by the Commissioners in regards to the 7,500 square foot lots. He said the option of purchasing the land is gone and we are left with the plan of 250 homes. He said the only way we can still give the developer the 250 homes and get the public amenities is to reduce some of the lot sizes. He said that they have gone over several plans from January to March and he feels that this is much better. Mr. Brown stated that given the amount of open space and the fact that the density did not increase, this is a much better option. He stated that the question before us is do we want this plan or go back to the old plan. He said if they want the open space, the opportunity to have a park and to preserve the trees then you have to reduce a certain portion of the lot sizes.

Commissioner Maher stated that he focused on the 7,500 square foot lots because they are tiny. He stated that they are asking for 247 variances because all of these lots are smaller than the zoning size. He said that he agrees this development is significantly better. Commissioner Maher stated that this development on the bigger lots is going to make it easier for the developer to sell these houses than the previous development. He said the developer is getting the benefit of the sales. He stated that he talked about the smaller lots because they are the worst scenario, but they are doing a hundred percent variance on everyone of these lots.

Mr. Brown stated that the Comprehensive Plan discusses conservation design. He said that it talks about relaxing the normal zoning standards for the creation of public open space. He said the Comprehensive Plan urges for this to be done and the Land Use Map that was attached highlights this site for conservation design with allowances.

Commissioner Murphy then sworn in anyone who had arrived after the first swearing in and then opened it up to the public.

Kathy Henrikson, Township Trustee, 12945 Silver Fox Drive, Lemont, reiterated that the original plan was approved by the County even though it was engineered incorrectly. She said she doesn't feel that they have to stick to the 250 homes. She complimented Teska on the redesign. She stated that she liked the open space and the fact that they are trying to save the oak trees. She said that she has expressed concerns with the drainage issues. She asked if on the south end they got approval from Homer Glen to run water through their sewer system to the south.

Mr. Virgilio stated that they were looking into that. He said previously the detention areas along that south end did exactly what these were going to do.

Ms. Henrikson stated that on the original plan the water was going to go east and west to two detention ponds. Now there is another detention pond in the center.

Mr. Virgilio stated on the original plan there was a detention area and it did extend. Mr. Virgilio showed Ms. Henrikson on the overhead the detention areas.

Ms. Henrikson asked if they were still working with Homer Glen to clear up the water issues. She said that Homer Glen did object to the original plan.

Mr. Virgilio stated that they are still looking into the matter.

Ms. Henrikson asked if on the north end of Red Drive will the water be going north into the private property detention area.

Mr. Virgilio stated that the water may go to the big detention area or toward the wetland.

Ms. Henrikson stated that this was a lot to take on and that there were a lot of drainage problems. She said that Cook County never did any kind study on drainage in this area. She said that she has always asked for one at the meetings and the drainage issue has been a big concern for all the neighbors. Ms. Henrikson stated that concerns were discussed at the May 10th Township meeting and that is why they sent a representative down to the Village to address some of these issues. She said that she hopes Mr. Virgilio would work with Mr. Vaznelis, Highway Commissioner for the Township. She stated that they had an existing engineering plan that they did with B-3 to try and convince Montebano to do it right. Ms. Henrikson said that she is concerned about the traffic. She asked if the north entrance was going to line up with Black Fox Lane. She stated that this can cause problems with hesitations as to who has the right to go. She suggested that maybe these roads could be staggered. She said that she is concerned that none of the developers in the area have been required to contribute to a traffic light. Ms. Henrikson stated as far as the parks or walking trails, there are none in the area. She said they are being forced into 250 housing units instead of having real parks and open space. Ms. Henrikson asked who is responsible for the detention areas and open space.

Mr. Brown stated that the Homeowners Association would take over the larger detention area to the front. The other detention ponds would go to one of the other public bodies. He said this is flexible.

Ms. Henrikson stated that she does not feel committed to 250 homes. She said maybe there is some threat by the developer for the Village to make this decision. She stated she feels the developer bought a bad plan without doing the research. She said that character of the area should not be sacrificed.

Commissioner Murphy stated that she wanted to clarify that this plan has been approved by the county and can not be debated.

Mr. Brown stated that the plan on the easel has been approved by the Village of Lemont in August of 2007. The developer has all entitlements and rights to pursue the development of 250 homes on that site.

Commissioner Murphy said she wanted to make it clear where they needed to go with this case. She also asked to keep comments as brief as possible, and if it was covered in the past, you may say you agree or not so we can give everyone a chance to speak.

Greg Nicklas, Township Trustee, 13211 Red Drive, Lemont, stated that in 2007 he was asked by the Village Administrator and Mayor at that time, to talk to the neighbors on Red Drive. He said he was supposed to persuade the neighbors to annex their properties so the Village can annex that entire property. He stated that the Village had made promises to the neighbors if they did annex and many of them did annex into the Village. Mr. Nicklas stated that one of the promises was that the property that would back up to Red Drive would be 17,500 square feet and the smallest lot would be 12,500 square feet. He said every lot is smaller than the smallest lot on the original plan. He stated that he is all for open space, but he was given a promise. He asked what kind of a product are they going to build on these smaller lots and were the lots going to sold off to different builders.

Mr. Brown stated that his understanding with talking to the developer is that some would be held by the current owner and the others would be sold to home builders.

Mr. Nicklas asked wouldn't they be bringing their own product in as opposed to the product that Teska was showing.

Mr. Brown stated that there would be an architectural review board that would be established. He said that they would bring their own designs, but they would have to maintain specific criteria.

Mr. Nicklas stated that all the lots around there are an acre or better and the homes are 3,000 square feet. He stated that they have talked about what was good for the developer and the Village, but what about the people. He said the developer is entitled to the 250 lots, but maybe he can cut back himself and adjust the lot sizes appropriately if he wants to get this project moving.

Guy Petruzzelli, 13835 W. Dublin, stated that he lived directly south of the development and he himself had some concerns. He asked what the R-4 zoning allowed.

Mr. Brown then read the description of the R-4 zoning.

Mr. Petruzzelli asked if the R-4 zoning allowed townhouses.

Mr. Brown stated that it did not.

Mr. Petruzzelli thanked Ms. Henrikson about mentioning Homer Glen. He stated that he spoke with Mr. Brown last week and then he spoke with the Village Planner of Homer Glen. He stated that the Village Planner was not contacted and did not know about the meeting this evening. He stated that the people of Homer Glen had no representation at the meeting for them. Mr. Petruzzelli stated that the Village Planner said that they did have concerns that were not addressed in regards to the flooding. He said that the Village of Homer Glen should see the plans and be able to review them before the Village of Lemont signs off on them.

Mr. Brown stated that he notified the Village Administrator for Homer Glen.

Mr. Petruzzelli asked if Mr. Brown would contact the Village Planner of Homer Glen.

Mr. Brown stated that he would.

Mr. Petruzzelli stated that the traffic problems are getting worse everyday in the area. He said that the traffic at 131st and Derby or Parker is horrendous and there is nothing stopping those cars from Archer Ave. all the way to Bell Road. He stated with Montebano they were going to put a traffic light at 131st and Parker and now that is not happening.

Mr. Brown stated that approved agreement with Montebano did not require a traffic light.

Mr. Petruzzelli stated that there needs to be something at 131st and Parker especially if you are going to add more traffic to the area. He stated if for some reason Parker Road is closed there is no entrance for emergency vehicles to Erin Hills. He asked if they could possible consider an emergency entrance or exit into Erin Hills it would help.

Don Quaid, 13205 Derby Road, Lemont, stated that one of the reasons why he signed the incorporation letter was the assurance that there would be no entrance or exit onto Derby Road from this development. He asked if there were any buffer zones.

Mr. Patera stated that there is on the south side of the property and showed Mr. Quaid where the buffer zones are located.

Mr. Quaid stated that the natural flow of water all flowed to the left of the detention. He stated that his backyard floods every time it rains. He stated that people go walking on Derby Road and there are no sidewalks. That is why he pushed to not have an entrance off of Derby.

Charlotte Wright, 13254 South Dublin, Homer Glen, stated her home is where there is no buffer zone. She said when they have a hard rain the water comes into their yard. She stated that the little pond is not going to hold all that water. She said that the water issue is her concern. Ms. Wright stated that the lot size does not matter to her, but they need to put in a bigger detention pond.

David Mullen, 13200 Silver Fox Drive, Lemont, stated he would like to applaud the Commissioners about their comments on lot size. He said that he understands what they are faced with, but the plan was wrong from the beginning. He stated that he and his neighbors want rural and that this development is not. He said that this new plan is a major change and applaud the developer. Mr. Mullen stated that he was at the meeting for the east side of Parker Road known as Paradise Park. He stated that the Planning and Zoning Commission at that time did not approve that development. He said that Mr. Brown thought it was a good idea and the Village Trustees approved this development. Mr. Mullen stated that he does not know what happened to this development and thank goodness they never did build there. He said that he hopes that it is developed more like this plan coming in rather than a nursing home facility that does not fit the area. He asked the Commissioners to stick to their beliefs and to not allow other entities to change what they recommend. Mr. Mullen said he would like to see the density ratio reduced. He said the school district is already overburdened and under funded. He said that he understood that the developer has a right to build but it will not help the community of Lemont. Mr. Mullen stated that he would never recommend to anyone about annexing into Lemont. He stated that he is also concerned with the traffic at 131st and Parker.

Commissioner Murphy stated that they are only a recommending body.

Marsha Lenz, 13508 Red Coat Drive, Lemont, stated that she also commends their comments and hope that they stick to them. She stated that the plans were pretty but the density is scary. She stated that Parker Road is too narrow and a traffic light is needed. Ms. Lenz said that she didn't like that the parcels can be sold off to other builders. She asked that there is no guarantee that these builders will follow the formats of the original development. She said that they put a stop to Montabano because they did not agree with their plans. She stated that her main concerns are the lot sizes and traffic.

Jennifer Ward, 13101 Red Drive, Lemont stated that there is a reason they have zoning in the Village and hopes that the Commissioners stick to what they are saying. She said that she lives on two acres right on the corner of 131st and Red Drive. She stated that what they don't show on this plan is that there are two detention ponds back to back. She asked what the purpose was for both of those ponds. Ms. Ward stated that it already flows and floods that area. She said they were told in the annexation agreement that they would help with the drainage issues and they haven't. She said the reason they did not want Montabano was because of the small size houses. She stated that if people want a smaller size house they should buy in town. The reason she moved out here was for the bigger houses. She asked that if it goes through, to please put some kind of traffic light out there. She said they had to talk to the school district about not having the buses stop on 131st because of safety reasons.

Stephanie Rothnau, 13744 West Dublin Drive, Homer Glen, asked if there is a buffer zone between her lot and the development.

Mr. Patera stated that other than rear yard setback there was not.

Ms. Rothnau asked why the Village would allow a 7,500 square foot lot in R-4 zoning.

Mr. Brown stated that the zoning ordinance requires the lot size. However, the Comprehensive Plan, which is not binding under state law, serves as a guide for planning concerns. He said that the Plan recommends that in situations where there are certain amenities being established or for the creation of open space that the Village allow the deviation from that standard lot size.

Ms. Rothnau stated that the new plan was much better. She asked that the Village of Lemont please talk to Homer Glen because it also affects people in there. She said that she does not need any more water than she already gets. She stated that she did not read anything about this case in her local paper, but did read about it in the Tribune.

Jim Bailey, 13310 West Red Coat Drive, Lemont stated that in the morning, when people are coming to Parker Road, traffic is backed up to Huntmaster. He said it is going to get worse. He stated that he is concerned that there is so much traffic that people will start cutting through on Huntmaster to get to Red Coat and then to 131st. Mr. Bailey stated that there should be a light at 131st right now. He said that he agreed with his fellow neighbors comments in regards to lot size. His last comment is in regards to the right in and right out. He said that it was nicely designed so lights would not shine into the windows, but people pulling out of the subdivision would be shining their lights onto his property.

Janin Tylka-Suleja, 13404 Huntmaster Lane, Lemont, stated that she was at the first meeting with Montebano and did not agree with the number of houses. She said that she does not understand how Cook County could approve those homes even when Lemont was against it. She stated that she is concerned about the water issues, traffic and the small lot sizes.

Brian Simone, 13820 W. Dublin Drive, Homer Glen, said shame on Lemont for doing this. He stated that what does this do to all the people who have foreclosed homes or are trying to sell their homes in Lemont. He asked why there isn't a buffer zone in the southern area and how much of an easement are they going to honor off of the county line. Also, will that shorten those lots? He stated that the power lines run through there.

Mr. Martin stated that right now there is none shown. He said that there is an easement for power lines. The rear yard setback is 25 feet.

Mr. Brown stated that if the power lines were in the rear in the back then there is an easement that would range from five to fifteen feet. He said there really is no requirement that there is vehicular access along those rear lot lines. He stated that if the

homeowner puts a shed or tree there, then they do so at their own risk. If the utility company has to get back there then they might lose the shed or tree at their own cost.

Mr. Simone asked where the cars park if they want to come and use the park.

Mr. Brown stated that there would be a couple different options. One could be another entrance off of Parker. He said that the Park District has not indicated what they would want to do if they get that park.

Mr. Simone stated that this plan is horrible and that he is upset that they only get two choices. He said go with the first one because it won't sell.

Mr. Maher stated that all comments should be addressed to the Board.

Mr. Simone asked why they are trying to hide the smaller lots from the road. He said that 250 homes are too much for this property. He stated that instead of working with the Village and people, they come up with this design and get to keep the 250 homes. Mr. Simone stated that they are asking for 250 variances, what else are they asking for. He stated that all these people are saying that they have signed off on papers. He said that they should start a lawsuit with those papers. He stated somebody made a deal that they did not keep.

Mr. Erber stated that he would like to comment about allowing this property when there are foreclosures going on. He said that you can not stop someone from developing their land. He stated that you can regulate it, but not stop them.

Mr. Simone stated then let's regulate it up to code with the lot sizes. He said that you promised these people here certain things. He stated that this is not fair.

Commissioner Murphy asked Mr. Brown who signed off on this.

Mr. Brown stated that the original 250 unit plan was original approved, over strenuous objection by the Village of Lemont, by Cook County. He said that it has been a recurring problem with Cook County. He stated the Village tries to regulate land development within their planning area and the developer then runs to the County to get it approved. Mr. Brown said that the preliminary approval was given in Cook County. The Village decided it was in their best interest to annex the property into Lemont, and accept the plan so they can be in a better position to regulate it.

Mr. Simone stated that he feels strong-armed by only having two choices. He said that they are not going to do this because it won't sell, or they are going to have empty lots with trucks, bricks and overgrown fields. He asked how many homes do they think they are going to sell in a year. He stated that they said this is an eight year plan, so they have to sell 30 homes in a year. He said probably only 30 homes will sell in all of Lemont in the next year if we are lucky. Mr. Simone stated that it is going to take a long time for this to be done and it will be an eye sore to the community.

Donna Mullin, 13200 Silver Fox Drive, Lemont, asked what the cost of the homes would be that they are building on these lot sizes.

Commissioner Murphy stated that she did not know and would have to ask the petitioner.

Mr. Martin stated about \$300,000 and up.

Ms. Mullin stated that she could not believe that they would be putting a \$300,000 home on a 7,500 square foot lot.

Mr. Brown stated that it is not as unreasonable as most people would think it would be. He said Hinsdale is an example where the lot sizes are about 8,500 square foot and look at their prices.

Commissioner Murphy also stated that there are homes in Lemont on lots that size that are appraised for more \$300,000.

John Alfirevic, 13729 Dublin Drive, Homer Glen, stated that he has been a long time resident. He asked where the sewer was going to go.

Commissioner Murphy stated that she can not speak about the engineering, but it will follow that engineering plans.

Mr. Alfirevic asked if Homer Glen was brought in.

Mr. Brown stated that the Village has its own water and sewer. He said that this design would tie into that. He stated that there would be some adjustment to bring it all under MWRD (Metropolitan Water Reclamation District) jurisdiction.

Mr. Alfirevic stated that he lived on the south side of the street and he knows that there are a lot of people here from the north side of the street. He said he feels that they have not made it clear enough that there is eight to ten feet of elevation over their backyards. He stated that it used to be a dust problem when they plowed the fields, but now it is a water problem. He stated that the water goes into the Erin Hills drainage system and they have a large detention pond. He said that when it was built it was 35 feet deep, but now it is only 3 feet deep because of runoff. He asked because of their waste going into their retention pond in Erin Hills were they planning on dredging the pond.

Mr. Patera stated that often times when they are working on a green field site, which is a piece of property that has been farmed, it can have unchecked erosion and is free flowing. He stated that the comments that he has heard tonight are not unexpected. He said that water and traffic concerns are items that they need to address to their satisfaction. Mr. Patera stated that one thing mentioned is plowed fields and erosion. He said that this would not happen anymore and that there will be less runoff off from

the property with this proposed plan than what they had to live with in the past several years. He stated that he was planning on things getting better rather than worse. He said that he understands that their property is up hill and they need to control storm water.

Mr. Alfirevic stated that there is more water runoff from a subdivision than there is from a farm.

Mr. Patera stated that is why you see open space and storm water retention.

Mr. Alfirevic stated that he hopes that they do look into the water problems.

George Beck, 13565 McCarthy Road, Lemont, stated that there were two subdivisions that were built by him. He said they handled the storm water and sewer just fine for the development. He stated that his property still has flooding problems. He said he has notified the Village, Township and MWRD. Mr. Beck said that it is his problem now and that when this development goes in then it will become their problem not the developer's problem. He said that all that storm water would get into the sanitation and the Village is already spending money on separating the two. Mr. Beck said that after the development goes in, water will start to come up in the people's basements. He stated that in the Comprehensive Plan, page 39, it states that it will handle sanitation if the Village builds adjacent to them.

Marsha Lenz asked how far the city water comes out into the unincorporated area.

Mr. Brown stated that they have municipal services out to Glens of Connemara along Bell Road and 131st. He said that line would also be used to service this area as well.

Ms. Lenz asked if the area on Silver Fox Drive had Village water and sewer.

Mr. Brown said that they did not.

Ms. Lenz asked if they would be tying in.

Mr. Brown said no. He stated that they would have to annex into the Village. He said the service lines along 131st were sized with the anticipation of this development.

Ms. Lenz said that she feels none of the Board members or Village staff knows what kind of water problems they have out in the area. She stated that they are trying to address them, but they are bigger than what they are aware of.

Harry Jensen, 13523 South Red Coat Drive, Lemont, stated that he is the last house in Cook County. His house is about 20 feet higher than the houses behind him in Will County. He said they need to see the development from the bottom going up. He stated that his neighbors behind him get flooded out all the time. Mr. Jensen said that

he did not know how big the retention pond will be, but it better take up the whole area. He said water will seek its own level and it will go directly to those poor people of Erin Hills. He stated that he objects to the lot size and that his lot is 43,000 square feet. He stated that in Glens of Connemara the lot sizes are 12,500 square feet. The houses are selling and they are nice. Mr. Jensen urges that they go and look at the property to see if this makes sense.

Commissioner Erber stated that the land is not right yet because it has not been graded or developed properly.

Mr. Jensen said that he is looking at his developed land with a retention pond next-door and a spillway that spills out of his subdivision to Fox Point which continues into Long Run Creek.

Commissioner Erber stated that it is not the Village's intention to let that happen to anybody.

Lenore Szydlo, 13107 Red Drive, Lemont, asked what the water strip was and where was it going to.

Mr. Virgilio stated that it is a retention pond and that it will be discharging into the north or to that bigger retention area to the east and then going back to the tributary across 131st.

Ms. Szydlo stated that she was totally against opening up Derby Road. She said that there are no parks out by them. She stated that there is no other place for them to walk or ride their bikes. She said that she does not agree with the lot sizes.

Mark Jozapaitis, 13035 Parker Road, Lemont, stated that this was the first time that he heard that this parcel of land was annexed. He said that he never received notice. He stated that he was sorry that his neighbors fell for the agreement that the Village of Lemont gave them. He stated that the flooding on 131st and Parker is terrible. Mr. Jozapaitis stated he was concerned that the water will spill over into his property. He said that the traffic on 131st and Parker is terrible. He stated that after there was a death at the corner he thought for sure they would get a traffic light. Instead they received another street light at the corner. He said that he avoids using that corner because of the traffic. Mr. Jozapaitis stated that he is surprised to learn that this was annexed. He said now Lemont can come in with land rights and the quality of their life diminishes.

Commissioner Murphy asked if anyone else would like to come up and speak. None responded. She then asked if the petitioner would like to come up and speak to address any of the issues.

Mr. Patera stated that he appreciates the comments from everyone. He said that this is the typical process of a planned unit development. He stated that you get to hear and have enough flexibility on both sides to incorporate comments from residents that they

don't take lightly. Mr. Patera said that some of the comments are straightforward in regards to traffic and drainage, which they take very seriously. He stated that they are appealing to a high quality piece of property with an opportunity of diversity in home product. He said they can consider the comments from the Commission and proceed. One of the comments that Mr. Brown had was that the petitioner, their client, have some degree of competence that they are headed in right direction. Mr. Patera stated that there may be some elements here that they may want to look at more closely that might become conditions of approval. These elements might be standard ordinance things like drainage or traffic. He stated that there are other things that are preferences, but they can also be considered conditions of approval. Mr. Patera stated that he leaves it to the Board to come forward with a summary of what they think is the best prescription for this piece of property. He said they are seeking some kind of direction or approval so they can work with them to refine it and move forward.

Commissioner Murphy stated that she will open this up to the Commissioners for comments.

Commissioner Armijo stated that he sympathizes with everyone, but they are at a catch also. He stated that they have two choices also, however they can put conditions.

Commissioner Erber stated that he does like the new plan. He appreciates them working with the Village to come to this plan. He said he hopes they would go one step further and reconfigure the 7,500 square foot lots to 10,125 square feet. He stated that this is his main concern with the project. Commissioner Erber said that the open space and connectivity is very nice and you don't see that in many subdivisions.

Commissioner Spinelli said that he still thinks that the three access points have to be wider, they should consider opening up the vistas, and reconsider the variation of the lot widths.

Commissioner Maher stated that he had issues with 7,500 square foot lot sizes. He said that he would like to see a change with those lots. He stated that he did like the plan that was there. Commissioner Maher said that trying to do some open space was really important. Doing something different is going to attract people to your development and hopefully sell quicker. He stated that in the outskirts of this town, he would have a hard time with 7,500 square foot lots.

Commissioner Murphy stated that what they are hearing is a compromise on those smaller lot sizes. She stated that she agreed along with the other Commissioners about the collector width. She asked Mr. Brown what determines a traffic light at 131st and Parker.

Mr. Brown stated that it is not included in the current development agreement. He said that it would have to be something that the Village Board would negotiate back into the agreement. He said the initial thinking was to wait till traffic warranted it. He stated that he knows that there is traffic back-up at certain times of the day, but he feels that it

doesn't warrant a light currently. Mr. Brown stated that they want open space, there's a need for storm water detention and we are bound by an existing agreement that entitles 250 homes. He said what can the Village offer to compensate for the loss of those entitlements? He stated that there is really not a lot to offer. Mr. Brown then gave a little background. He said that the Village collects fees which are then distributed to other taxing bodies for the anticipated impact of the development. He said there is a formula it is based on. He stated that they would not impact the fees that the school district would receive. He said Fire Department impact fees were minimal, so they were not going to touch those either. He stated that the Park District gets land/cash or a combination of both. They are still determining. Mr. Brown said the only other impact fee is public safety and that goes to the Village of Lemont. He said they receive a \$1,000 per dwelling unit. It was discussed at staff level and with some of the elected Officials that the Village would take a cut of 25 percent because they felt this was worth it. He said that really was not more that they could offer for the reduction of units. He said they could give some breaks on impact fees, but they would need that money in order to inspect and review plans. Mr. Brown stated they discussed how they collect impact fees. He stated that he just wanted to show some of the negotiating that they have gone through. He said he understands the objection with the smaller lots; however you can't get the storm water detention, open space, and open space corridors unless something gives. He stated that they could approve this with conditions. He said that he knows the developer would like to proceed with a vote tonight.

Mr. Patera stated that he would like to offer our cooperation tonight. He said he appreciates the comments on improvement of the plans. He stated that they were going to continue to look for how to increase quality for the neighbors as well as for this property. He said that they are cooperative with the road width. They would look into storm water management and buffers to the best of their ability. Mr. Patera stated that adding another buffer to the south was another constructive comment. He said they can look at the lot sizes. He stated though that they need to have the drama of the open space. Mr. Patera stated that these comments come constructively and they learn from them. He asked that they still have the continuation of their refinement, but still get some kind of a vote. He said they can make conditions on the road width, traffic consideration, still consideration on lot size, refinement for storm water, and buffer separation to the south.

Mr. Brown said he had one final comment. He stated that he has been advocating keeping the smaller lots, but what he is really against is cutting back on the open space. He said it lies out very nicely and it gives a huge advantage. Mr. Brown stated that he is a huge advocate for native plantings and ecological restoration. He said that their vision is everything that is green on that area would be restored as native prairie or oak savanna prairie. He said what that does when you have a large area like that is it absorbs the water down through the clay soil. He stated that if you cut that back then you are replacing it with turf grass and it holds absolutely nothing. He said that there is a benefit to keeping this open space.

Commissioner Erber said that his comment to decrease the smaller lots was not to decrease the size of the open space.

Mr. Patera said what they are looking at is trying to balance out and still not have all big lots with no open space. He stated that he does not want to go back and the new plan shows a lot of diversity and creativity.

Commissioner Erber said that he agreed. He said what he is saying is reconfigure the lots without losing the open space. He stated that every lot is a variance.

Mr. Patera stated that he takes exception to that. He said that this is a planned unit development and it takes creativity. He said that this is a collective agreement process that they are going through. He stated that in answer to his question, they can look at those lots. He said can he give him an answer that those lots are going to be 7,650, no. He stated that he has no idea what they will come up with, but they hear loud and clear to come up with something better.

Commissioner Erber said that he made a comment about making the development look attractive. If you increase these smaller lot sizes of 7,500 square feet, the development will look better.

Mr. Patera said that there is a progression on lot sizes that they are using. He said there was a comment of leaving one neighborhood and going to another. He stated that it is just like in Lemont and elsewhere, you travel into different neighborhoods and there will be different context or feeling.

Commissioner Erber stated that what you are talking about here is something that is totally unlike something in the area.

Commissioner Murphy said the plan is a remarkable asset to the area, especially compared to the first plan. She said it goes back to what they wanted to accomplish the first time they went out to that site. That is to retain this open space. She stated that they have to take into consideration all the things that were said today. Commissioner Murphy said when you have something unique and new there are going to be some fears that only get relieved once it exists. She stated that she would like to look into Derby Road and the access. She said a gentleman brought up that he had that in his annexation agreement, but she would like to verify and look into that. She said she felt it would be a good additional asset to have an access on Derby. Commissioner Murphy said that she agreed with the collector width and looking into the lot sizes. She said that they have to take into account the strong opinions that were voiced tonight.

Commissioner Maher made a motion, seconded by Commissioner Spinelli to close the public hearing for Case #11-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Discussion continued between the Board on voting and what conditions.

Commissioner Murphy asked what width did they want the opening.

Commissioner Spinelli stated collector's width pavement.

Commissioner Murphy asked about the storm water management.

Commissioner Spinelli stated that would be part of engineering.

Commissioner Murphy asked about the buffer and traffic light.

Commissioner Spinelli said they would like larger lot sizes, larger visual vistas into the open space, collector width pavement, and creating a buffer to the south side of lots.

Commissioner Murphy asked if there were any comments on a traffic light.

Commissioner Spinelli stated that it is a current issue now and this will most likely increase that issue. He said we can't blame this developer for something that is a current problem. He said if all four corners were developing then all four developers can participate in a cost sharing. He stated to put that expense on one developer to fix a problem that is already current is not the right thing to do. Commissioner Spinelli stated that is the responsibility of the Township or County.

Commissioner Murphy asked about street lights on Parker Road.

Commissioner Spinelli stated that should be looked at by the engineer.

Commissioner Murphy asked if Mr. Brown looked at that before meeting with Village.

Mr. Brown stated that staff's thinking was illumination would be needed at the intersections, but not elsewhere. He said that the surrounding subdivisions do not have what is found by Lemont standards.

Commissioner Murphy stated that she would recommend a review for the need of additional lighting on that road.

Commissioner Murphy reiterated for the Board the recommending conditions:

- a. Collective street width for all three access roads up to common areas provided in the roadway. South entrance, north entrance off of Parker, and connector from the village green to 131st.
- b. Look into the ability of having Derby Road as an entrance.
- c. Review storm water management.
- d. Larger lot sizes.
- e. Larger vistas into the open space.

- f. Additional buffer needed to the south lots.
- g. Review of the need to have street lights on Parker Road.

Mr. Brown stated that if they do pursue the Derby Road entrance, they would have to go back and check any agreements that may have been made with the residents out there that agreed to annex. He said they would certainly not violate that agreement. He stated that if they did want to pursue it they would seek an amendment to any agreement that they did with them or any agreement with lot sizes. He said to not honor any agreement would be a risk for a lawsuit.

Commissioner Murphy then read the Findings of Fact:

- a. The redesign is compliant with the intent of the 2002 Comprehensive Plan for a conservation/cluster design on this 131-acre property. *All Commissioners responded that they agree.*
- b. The dedication of a significant amount of open space for public use will preserve outstanding features of the site and provide the community with great asset. *All Commissioners responded that they agree.*
- c. The variations from the Village of Lemont's lot dimensional standards for R-4 zoning are appropriate given the amount and character of open space incorporated into the site redesign. *Three of the five Commissioners agreed.*

Commissioner Erber made a motion, seconded by Commissioner Armijo to recommend approval of Case #11-06 with the following recommended conditions:

- 1. Collective street width for all three access roads up to common areas provided in the roadway. South entrance, north entrance off of Parker, and connector from the village green to 131st.
- 2. Look into the ability of having Derby Road as an entrance
- 3. Review storm water management
- 4. Larger lot sizes.
- 5. Larger vistas into the open space.
- 6. Additional buffer needed to the south lots.
- 7. Review of the need to have street lights on Parker Road.

A roll call vote was taken:

Ayes: Armijo, Spinelli, Murphy

Nays: Erber, Maher

Motion passed

Mr. Brown explained to the audience what the next step was for this case. He gave the audience his e-mail address if they would like to e-mail him to keep updated.

- B. Case #11-04: Kahle 129th Street Annexation and Subdivision.** Public hearing requesting annexation, rezoning to Lemont R-4 Single-Family Detached Residential District and Subdivision of the 2.49 acres into two lots.

Commissioner Erber made a motion, seconded by Commissioner Maher to open public hearing for Case #11-04. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated that the request is for annexation, a lot subdivision and rezoning. He said that the rezoning is the reason for the public hearing. He stated the owner of the property seeks the annexation and subdivision with the intention of putting two homes on the lot. Mr. Brown said that there are already two existing homes and both are occupied. He said one of the existing homes would be demolished and a newer more substantial home would take its place. He stated that the newer home would be further back on the lot. He said the lot is not really flag shaped, but it is not evenly divided. He stated that it would be annexed as conforming lots. He said they still exceed the minimum lot requirement.

Commissioner Murphy asked if the petitioner would like to speak.

Denise Kahle, 18 E. Eureka, Lemont, stated that she wanted to subdivide and annex into the Village. She said the reason for the variance in the lot size was that she wanted to keep it close to 1.25 acres each. She stated that they could not go with the flag lot, so they had to switch it because a gas main runs where the flag pole was going to be.

Commissioner Murphy asked if any of the Commissioners had any questions. They responded no. Commissioner Murphy asked if anyone else would like to come up and speak.

Ed Mansell, 20 Ruffled Feathers Drive, Lemont, stated that Ms. Kahle had contacted him about building a house on her lot. He said that the house that is coming down is being replaced with an eco-friendly house. He stated that it will be an asset to the Village.

Commissioner Erber asked if he was going to be the builder.

Mr. Mansell stated possibly.

Commissioner Murphy asked which lot.

Mr. Mansell stated that it was the rear lot.

Mr. Brown stated that it would be on lot one.

Commissioner Murphy asked if anyone else had any questions. None responded.

Commissioner Maher made a motion, seconded by Commissioner Spinelli to close the public hearing for Case #11-04. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Spinelli made a motion, seconded by Commissioner Erber to recommend approval for Case #11-04.

Commissioner Murphy then read the Findings of Fact:

- a. The requested subdivision and rezoning will not alter the essential character of the area since two homes already exist on the subject site; and
- b. The requested R-4 rezoning is compatible with surrounding land uses and zoning.

A roll call vote was taken:

Ayes: Armijo, Erber, Maher, Spinelli, Murphy

Nays: None

Motion passed

- C. Case #11-07: Lemont Village Square Outdoor Seating. Public hearing to amend the Planned Unit Development ordinance in order to incorporate outdoor seating.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to open public hearing on Case #11-07. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown said that Village of Lemont approved Lemont Village Square back in 2005. He stated that there were certain conditions for outdoor activities. He said that the Village also has an ordinance for outdoor cafés, but it is questionable if that would apply to this case. Mr. Brown stated that the applicant approached the Village about starting an outdoor café. He said that he felt that this would be a major change to the approved development plans, and therefore an amendment to those planned unit development and annexation agreements was necessary. He stated that he had a small outdoor café currently with a couple of outdoor tables. Mr. Brown said what he would like to do is a little bit more substantial. He stated that the petitioner intends to lease out the building where the Wine Emporium formerly was and use it for banquets or parties. Then the area in front of Slammers, his existing store, and the Wine Emporium would be all outdoor seating. He stated that he has provided examples of what that enclosure would look like. He said that there would be pillars, outdoor fencing, and it would only be seasonal.

Tom Gangas, 16034 S. Windmill Drive, Homer Glen, stated that Slammers opened after Thanksgiving and business has been tough to get going. He said that they are in what you would call a dead zone and are tucked in a corner behind Starbuck's. He

stated that they had to get a variance for signage on the building. Mr. Gangas said that they are constantly getting people stopping in asking when they opened. He stated that it would be different if he had 10 or 15 other restaurants close-by to attract people. Mr. Gangas said that they plan on taking the Wine Emporium which is roughly 1,200 square feet and using it for parties. He stated that the old party room when it was Aurelio's is now a game room that the kids enjoy. He said that he is hoping to bring in upscale live entertainment in the evenings when the room is not rented. He then explained how he was planning on setting up and where he would like the outdoor seating. He stated that in the packet there should be some pictures of the pillars and they are a glue down system. He said that the blocks would be about six feet in height. The pillars would be topped off with a cap. He stated that there would be rod iron fencing. There would be a six inch elevation off the bottom to allow for cleanliness. He said that it is totally see-through and spacing on the rods are three and half inches. Mr. Gangas stated that he presented this also to the Chief of Police for Lemont and he liked the idea. He said also in the packet are the specs and what the fence would look like. He stated that at the Village meeting a question came up about a smoke zone. Mr. Gangas showed the Commissioners on the power point where the no smoke zone would be. He also explained where the grill would be located. He stated that he would create a barrier with a plastic chain link to designate where the smoking area would be located. He said that some of the tables would be rod iron, but on the smaller tables he would like to use a stone block with marble top so it looks nicer.

Commissioner Spinelli asked where the smoking area was going to be located.

Mr. Gangas showed Mr. Spinelli where the smoking area was located on the power point. Mr. Gangas said wherever there is food you can't have smoking and that there has to be a 15 foot buffer.

Mr. Brown stated that he would comply with the Illinois State Law. He said that he can have the drinking outdoors as long as there is food being served according to the ordinance of Lemont.

Commissioner Spinelli asked if there was a bar area or if that was strictly for servers.

Mr. Gangas stated they were planning on having a sit down bar with a window that slides down, so the bartender is on the inside of the building. However, he is not sure if they are going to do this. He stated that this is going to be a costly project. He stated that there would not be an entryway into the Wine Emporium through Slammers. He said the entryway would be through the main doors.

Commissioner Spinelli stated that he thinks it is a great investment.

Commissioner Erber asked with the additional banquet seating would parking be an issue.

Mr. Brown stated that there is enough parking. He said that the other facilities require more parking during the day and Slammer's peak time for parking would be in the evening.

Mr. Gangas said that the outdoor seating would only be used about 45 days a year from May 15 through mid October due to weather issues. He said if on the nice days you don't have it then they won't come.

Commissioner Murphy asked if there was anyone else who would like to come up and speak. None responded.

Commissioner Maher made a motion, seconded by Commissioner Erber to close the public hearing on Case #11-07. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Murphy then read the Findings of Facts:

- a. The requested outdoor seating area would help promote business in the community and at the Lemont Village Square shopping center.
- b. The requested outdoor seating area is consistent with current Village regulations governing the establishment of such outdoor dining areas.
- c. The location and design of the outdoor seating area should help mitigate any adverse effects such as noise and illumination on surrounding tenants in the shopping center and surrounding land uses.

All Commissioners agreed.

Commissioner Spinelli made a motion, seconded by Commissioner Armijo to recommend approval for Case #11-07. A roll call vote was taken:

Ayes: Armijo, Erber, Maher, Spinelli, Murphy

Nays: None

Motion passed

- D. Case #11-05: Krystyna Crossing Amendments.** Public hearing requesting amendments to the annexation agreement that would reduce the front yard setback on lots 6-9 in the subdivision and also delete certain requirements contained as part of the annexation agreement.

Commissioner Armijo made a motion, seconded by Commissioner Maher to open the public hearing for Case #11-05. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown apologized for the long wait. He stated that this case started in 2004 and was still going on when he arrived in August 2005. He said they eventually approved

this development and annexed some of the territory in October of 2007. He stated that the development really did not get off the ground. He said that most of the infrastructure is in and then it went into foreclosure. He stated that the bank took control and marketed the property. He said Castletown Homes, Inc. ended up purchasing the property. Mr. Brown stated that all of the interested bidders on the property were interested in changing several of the items on the development agreements. He stated that they all had an issue with lots 6-9 which are pie shaped on the cul-de-sac. He said that the required setbacks push those homes very deep onto the lot. It leaves the lot with no back yard. Mr. Brown stated that another issue was there were covenants attached to the agreements. He said the Village does not usually deal with covenants; it is usually handled by the homeowner's association. He said since they were part of the official recorded documents staff felt they were bound to enforce them, and they wanted to change them. Mr. Brown stated that to his knowledge and review of the records, he does not feel that the Village was demanding a lot of these revisions to the covenants. He said that they were put in for the previous developer's desire. Mr. Brown stated that the covenants demand that all homes on the site have a minimum square footage of 3,200. He said that the new owner would like to eliminate that provision. The covenants include a provision prohibiting ranch-style homes on the site. The new owner would like to eliminate that. He stated that the covenants had a provision specifying roof slope to all homes. The owner would like to eliminate that, also. Mr. Brown stated that he would like the Village not to get tied in with the covenants. He said that he would like to remove the covenants entirely as an exhibit to the development agreement and then when they amend it they can put back in any requirements.

Commissioner Murphy stated that they went to great lengths to put them in. She said that she wanted to make sure they were covered with this particular area and developer. She stated that some of the covenants might have to do with fences or no fences and sheds. She said that she would not like to eliminate all of them. Commissioner Murphy stated that the roof pitch was done because of the design.

Mr. Brown stated his recommendation would be to remove all the covenants. He said that there is a fence ordinance now that would cover that.

Commissioner Murphy said that it might have covered what materials were used and that is not covered in the zoning ordinance.

Commissioner Erber stated that he thinks it was no fence or shed and concrete drive-ways.

Mr. Brown stated that as a staff perspective he would prefer that there weren't so many different things in so many different subdivisions.

Commissioner Murphy stated that they were trying to accomplish how Abbey Oaks was established. She said that she was not familiar with this design review committee.

Mr. Brown said that he was trying to detach them so people would not be coming to the Village saying it was part of the ordinance and that staff needs to enforce it. He stated that they just don't have the staff or time. He stated that they spend more time on neighbor disputes.

Commissioner Spinelli asked if this was the only development in town that the Village enforces the covenants. He said that most municipalities do not enforce.

Mr. Brown said that right now staff is not enforcing any covenants. He said that the issue has come up in Glens of Connemara because the covenants were tied to the annexation agreement.

Commissioner Maher asked how many homes have been built in the subdivision.

Mr. Brown stated that there was one model home.

Commissioner Erber stated that he would not like to eliminate all of the covenants.

Commissioner Murphy asked if the petitioner would like to come up and speak.

John McDonnell, 9118 Walnut, Tinley Park, stated that he wanted to change the setbacks on lots 6-9.

Commissioner Murphy said that the reason why it was done was to give variation and to stagger the front lines of the homes.

Mr. McDonnell stated that it was only done on four lots in a cul-de-sac.

Commissioner Spinelli stated that he came onto the Board when this case already had started. He said that they need to push these setbacks back to meet the minimum lot width. He stated that he fought to have one of the lots removed.

Mr. McDonnell stated that it is only lot 7 and 8.

Commissioner Spinelli asked if their surveyor has looked at the plan.

Mr. McDonnell stated that he has not gone that far. He said that he thinks they would be okay on lots 6 and 9 with the 28 foot setback.

Commissioner Murphy stated that there are homes in Lemont that you have more of a front yard than a back yard. She then asked on the square footage how small was he looking for.

Mr. McDonnell stated it was up to them, but people are looking at 2,800 or 3,000 square feet.

Commissioner Murphy asked if there was anything in the ordinance.

Mr. Brown stated that there was not and the Village does not regulate house sizes.

Commissioner Erber asked if he was building Glens of Connemara and if these homes would be similar.

Mr. McDonnell stated yes. He stated that they have a ranch in the Glens of Connemara and it sold already. He said that there is an interest in ranches.

Discussion continued about roof pitch.

Mr. McDonnell stated that there was not only fencing but no sheds and pools. He said like Mr. Brown stated whose job is it to enforce that.

Commissioner Spinelli asked if he was still planning on having a Homeowner's Association. He said that if he was not going to have one and the Village did not want to enforce covenants then there is no reason to have any covenants.

Commissioner Erber stated that he still liked having the covenants because it informs the resident of things that can be done to keep the subdivision a quality subdivision.

Commissioner Murphy asked if there were any issues that they wanted to discuss further.

Commissioner Erber stated that he wanted to keep the concrete driveways, roof requirement, no sheds and no fences.

Commissioner Spinelli asked if he would agree to have all the lots at a setback of 28 foot.

Mr. McDonnell stated that he would agree.

Commissioner Murphy asked if anyone else from the audience would like to come up and speak.

Tina Savas, 1381 Chestnut Crossing, Lemont, stated that she lives behind the development. She stated that her concern is that they have a beautiful green buffer of trees and bushes and she is worried that they will take it down. Her understanding was that she would have 15 feet on her side and 15 feet on their side and the greenery would remain.

Commissioner Murphy stated that it was not changing.

Mr. McDonnell stated that they are taking over this project. He said it shows a landscape plan that shows that easement stripped down and trees replanted.

Mr. Brown stated that there was an agreement to have a conservation agreement. The intention was what was existing would remain. He stated that when he got here the case had been going on for a year and half, he thought that this case would come to a fast conclusion and it did not. He stated that he should have taken the time to walk the property. He said when it got approved; the conservation plan went into the agreement. He stated that when he did go out there after with the Village Arborist, he found out that almost every tree and shrub is an invasive species. He stated that the Village Arborist recommended that everything be removed. Mr. Brown stated that his intention was to remove the existing vegetation and require replanting that would be same bulk and size. After it was planted the homeowners could not remove that vegetation. He stated that there were a few trees down south of 128th and some along 127th that were deemed to be kept. He stated that they came up with a landscape plan that relied on plants that were more native to Illinois. It would provide a more seasonal variety. Mr. Brown stated that the landscape would go in before the homes.

Kathy Wynn, 1261 Chestnut Crossing, Lemont stated that not all of them get to look out onto green space. She said that she gets to look out at building debris. She said that she appreciates them taking on this project. She said that her particular lot would back up to lots six and seven. She is concerned even if the house was moved up how close the house will sit to the lot line.

Mr. Brown said what he is requesting is to move the house closer to the street so it will push it farther away from her house.

Commissioner Maher stated that there is still a 30 foot easement, so he can't get any closer than what he could right now.

Ms. Wynn asked if they choose not to keep the covenants, to please keep the character of the neighborhood in mind. She asked that the all brick on the first floor, the no fence and no sheds be kept.

Mike Mlady, 1447 Chestnut Crossing, Lemont stated that the covenants that they established were similar to the ones of Chestnut Crossing. He said that he accepted it so that the two subdivisions would go together. He stated that he hopes that they keep those covenants. Mr. Mlady said that he disagrees with Mr. Brown about the conservation easement. He stated that they spent hours talking about leaving that preserved whether it is invaluable or not. He asked if they did cut it down, how soon the builder would put it back in. He said that is where they are now with the retaining walls that have never been finished. He stated that the trees that they took down have never been replanted.

Commissioner Murphy asked if there was anyone else who like to speak.

Commissioner Erber asked if he was going to be the only builder.

Mr. McDonnell stated that they might sell the lots.

Commissioner Maher asked Mr. Brown what the requirement was for the trees.

Mr. Brown said that they would replant as soon as they took them down. However, that is not written down anywhere. He said that it could be written in. He stated that the builder at the time felt the lots were more sellable without the scrub vegetation back there. He stated that the removal of buckthorn is a fight all over the Midwest.

Discussion continued in regards to buckthorn and what it does.

Barry Savas, 1381 Chestnut Crossing, Lemont asked if they didn't allow the buckthorn to be cut down, would the Village get involved and try to attempt to cut it down.

Mr. Brown stated no the Village would not.

Mr. Savas asked if they would ask Castletown to do just their 30 feet.

Mr. Brown stated that they would not cut down anything on his property. Mr. Brown stated that it has to be removed for utilities to come in. If you plant new trees after that the buckthorn can attack the new vegetation.

Mr. Savas asked why their utilities are in the back. He said their utilities are in the front.

Mr. Brown stated that most of the utilities are in the rear. He stated that there must have been a topography reason to have theirs in the front.

Mr. Mlady stated that if they don't have to keep 3,200 square foot for housing, he hoped that it was more than 2,600. He stated that he would not want to see anything lower or a ranch style house.

Commissioner Erber stated that the homes would be similar to Glens of Connemara which is at 3,000 square feet and ranch homes at 2,600.

Commissioner Murphy asked if the Commissioners wanted to set a square foot minimum or not. She said that they are only talking about the two lots and the covenants. She stated that there were some issues that Commissioner Erber and she would like to retain. She asked if they would want to make them conditions.

Commissioner Maher stated that he is fine with moving of the front yard setbacks to 28 feet. He said that he is a little confused about the covenants. He asked if the five that are listed are the only five. He said that the brick on the first floor was crossed off so four are only being asked about.

Ann Bell, a spokesperson from Castlewood Homes, stated that she wasn't aware of subdivisions that did not allow fences. She said if they were allowed it would be rod iron or aluminum. She stated that if Chestnut Crossing has no fences than she did not have an objection. She stated that you are going to get people with kids that would want a fence. She said no above ground pools or sheds is a staple in most new subdivision.

Commissioner Erber stated that if the minimum would be 2,600 square feet, how about putting it in there.

Ms. Bell stated that their market is closer to 3,000 but if you have a smaller lot you might not be able to put a house that size on there. She said that she did agree with the 2,600 square feet.

Commissioner Maher stated that he was a little concerned with voting on getting rid of all the covenants without seeing all the covenants that were approved.

Ms. Bell stated that they do not want to have a Homeowners Association.

Commissioner Murphy asked Mr. Brown if there are covenants and no Homeowners Association is there any legal resource.

Mr. Brown stated that you pick what you want out of the existing covenants and write them into an amended agreement. He said that this is a single family development so the Village would take over water detention for the area.

Commissioner Murphy asked if someone wanted to put an above ground pool in, who would tell them that they can't.

Mr. Brown stated that if they were written into a development agreement then it becomes the Village's responsibility to enforce them. He said that he is not against Village staff enforcing certain requirements, but likes to keep equal all over town.

Commissioner Maher stated that he is comfortable voting on what they specifically talked about, but not comfortable on a blanket statement of getting rid of all the covenants. He stated that he was not on the Board when this was originally voted upon. He said otherwise if they can delay this until he gets a list of all the covenants.

Commissioner Armijo stated that they have a builder here that has been working in the Village for years. He stated that he did not understand where they were going with this.

Discussion continued on the covenants.

Commissioner Erber made a motion, seconded by Commissioner Spinelli to close the public hearing on Case #11-05. A voice vote was taken:

Ayes: All

Nays: None
Motion passed

Commissioner Murphy then read the Findings of Fact:

- a. The requested changes to front yard setbacks on lots 7 and 8 and the requested changes to the covenants (see below) will not alter the character of the surrounding area or subdivision when it is completed.
- b. The request changes to the covenants will allow more flexibility and create the potential for diversity in housing styles and types.

All Commissioners agreed.

Commissioner Erber made a motion, seconded by Commissioner Spinelli to recommend approval of Case #11-05 with the following conditions:

1. The first floor of each house would have brick construction.
2. To keep any existing covenants until the Planning and Zoning can review them.
3. Reduce the front yard setback on lots 7 and 8 to 28 square feet.
4. The minimum two story structure is reduced from 3,200 to 2,600 square feet and ranch style structure to 2,200 square feet.
5. Keep covenants for driveway material.

A roll call vote was taken:

Ayes: Armijo, Erber, Maher, Spinelli, Murphy

Nays: None

Motion passed

IV. PZC REVIEW

Case #11-03: Jaikovski Lot Split. PZC Review of proposed lot split located 14780 and 14788 127th Street.

The Planning and Zoning Commissioner reviewed the proposed lot split.

Commissioner Murphy then read the Findings of Fact:

- a. The requested subdivision will not alter the essential character of the area since two homes already exist on the subject site; and
- b. The requested subdivision will protect sensitive ecological areas, i.e. the wetland, on the site.

All Commissioners agreed.

A roll call vote was taken:

Ayes: Amijo, Erber, Maher, Spinelli, Murphy

Nays: None

Motion passed

V. ADJOURNMENT

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

Ayes: All

Nays: None

Motion passed

Notes taken by Theresa Mikrut. Minutes prepared by Peggy Halper.