

VILLAGE BOARD  
Committee of the Whole Meeting  
November 26, 2018 – Followed by Village  
Lemont Village Hall – Village Board Room  
418 Main St., Lemont, IL 60439

AGENDA

- I. Call to Order
- II. Roll Call
- III. Discussion Items
  - A. Police Pension Compliance Report and Levy Request  
(Finance)(Sniegowski)(Smith)
  - B. 18-17 313 E Logan Rezoning  
(Community Development)(Stapleton)(Berry)
  - C. 18-16 16135 New Ave, Unit 12 Special Use  
(Community Development)(Stapleton)(Berry)
  - D. 18-07 480 5th Street Variations and 2 Lot Subdivision  
(Community Development)(Stapleton)(Berry)
  - E. State Street Water Tower Cell Tower Leases  
(Finance)(Sniegowski)(Smith)
  - F. Clean Up Bond Discussion  
(Finance)(Sniegowski)(Smith)
  - G. TOD TIF Update (Verbal Update – No Memo Attached)  
(Community Development)(Stapleton)(Berry)
  - H. Quarryman Challenge IGA with Park District Discussion  
(Administration)(Egofske)(Schafer)
  - I. Farmers Market Survey Results; 2019 Season Discussion  
(Administration)(Egofske)(Molitor)
  - J. Revenue Options – Post Home Rule Referendum Discussion  
(Administration)(Egofske)(Schafer)
- IV. Unfinished Business
- V. New Business
- VI. Audience Participation
- VII. Adjourn

By: Linda Molitor, Executive Assistant, Deputy Clerk, CRM

THIS AGENDA HAS BEEN POSTED FOR THE PURPOSE OF COMPLIANCE WITH THE ILLINOIS OPEN MEETINGS ACT.

Posted: Posted November 21, at 4:30 P.M.

**TO:** Village Board

**FROM:** Ed Mansell, Police Pension Fund President

**THROUGH:** George Schafer, Village Administrator

**SUBJECT:** Presentation of Municipal Compliance Report  
Actuary Report  
Tax Levy Request

**DATE:** November 26, 2018

### **SUMMARY/ BACKGROUND**

The Municipal Compliance Report, House Bill 5088 Public Act 95-950, must be provided to the Municipality before the tax levy is filed on the last Tuesday of December. This report is a recap of the actuarial information prepared by Lauterbach and Amen in anticipation of the tax levy for the Police Pension Fund. Historically, the Village Board has levied the recommended amount from the actuary and in some years the levy has been greater than the recommended amount. In addition to the tax levy request the Pension Fund President will present the Municipal Compliance Report and Actuary Report.

The attached Municipal Compliance Report shows that on April 30, 2018 the Fund's total asset was \$17,233,761, representing a 7.57% investment return. Similar to Fiscal Year 2017, Fiscal Year 2018 has been a successful year. As previously stated in recent years, the only way the fund can obtain the 7% actuarial return is to maintain a diverse portfolio that includes equities. In the equity market returns fluctuate short term; however, historically there have been positive long-term returns.

The funding requirement for the 2018 tax levy is \$848,438. The increase in the pension levy requirement is mainly due to the low returns in previous years. As in years past, the Pension Board requests have been greater than the levy requirement due to added outside expenditures. For 2018 tax levy The Pension Board is requesting a levy of \$873,000, which is \$24,562 greater than the requirement. The Pension Board appreciates the Village Board's consideration and support over the years.

### **BOARD ACTION REQUESTED**

Accept Police Pension Board request and direct staff to include the \$848,438 in the 2018 tax levy.

### **ATTACHMENTS**

Municipal Compliance Report  
Letter from Attorney requesting levy  
Actuary Rep

THE VILLAGE OF LEMONT, ILLINOIS  
POLICE PENSION FUND

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PUBLIC ACT 95-0950  
MUNICIPAL COMPLIANCE REPORT

FOR THE FISCAL YEAR ENDED  
APRIL 30, 2018





October 8, 2018

Members of the Pension Board of Trustees  
Lemont Police Pension Fund  
Lemont, Illinois

Enclosed please find a copy of your Municipal Compliance Report for the Lemont Police Pension Fund for the fiscal year ended April 30, 2018. We have prepared the report with the most recent information available at our office. Should you have more current information, or notice any inaccuracies, we are prepared to make any necessary revisions and return them to you.

The President and Secretary of the Pension Fund are required to sign the report on page 3. If not already included with the enclosed report, please also include a copy of the Pension Fund's most recent investment policy.

The signed Public Act 95-0950 - Municipal Compliance Report must be provided to the Municipality before the tax levy is filed on the last Tuesday in December. We are sending the report via email to promote an environmentally-friendly work atmosphere.

If you have any questions regarding this report, please contact us at [auditreport@lauterbachamen.com](mailto:auditreport@lauterbachamen.com).

Respectfully submitted,

*Lauterbach & Amen, LLP*

LAUTERBACH & AMEN, LLP

**THE VILLAGE OF LEMONT, ILLINOIS  
POLICE PENSION FUND**

**Public Act 95-950 - Municipal Compliance Report  
For the Fiscal Year Ending April 30, 2018**

The Pension Board certifies to the Board of Trustees of the Village of Lemont, Illinois on the condition of the Pension Fund at the end of its most recently completed fiscal year the following information:

- 1) The total cash and investments, including accrued interest, of the fund at market value and the total net position of the Pension Fund:

	<u>Current Fiscal Year</u>	<u>Preceding Fiscal Year</u>
Total Cash and Investments (including accrued interest)	<u>\$17,303,533</u>	<u>\$15,666,278</u>
Total Net Position	<u>\$17,233,761</u>	<u>\$15,603,633</u>

- 2) The estimated receipts during the next succeeding fiscal year from deductions from the salaries of police officers and from other sources:

Estimated Receipts - Employee Contributions	<u>\$256,600</u>
Estimated Receipts - All Other Sources	
Investment Earnings	<u>\$1,211,200</u>
Municipal Contributions	<u>\$848,438</u>

- 3) The estimated amount required during the next succeeding fiscal year to (a) pay all pensions and other obligations provided in Article 3 of the Illinois Pension Code, and (b) to meet the annual requirements of the fund as provided in Sections 3-125 and 3-127:

(a) Pay all Pensions and Other Obligations	<u>\$931,000</u>
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- (b) Annual Requirement of the Fund as Determined by:

Illinois Department of Insurance	<u>N/A</u>
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Private Actuary - Lauterbach & Amen, LLP

Recommended Municipal Contribution	<u>\$848,438</u>
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Statutory Municipal Contribution	<u>\$672,504</u>
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**THE VILLAGE OF LEMONT, ILLINOIS  
POLICE PENSION FUND**

**Public Act 95-950 - Municipal Compliance Report  
For the Fiscal Year Ending April 30, 2018**

- 4) The total net income received from investment of assets along with the assumed investment return and actual investment return received by the fund during its most recently completed fiscal year compared to the total net income, assumed investment return, and actual investment return received during the preceding fiscal year:

	Current Fiscal Year	Preceding Fiscal Year
Net Income Received from Investment of Assets	\$1,247,292	\$1,536,621
Assumed Investment Return		
Illinois Department of Insurance	N/A	6.50%
Private Actuary - Lauterbach & Amen, LLP	7.00%	7.00%
Actual Investment Return	7.57%	10.38%

- 5) The total number of active employees who are financially contributing to the fund:

Number of Active Members	26
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- 6) The total amount that was disbursed in benefits during the fiscal year, including the number of and total amount disbursed to (i) annuitants in receipt of a regular retirement pension, (ii) recipients being paid a disability pension, and (iii) survivors and children in receipt of benefits:

	Number of	Total Amount Disbursed
(i) Regular Retirement Pension	11	\$624,821
(ii) Disability Pension	0	\$0
(iii) Survivors and Child Benefits	2	\$95,199
Totals	13	\$720,020

**THE VILLAGE OF LEMONT, ILLINOIS  
POLICE PENSION FUND**

**Public Act 95-950 - Municipal Compliance Report  
For the Fiscal Year Ending April 30, 2018**

7) The funded ratio of the fund:

	<u>Current Fiscal Year</u>	<u>Preceding Fiscal Year</u>
Illinois Department of Insurance	<u>N/A</u>	<u>66.31%</u>
Private Actuary - Lauterbach & Amen, LLP	<u>68.97%</u>	<u>68.54%</u>

8) The unfunded liability carried by the fund, along with an actuarial explanation of the unfunded liability:

Unfunded Liability:

Illinois Department of Insurance	<u>N/A</u>
Private Actuary - Lauterbach & Amen, LLP	<u>\$7,779,197</u>

The accrued liability is the actuarial present value of the portion of the projected benefits that has been accrued as of the valuation date based upon the actuarial valuation method and the actuarial assumptions employed in the valuation. The unfunded accrued liability is the excess of the accrued liability over the actuarial value of assets.

9) The investment policy of the Pension Board under the statutory investment restrictions imposed on the fund.

Investment Policy - See Attached.

Please see Notes Page attached.

CERTIFICATION OF MUNICIPAL POLICE  
PENSION FUND COMPLIANCE REPORT

The Board of Trustees of the Pension Fund, based upon information and belief, and to the best of our knowledge, hereby certify pursuant to §3-143 of the Illinois Pension Code 40 ILCS 5/3-143, that the preceding report is true and accurate.

Adopted this 15 day of OCT, 2018

President  Date 10-15-18

Secretary  Date 10/15/18

**THE VILLAGE OF LEMONT, ILLINOIS  
POLICE PENSION FUND**

**Public Act 95-950 - Municipal Compliance Report  
For the Fiscal Year Ending April 30, 2018**

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**INDEX OF ASSUMPTIONS**

- 1) Total Cash and Investments - as Reported at Market Value in the Audited Financial Statements for the Years Ended April 30, 2018 and 2017.

Total Net Position - as Reported in the Audited Financial Statements for the Years Ended April 30, 2018 and 2017.

- 2) Estimated Receipts - Employee Contributions as Reported in the Audited Financial Statements for the Year Ended April 30, 2018 plus 3.5% Increase (Actuarial Salary Increase Assumption) Rounded to the Nearest \$100.

Estimated Receipts - All Other Sources:

Investment Earnings - Cash and Investments as Reported in the Audited Financial Statements for the Year Ended April 30, 2018, times 7% (Actuarial Investment Return Assumption) Rounded to the Nearest \$100.

Municipal Contributions - Recommended Tax Levy Requirement as Reported by Lauterbach & Amen, LLP, Actuarial Valuation for the Year Ended April 30, 2018.

- 3) (a) Pay all Pensions and Other Obligations - Total Non-Investment Deductions as Reported in the Audited Financial Statements for the Year Ended April 30, 2018, plus a 25% Increase, Rounded to the Nearest \$100.

(b) Annual Requirement of the Fund as Determined by:

Illinois Department of Insurance - No April 30, 2018 Actuarial Valuation available at the time of this report.

Private Actuary - Lauterbach & Amen, LLP

Recommended Amount of Tax Levy as Reported by Lauterbach & Amen, LLP in the April 30, 2018 Actuarial Valuation.

Statutorily Required Amount of Tax Levy as Reported by Lauterbach & Amen, LLP in the April 30, 2018 Actuarial Valuation.

**THE VILLAGE OF LEMONT, ILLINOIS  
POLICE PENSION FUND**

**Public Act 95-950 - Municipal Compliance Report  
For the Fiscal Year Ending April 30, 2018**

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INDEX OF ASSUMPTIONS - Continued

- 4) Net Income Received from Investment of Assets - Investment Income (Loss) net of Investment Expense, as Reported in the Audited Financial Statements for the Years Ended April 30, 2018 and 2017.

Assumed Investment Return:

Illinois Department of Insurance - Preceding Fiscal Year Interest Rate Assumption as Reported in the April 30, 2017 Actuarial Valuation. No April 30, 2018 Actuarial Valuation available at the time of this report.

Private Actuary - Current and Preceding Fiscal Year Interest Rate Assumption as Reported in the Lauterbach & Amen, LLP, April 30, 2018 and 2017 Actuarial Valuations.

Actual Investment Return - Net Income Received from Investments as Reported Above as a Percentage of the Average of the Beginning balance of the Cash and Investments and the Ending balance of the Cash and Investments, excluding the fiscal year net investment income, as Reported in the Audited Financial Statements for the Fiscal Years Ended April 30, 2018 and 2017.

- 5) Number of Active Members - Illinois Department of Insurance Annual Statement for April 30, 2018 - Schedule P.
- 6) (i) Regular Retirement Pension - Illinois Department of Insurance Annual Statement for April 30, 2018 - Schedule P for Number of Participants and Expense page 1 for Total Amount Disbursed.
- (ii) Disability Pension - Same as above.
- (iii) Survivors and Child Benefits - Same as above.

**THE VILLAGE OF LEMONT, ILLINOIS  
POLICE PENSION FUND**

**Public Act 95-950 - Municipal Compliance Report  
For the Fiscal Year Ending April 30, 2018**

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INDEX OF ASSUMPTIONS - Continued

7) The funded ratio of the fund:

Illinois Department of Insurance - Preceding Fiscal Year Actuarial Value of Assets as a percentage of Accrued Liability as Reported in the April 30, 2017 Actuarial Valuation. No April 30, 2018 Actuarial Valuation available at the time of this report.

Private Actuary - Current and Preceding Fiscal Year Actuarial Value of Assets as a percentage of Accrued Liability as Reported in the Lauterbach & Amen, LLP, April 30, 2018 and 2017 Actuarial Valuations.

8) Unfunded Liability:

Illinois Department of Insurance - Deferred Asset (Unfunded Accrued Liability) - No April 30, 2018 Actuarial Valuation available at the time of this report.

Private Actuary - Deferred Asset (Unfunded Accrued Liability) as Reported by Lauterbach & Amen, LLP in the April 30, 2018 Actuarial Valuation.

# REIMER & DOBROVOLNY PC

A PUBLIC SAFETY LAW FIRM

RICHARD J. REIMER  
JAMES L. DOBROVOLNY  
BRIAN J. LABARDI  
STEVEN KNIGHT  
CHRIS W. POTTHOFF, JR.  
MARK S. MCQUEARY



15 SPINNING WHEEL ROAD, SUITE 310, HINSDALE, ILLINOIS 60521  
(630) 654-9547 (630) 654-9676 FAX  
WWW.RDLABORLAWPC.COM

306 W. GREEN STREET  
URBANA, ILLINOIS, 61801  
217-344-2376

840 S. SPRING STREET, SUITE D  
SPRINGFIELD, ILLINOIS 62704

October 15, 2018

Honorable John Egofske, Mayor  
Village of Lemont  
418 Main St.  
Lemont, IL 60439

***By Certified Return Receipt Mail***

Re: Lemont Police Pension Fund-Annual Tax Levy Requirements

Dear Mayor Egofske:

Please be advised that the undersigned is legal counsel for the Lemont Police Pension Fund. At today's Pension Board meeting, the Pension Board Trustees discussed the annual tax levy/municipal contribution requirements for the Pension Fund for the upcoming tax year. As you are aware, the Pension Board either relies on an actuarial valuation performed by the Illinois Department of Insurance or an independent actuary employed by the Pension Board.

In this case, the Pension Board relied upon the actuarial valuation performed by Lauterbach & Amen. Their recommended levy for the upcoming tax year, in order to satisfy the annual requirements of the Lemont Police Pension Fund, as required by §5/3-125 of the Pension Code, is \$848,438. A copy of the Lauterbach & Amen report is enclosed for your review.

Accordingly, pursuant to §5/3-125 of the Pension Code, the Lemont Police Pension Board is requesting the Village of Lemont levy or contribute that amount for the upcoming tax year in order to satisfy the annual requirements of the Lemont Police Pension Fund. In the event that the Village will not be levying or contributing this amount, please advise me.

While the recommended levy is \$848,438 based on the actuarial report, in the past the Village has contributed up to an additional \$25,000 in an effort to pay down the unfunded liability of the police pension fund. The Pension Fund appreciates the Village's attention to the issue of pension funding and hopes the Village is able to continue this mutually beneficial practice.

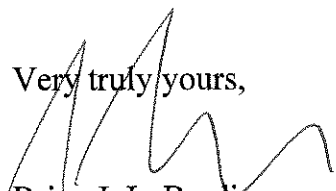


Also enclosed, please find a copy of the Pension Board "Municipal Compliance Report". A copy of the investment policy is available upon request.

Finally, the Pension Board wishes to draw your attention to §3-125.1 of the Pension Code and §4402.30 of the Illinois Administrative Code defining salary for pension purposes. Both those authorities refer to pensionable salary as being determined at least in part as that established by the municipality's appropriations ordinance. A similar conclusion was recently reached by the First District Appellate Court in *Village of Chicago Ridge v. Chicago Ridge Firefighters' Pension Bd. of Trustees*, 2016 IL App (1st) 152089. In light of these authorities, the Pension Board requests the Village ensure the appropriate salaries attached to rank for officers covered by Article 3 of the Pension Code are properly reflected in a municipal appropriations ordinance.

Thank you for your anticipated cooperation and assistance in this matter. Please do not hesitate to contact the undersigned should you have any questions concerning this matter.

Very truly yours,



Brian J. LaBardi

cc: Ed Mansell,  
Lemont Police Pension Fund

Lauterbach & Amen, LLP  
668 N. River Road  
Naperville, IL 60563

Actuarial Valuation  
as of May 1, 2018



LEMONT POLICE  
PENSION FUND

Utilizing Data as of April 30, 2018  
For the Contribution Year May 1, 2018 to April 30, 2019

*LAUTERBACH & AMEN, LLP*

# Actuarial Valuation – Funding Recommendation

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Lauterbach & Amen, LLP

CERTIFIED PUBLIC ACCOUNTANTS

## LEMONT POLICE PENSION FUND

**Contribution Year Ending: April 30, 2019**

Actuarial Valuation Date: May 1, 2018

Utilizing Data as of April 30, 2018

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### Submitted by:

Lauterbach & Amen, LLP  
630.393.1483 Phone  
[www.lauterbachamen.com](http://www.lauterbachamen.com)

### Contact:

Todd A. Schroeder  
October 2, 2018

***LAUTERBACH & AMEN, LLP***



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## ACTUARIAL CERTIFICATION

This report documents the results of the actuarial valuation of the Lemont Police Pension Fund. The purpose is to report the actuarial contribution requirement for the contribution year May 1, 2018 to April 30, 2019. Determinations for purposes other than meeting the employer's actuarial contribution requirements may be significantly different from the results herein.

The results in this report are based on information and data submitted by the Lemont Police Pension Fund including studies performed by prior actuaries. We did not prepare the actuarial valuations for the years prior to May 1, 2014 excluding the May 1, 2012 valuation. Those valuations were prepared by other actuaries whose reports have been furnished to us, and our disclosures are based upon those reports. An audit of the information was not performed, but high-level reviews were performed for general reasonableness, as appropriate, based on the purpose of the valuation. The accuracy of the results is dependent upon the accuracy and completeness of the underlying information. The results of the actuarial valuation and these supplemental disclosures rely on the information provided.

The valuation results summarized in this report involve actuarial calculations that require assumptions about future events. The Lemont Police Pension Fund selected certain assumptions, while others were the result of guidance and/or judgment. We believe that the assumptions used in this valuation are reasonable and appropriate for the purposes for which they have been used.

To the best of our knowledge, all calculations are in accordance with the applicable funding requirements, and the procedures followed and presentation of results conform to generally accepted actuarial principles and practices. The undersigned of Lauterbach & Amen, LLP, with actuarial credentials, meets the Qualification Standards of the American Academy of Actuaries to render this Actuarial Opinion. There is no relationship between the Lemont Police Pension Fund and Lauterbach & Amen, LLP that impairs our objectivity.

The information contained in this report was prepared for the use of the Lemont Police Pension Fund and the Village of Lemont, Illinois in connection with our actuarial valuation. It is not intended or necessarily suitable for other purposes. It is intended to be used in its entirety to avoid misrepresentations.

Respectfully Submitted,

LAUTERBACH & AMEN, LLP

Todd A. Schroeder, EA





## MANAGEMENT SUMMARY

Contribution Recommendation  
Funded Status  
Management Summary

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## MANAGEMENT SUMMARY

### CONTRIBUTION RECOMMENDATION

	Prior Valuation	Current Valuation
Contribution Requirement	\$796,224	\$848,438
Expected Payroll	\$2,472,118	\$2,449,133
Contribution Requirement as a Percent of Expected Payroll	32.21%	34.64%

*Recommended  
Contribution  
has Increased  
\$52,214 from  
Prior Year.*

### FUNDED STATUS

	Prior Valuation	Current Valuation
Normal Cost	\$543,788	\$545,251
Market Value of Assets	\$15,603,633	\$17,233,761
Actuarial Value of Assets	\$15,854,513	\$17,289,803
Actuarial Accrued Liability	\$23,133,202	\$25,069,000
Unfunded Actuarial Accrued Liability	\$7,278,689	\$7,779,197
Percent Funded		
Actuarial Value of Assets	68.54%	68.97%
Market Value of Assets	67.45%	68.75%

*Funded  
Percentage has  
Increased 0.43  
on an  
Actuarial  
Value of Assets  
Basis.*





## MANAGEMENT SUMMARY

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### MANAGEMENT SUMMARY – COMMENTS AND ANALYSIS

#### Contribution Results

The contribution recommendation is based on the funding policies and procedures that are outlined in the “Actuarial Funding Policies” section of this report.

The State of Illinois statutes for pension funds contain parameters that should be used to determine the minimum amount of contribution to a public pension fund. Those parameters and the resulting minimum contribution can be found in the “Illinois Statutory Minimum Contribution” section of this report.

#### Defined Benefit Plan Risks

##### *Asset Growth*

Pension funding involves preparing plan assets to pay benefits for the members when they retire. During their working careers, assets need to build with contributions and investment earnings, and then the pension fund distributes assets during retirement. Based on the fund’s current mix of employees and funded status, the fund should be experiencing positive asset growth on average if requested contributions are made and expected investment earnings come in. In the current year, the fund asset growth was positive by approximately \$1.6 million dollars.

Asset growth is important long-term. Long-term cash flow out of the pension fund is primarily benefit payments. Expenses make up a smaller portion. The fund should monitor the impact of expected benefit payments and the impact on asset growth in the future. In the next 5 years, benefits payments are anticipated to increase 60-65%, or approximately \$448,000. In the next 10 years, the expected increase in benefit payments is 145-150%, or approximately \$1.1 million dollars.

##### *Unfunded Liability:*

Unfunded liability represents dollars we expect to be in the pension fund already for the fund members based on funding policy. To the extent dollars are not in the pension fund the fund is losing investment returns on those dollars going forward. Payments to unfunded liability pay for the lost investment earnings, as well as the outstanding unfunded amount. If payment is not made, the unfunded liability will grow.

In the early 1990s, many pension funds in Illinois adopted an increasing payment to handle unfunded liability due to a change in legislation. The initial payments decreased, and payments were anticipated to increase annually after that. In many situations, payments early on may be less than the interest on unfunded liability, which means unfunded liability is expected to *increase* even if contributions are at the recommended level.



## MANAGEMENT SUMMARY

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The current contribution recommendation includes a payment to unfunded liability that is approximately \$20,000 less than interest on the unfunded liability. All else being equal and contributions being made, unfunded liability would still be expected to increase. The employer and the fund should anticipate currently that improvement in the funded percent will be mitigated in the short-term. The employer and the fund should understand this impact as we progress forward to manage expectations.

### *Actuarial Value of Assets:*

The pension fund smooths asset returns that vary from expectations over a five-year period. The intention over time is that asset returns for purposes of funding recommendations are a combination of several years. The impact is intended to smooth out the volatility of contribution recommendations over time, but not necessarily increase or decrease the level of contributions over the long-term.

When asset returns are smoothed, there are always gains or losses on the Market Value of Assets that are going to be deferred for current funding purposes, and recognized in future years. Currently, the pension fund is deferring approximately \$56,000 in losses on the Market Value of Assets. These are asset losses that will be recognized in upcoming periods, independent of the future performance of the Market Value of Assets.

### Plan Assets

The results in this report are based on the assets held in the pension fund. Assets consist of funds held for investment and for benefit payments as of the valuation date. In addition, assets may be adjusted for other events representing dollars that are reasonably expected to be paid out from the pension fund or deposited into the pension fund after the actuarial valuation date as well.

The current fund assets are audited.

The actuarial value of assets under the funding policy is equal to the fair market value of assets, with unexpected gains and losses smoothed over 5 years. More detail on the Actuarial Value of Assets can be found in the funding policy section of the report.

*The Plan  
Assets Used in  
this Report  
are Audited.*



## MANAGEMENT SUMMARY

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### Demographic Data

Demographic factors can change from year to year within a pension fund. Changes in this category include hiring new employees, employees retiring or becoming disabled, retirees passing away, and other changes. Demographic changes can cause an actuarial gain (contribution that is less than expected compared to the prior year) or an actuarial loss (contribution that is greater than expected compared to the prior year).

Demographic gains and losses occur when the assumptions over the one-year period for employee changes do not meet our long-term expectation. For example, if no employees become disabled during the year, we would expect a liability gain. If more employees become disabled than anticipated last year, we would expect a liability loss. Generally, we expect short-term fluctuations in demographic experience to create 1%-3% gains or losses in any given year, but to balance out in the long-term.

In the current report, the key demographic changes were as follows:

*Retirement:* There was 1 member of the fund who retired during the year. When a fund member retires, the normal cost will decrease. Any change in the actuarial liability will be considered when determining the amount to pay towards unfunded liability each year. The increase in the recommended contribution in the current year due to the retirement experience is approximately \$8,000. Most of this increase is related to the fact that the member made an unanticipated purchase of service just before retirement.

*Data Correction:* There was 1 member of the fund whose Tier status was corrected in the current year from Tier II to Tier I. Because Tier I benefits are more valuable than Tier II benefits, this caused an increase in the recommend contribution in the current year of approximately \$12,000.

*Salary Increases:* Salary increases were less than anticipated in the current year. Most active members received an increase of 3.00% or less. This caused a decrease in the recommended contribution in the current year of approximately \$5,000.

### Assumption Changes

The assumptions were not changed from the prior year.

### Funding Policy Changes

The funding policy was not changed from the prior year.



## *MANAGEMENT SUMMARY*

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### **ACTUARIAL CONTRIBUTION RECOMMENDATION - RECONCILIATION**

Actuarial liability is expected to increase each year for both interest for the year and as active employees earn additional service years towards retirement. Similarly, actuarial liability is expected to decrease when the fund pays benefits to inactive employees.

Contributions are expected to increase as expected pay increases under the funding policy for the Fund.

	Actuarial <u>Liability</u>	Contribution <u>Recommendation</u>
Prior Valuation	\$ 23,133,202	\$ 796,224
Expected Changes	<u>1,448,349</u>	<u>27,868</u>
Initial Expected Current Valuation	<u>\$ 24,581,551</u>	<u>\$ 824,092</u>

Other increases or decreases in actuarial liability (key changes noted below) will increase or decrease the amount of unfunded liability in the plan. To the extent unfunded liability increases or decreases unexpectedly, the contribution towards unfunded liability will also change unexpectedly.

	Actuarial <u>Liability</u>	Contribution <u>Recommendation</u>
Salary Increase Less than Expected	(75,115)	(5,106)
Demographic Changes	562,564	28,778
Asset Return Less than Expected *	-	6,502
Contributions Greater than Expected	<u>-</u>	<u>(5,828)</u>
Total Actuarial Experience	<u>\$ 487,449</u>	<u>\$ 24,346</u>
Current Valuation	<u>\$ 25,069,000</u>	<u>\$ 848,438</u>

\*The impact on contribution due to asset performance is based on the Actuarial Value of Assets.

Key demographic changes were discussed in the prior section.





## VALUATION OF FUND ASSETS

Market Value of Assets  
Actuarial Value of Assets

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## VALUATION OF FUND ASSETS

### MARKET VALUE OF ASSETS

#### Statement of Assets

	Prior Valuation	Current Valuation
Cash and Cash Equivalents	\$ 46,785	\$ 125,163
Money Market	148,047	320,997
Fixed Income	5,893,846	5,804,182
Mutual Funds	9,557,917	11,035,525
Receivables (Net of Payables)	(42,963)	(52,107)
Net Assets Available for Pensions	\$ 15,603,633	\$ 17,233,761

*The Total Value of Assets has Increased Approximately \$1,630,000 from Prior Valuation.*

#### Statement of Changes in Assets

Total Market Value - Prior Valuation	\$ 15,603,633
Plus - Employer Contributions	820,377
Plus - Employee Contributions	307,243
Plus - Return on Investments	1,247,292
Less - Benefit and Related Payments	(720,020)
Less - Other Expenses	(24,764)
Total Market Value - Current Valuation	\$ 17,233,761

*The Return on Investment on the Market Value of Assets for the Fund was Approximately 7.7% Net of Administrative Expenses.*

The return on investments shown has been determined as the Return on Assets from the statement of changes in assets, as a percent of the average of the beginning and ending Market Value of Assets. Return on Investment is net of the Other Expenses as shown. The Return on Investments has been excluded from the Total Market Value of Assets at the end of the year for this calculation.



## VALUATION OF FUND ASSETS

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### MARKET VALUE OF ASSETS (GAIN)/LOSS

#### Current Year (Gain)/Loss on Market Value of Assets

Total Market Value - Prior Valuation	\$ 15,603,633
Contributions	1,127,620
Benefit Payments	(720,020)
Expected Return on Investments	<u>1,106,520</u>
Expected Total Market Value - Current Valuation	17,117,753
Actual Total Market Value - Current Valuation	<u>17,233,761</u>
Current Market Value (Gain)/Loss	<u><u>\$ (116,008)</u></u>
Expected Return on Investments	\$ 1,106,520
Actual Return on Investments (Net of Expenses)	<u>1,222,529</u>
Current Market Value (Gain)/Loss	<u><u>\$ (116,008)</u></u>

*The Return on  
the Market  
Value of Assets  
was Higher than  
Expected Over  
the Most Recent  
Year.*

The (Gain)/Loss on the Market Value of Assets has been determined based on expected returns at the actuarial rate.



## VALUATION OF FUND ASSETS

### DEVELOPMENT OF THE ACTUARIAL VALUE OF ASSETS

Total Market Value - Current Valuation		\$ 17,233,761
Adjustment for Prior (Gains)/Losses		
	<u>Full Amount</u>	
First Preceding Year	\$ (116,008)	(92,807)
Second Preceding Year	(531,863)	(319,118)
Third Preceding Year	1,196,587	478,635
Fourth Preceding Year	(53,340)	<u>(10,668)</u>
Total Deferred (Gain)/Loss		<u>56,042</u>
Initial Actuarial Value of Assets - Current Valuation		\$ 17,289,803
Less Contributions for the Current Year and Interest		-
Less Adjustment for the Corridor		<u>-</u>
Actuarial Value of Assets - Current Valuation		<u>\$ 17,289,803</u>

*The Actuarial Value of Assets is Equal to the Fair Market Value of Assets with Unanticipated Gains/Losses Recognized over 5 Years. The Actuarial Value of Assets is Currently 100% of the Market Value.*

### (GAIN)/LOSS ON THE ACTUARIAL VALUE OF ASSETS

Total Actuarial Value - Prior Valuation		\$ 15,854,513
Plus - Employer Contributions		820,377
Plus - Employee Contributions		307,243
Plus - Return on Investments		1,052,454
Less - Benefit and Related Payments		(720,020)
Less - Other Expenses		<u>(24,764)</u>
Total Actuarial Value - Current Valuation		<u>\$ 17,289,803</u>

*The Return on Investment on the Actuarial Value of Assets for the Fund was Approximately 6.4% Net of Administrative Expenses.*

The Actuarial Value of Assets incorporates portions of gains and losses over multiple years.





## VALUATION OF FUND ASSETS

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### HISTORICAL ASSET PERFORMANCE

The chart below shows the historical rates of return on plan assets for both Market Value of Assets and Actuarial Value of Assets.

	<u>Market Value</u>	<u>Actuarial Value</u>
First Preceding Year	7.7%	6.4%
Second Preceding Year	10.8%	5.9%
Third Preceding Year	(1.5%)	5.2%
Fourth Preceding Year	7.4%	6.9%

The returns on assets shown above were calculated based on the annual return on investment for the year, as a percentage of the average value of the assets for the year.

For purposes of determining the average value of assets during the year, the ending market value of assets has been adjusted to net out to the portion related to the investment returns themselves. All other cash flows are included.

For purposes of determining the annual return on investment we have adjusted the figures shown on the preceding pages. The figures shown on the preceding pages are net of investment expenses. We have made an additional adjustment to net out administrative expenses. Netting out administrative expenses allows us to capture returns for the year that can be used to make benefit payments as part of the ongoing actuarial process.

The adjustment we make is for actuarial reporting purposes only. By netting out administrative expenses and capturing return dollars that are available to pay benefits, it provides us a comparison to the estimated rate of return on assets, but does not provide a figure that would be consistent with the return rates that are determined by other parties. Therefore, this calculated rate of return should not be used to analyze investment performance of the Fund or the performance of the investment professionals.





## RECOMMENDED CONTRIBUTION DETAIL

Actuarial Accrued Liability

Funded Status

Development of the Normal Cost

Recommended Contribution

Actuarial Methods – Recommended Contribution

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## *RECOMMENDED CONTRIBUTION DETAIL*

### ACTUARIAL ACCRUED LIABILITY

	Prior Valuation	Current Valuation
Active Employees	\$ 11,188,843	\$ 11,405,565
Inactive Employees		
Terminated Employees - Vested	347,404	372,076
Retired Employees	10,615,824	12,329,004
Disabled Employees	-	-
Other Beneficiaries	981,131	962,355
Total Inactive Employees	11,944,359	13,663,435
Total Actuarial Accrued Liability	\$ 23,133,202	\$ 25,069,000

*The Total Actuarial Liability has Increased Approximately \$1,936,000 from Prior Valuation.*

### FUNDED STATUS

	Prior Valuation	Current Valuation
Total Actuarial Accrued Liability	\$ 23,133,202	\$ 25,069,000
Total Actuarial Value of Assets	15,854,513	17,289,803
Unfunded Actuarial Accrued Liability	\$ 7,278,689	\$ 7,779,197
Total Market Value of Assets	\$ 15,603,633	\$ 17,233,761
Percent Funded		
Actuarial Value of Assets	<u>68.54%</u>	<u>68.97%</u>
Market Value of Assets	<u>67.45%</u>	<u>68.75%</u>

*Funded Percentage as of the Valuation Date is Subject to Volatility on Assets and Liability in the Short-Term.*



## *RECOMMENDED CONTRIBUTION DETAIL*

### DEVELOPMENT OF THE EMPLOYER NORMAL COST

	Prior Valuation	Current Valuation
Total Normal Cost	\$ 543,788	\$ 545,251
Estimated Employee Contributions	(244,987)	(242,709)
Employer Normal Cost	<u>\$ 298,801</u>	<u>\$ 302,542</u>

*At a 100%  
Funding Level,  
the Normal Cost  
Contribution is  
Still Required.*

### NORMAL COST AS A PERCENTAGE OF EXPECTED PAYROLL

	Prior Valuation	Current Valuation
Expected Payroll	\$ 2,472,118	\$ 2,449,133
Employee Normal Cost Rate	<u>9.910%</u>	<u>9.910%</u>
Employer Normal Cost Rate	<u>12.09%</u>	<u>12.35%</u>
Total Normal Cost Rate	<u>22.00%</u>	<u>22.26%</u>

*Ideally, the  
Employer  
Normal Cost  
Rate will Remain  
Stable.*

### CONTRIBUTION RECOMMENDATION

	Prior Valuation	Current Valuation
Employer Normal Cost*	\$ 319,717	\$ 323,720
Amortization of Unfunded Accrued Liability/(Surplus)	476,507	524,718
Funding Requirement	<u>\$ 796,224</u>	<u>\$ 848,438</u>

*The  
Recommended  
Contribution has  
Increased 6.6%  
from Prior  
Valuation.*

\*Employer Normal Cost Contribution includes interest through the end of the year.



## ***RECOMMENDED CONTRIBUTION DETAIL***

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### **ACTUARIAL METHODS – RECOMMENDED CONTRIBUTION**

Actuarial Valuation Date	May 1, 2018
Data Collection Date	April 30, 2018
Actuarial Cost Method	Entry Age Normal (Level % Pay)
Amortization Method	Level % Pay (Closed)
Amortization Target	100% Funded over 22 years
Asset Valuation Method	5-Year Smoothed Market Value

The contribution and benefit values of the Pension Fund are calculated by applying actuarial assumptions to the benefit provisions and census information furnished, using the actuarial cost methods described. The actuarial cost and amortization method allocates the projected obligations of the plan over the working lifetimes of the plan participants.

The recommended contribution amount shown in this report is based on the methods summarized above. The Actuarial Funding Policies section of the report will include a more detailed description of the funding methods being used.

The Actuarial Funding Methods are meant to provide a systematic process for determining contributions on an annual basis. The methods do not impact the expectation of future benefit payments. The methods only impact the way dollars are contributed towards future benefit payments.

Different Actuarial Funding Methods may achieve funding goals with differing levels of success. Certain methods are more efficient and more stable on an annual basis.





# ILLINOIS STATUTORY MINIMUM CONTRIBUTION

Minimum Contribution  
Methods and Assumptions

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## *ILLINOIS STATUTORY MINIMUM CONTRIBUTION*

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### STATUTORY MINIMUM CONTRIBUTION

	<u>Minimum Contribution</u>
Contribution Requirement	\$672,504
Expected Payroll	\$2,449,133
Contribution Requirement as a Percent of Expected Payroll	27.46%

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### FUNDED STATUS – STATUTORY MINIMUM

	<u>Minimum Contribution</u>
Normal Cost	\$619,634
Market Value of Assets	\$17,233,761
Actuarial Value of Assets	\$17,289,803
Actuarial Accrued Liability	\$23,645,252
Unfunded Actuarial Accrued Liability	\$6,355,449
Percent Funded	
Actuarial Value of Assets	73.12%
Market Value of Assets	72.88%

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## *ILLINOIS STATUTORY MINIMUM CONTRIBUTION*

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The Statutory Minimum Contribution is based on funding methods and funding parameters in the Illinois statutes for pension funding. The resulting contribution is lower than the recommended contribution for the current plan year. The lower contribution amount is not recommended because it represents only a deferral of contributions when compared to the recommended contribution method.

Actuarial Funding methods for pensions are best applied to provide a balance between the long-term goals of a variety of stakeholders:

1. Beneficiaries – the fund participants are interested in benefit security and having the dollars there to pay benefits when retired
2. Employers – cost control and cost stability over the long-term
3. Taxpayers – paying for the services they are receiving from active employees

The Statutory Minimum Contribution methods are not intended to provide a better system in any of the above categories long-term. The parameters are not recommended for a long-term funding strategy.

The Statutory Minimum methods put into place in 2011 were intended to provide short-term budget relief for Employer contributions. An employer using the Statutory Minimum parameters for current funding should view the contributions as short-term relief. Our recommendation in this situation is for a pension fund and an employer to work towards a long-term funding strategy that better achieves the long-term funding goals, over a period that does not exceed 3-5 years.

The Securities and Exchange Commission in 2013 used the phrase “Statutory Underfunding” to describe situations where contributions appear to be more manageable in the short-term, but set up future contribution requirements that are less likely to be manageable.





## *ILLINOIS STATUTORY MINIMUM CONTRIBUTION*

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### **ACTUARIAL METHODS – ILLINOIS STATUTORY MINIMUM CONTRIBUTION**

Actuarial Valuation Date	May 1, 2018
Data Collection Date	April 30, 2018
Actuarial Cost Method	Projected Unit Credit (Level % of Pay)
Amortization Method	Level % Pay (Closed)
Remaining Amortization Period	90% Funded over 22 years
Asset Valuation Method	5-Year Smoothed Market Value

The contribution and benefit values of the Pension Fund are calculated by applying actuarial assumptions to the benefit provisions and census information furnished, using the actuarial cost methods described. The actuarial cost and amortization method allocates the projected obligations of the plan over the working lifetimes of the plan participants.

The Actuarial Funding Methods are meant to provide a systematic process for determining contributions on an annual basis. The methods do not impact the expectation of future benefit payments. The methods only impact the way dollars are contributed towards future benefit payments.

Different Actuarial Funding Methods may achieve funding goals with differing levels of success. Certain methods are more efficient and more stable on an annual basis.





## ACTUARIAL VALUATION DATA

Active Employees  
Retirees and Beneficiaries

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## *ACTUARIAL VALUATION DATA*

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### ACTIVE EMPLOYEES

	Prior Valuation	Current Valuation
Vested	19	18
Nonvested	8	8
Total Active Employees	27	26
Total Payroll	\$ 2,429,600	\$ 2,407,010

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### INACTIVE EMPLOYEES

	Prior Valuation	Current Valuation
Terminated Employees - Vested	1	1
Retired Employees	10	11
Disabled Employees	0	0
Other Beneficiaries	2	2
Total Inactive Employees	13	14

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### SUMMARY OF BENEFIT PAYMENTS

	Prior Valuation	Current Valuation
Terminated Employees - Vested	\$ 2,886	\$ 2,886
Retired Employees	50,881	59,924
Disabled Employees	-	-
Other Beneficiaries	7,933	7,933
Total Inactive Employees	\$ 61,701	\$ 70,744

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Benefits shown for terminated employees under deferred retirement are not currently in pay status.





## ACTUARIAL FUNDING POLICIES

Actuarial Cost Method  
Financing Unfunded Accrued Liability  
Actuarial Value of Assets

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## ***ACTUARIAL FUNDING POLICIES***

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### **ACTUARIAL COST METHOD**

The actuarial cost method allocates the projected obligations of the plan over the working lifetimes of the plan participants.

In accordance with the Pension Fund's Funding Policy the actuarial cost method for the recommended contribution basis is Entry Age Normal (Level Percent of Pay). The Entry Age Normal Cost Method is a method under which the actuarial present value of the projected benefits of each individual included in an actuarial valuation is allocated on a level basis over the earnings or service of the individual between entry age and assumed exit age. The portion of this actuarial present value allocated to a valuation year is called normal cost. The portion of the actuarial present value not provided at a valuation date by the actuarial present value of future normal costs is called the actuarial liability.

### **FINANCING UNFUNDED ACTUARIAL ACCRUED LIABILITY**

The Unfunded Actuarial Accrued Liability may be amortized over a period either in level dollar amounts or as a level percentage of projected payroll.

In accordance with the Pension Fund's Funding Policy for the recommended contribution, the unfunded actuarial accrued liabilities are amortized by level percent of payroll contributions to a 100% funding target over the remaining 22 future years.

### **ACTUARIAL VALUE OF ASSETS**

The pension fund is an ongoing plan. The employer wishes to smooth the effect of volatility in the market value of assets on the annual contribution. The Actuarial Value of Assets is equal to the Market Value of Assets with unanticipated gains/losses recognized over five years.

The asset valuation method is intended to create an Actuarial Value of Assets that remains reasonable in relation to the Market Value of Assets over time. The method produces results that can fall above and below the Market Value of Assets. The period of recognition is short.

It is intended that the period of recognition is short enough to keep the Actuarial Value of Assets within a decent range of the Market Value. The employer has not placed a specific corridor around the Market Value of Assets.





## ACTUARIAL ASSUMPTIONS

Nature of Actuarial Calculations  
Actuarial Assumptions in the Valuation Process  
Actuarial Assumptions Utilized

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# **ACTUARIAL ASSUMPTIONS**

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## **NATURE OF ACTUARIAL CALCULATIONS**

The results documented in this report are estimates based on data that may be imperfect and on assumptions about future events. Certain plan provisions may be approximated or deemed immaterial, and, therefore, are not valued. Assumptions may be made about participant data or other factors. Reasonable efforts were made in this valuation to ensure that significant items in the context of the actuarial liabilities or costs are treated appropriately, and not excluded or included inappropriately.

Actual future experience will differ from the assumptions used in the calculations. As these differences arise, the expense for accounting purposes will be adjusted in future valuations to reflect such actual experience.

A range of results different from those presented in this report could be considered reasonable. The numbers are not rounded, but this is for convenience only and should not imply precision which is not inherent in actuarial calculations.

## **ACTUARIAL ASSUMPTIONS IN THE VALUATION PROCESS**

The contribution and benefit values of the Pension Fund are calculated by applying actuarial assumptions to the benefit provisions and census information furnished, using the actuarial cost methods described in the previous section.

The principal areas of financial risk which require assumptions about future experience are:

- Long-term Rates of Investment Return
- Patterns of Pay Increases for Members
- Rates of Mortality Among Members and Beneficiaries
- Rates of Withdrawal of Active Members
- Rates of Disability Among Members
- Age Patterns of Actual Retirement

Actual experience of the Pension Fund will not coincide exactly with assumed experience. Each valuation provides a complete recalculation of assumed future experience and takes into account all past differences between assumed and actual experience. The result is a continual series of adjustments to the computed contribution requirement.

From time to time it becomes appropriate to modify one or more of the assumptions, to reflect experience trends (but not random year-to-year fluctuations).

Details behind the selection of the actuarial assumptions can be found in the assumption document provided to the client. The client has reviewed and approved the assumptions as a reasonable expectation of the future anticipated experience under the plan.



## *ACTUARIAL ASSUMPTIONS*

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### ACTUARIAL ASSUMPTIONS UTILIZED

<b>Expected Return on Investments</b>	7.00% net of administrative expenses.
<b>CPI-U</b>	2.50%
<b>Total Payroll Increases</b>	3.50%
<b>Individual Pay Increases</b>	3.50% - 13.25%

Individual salary increases include a long-term average increase for inflation, average annual increases for promotions, and any additional increases for a step program. Sample Rates as Follows:

Service	Rate	Service	Rate
0	7.00%	8	4.00%
1	11.00%	9	4.00%
2	7.00%	10	4.00%
3	7.00%	15	4.00%
4	7.00%	20	4.00%
5	7.00%	25	3.50%
6	7.00%	30	3.50%
7	13.25%	35	3.50%

### Retirement Rates

100% of the L&A Assumption Study Cap Age 65 for Police 2016.  
Sample Rates as Follows:

Age	Rate	Age	Rate
50	0.117	53	0.139
51	0.124	54	0.147
52	0.131	55	0.156





## *ACTUARIAL ASSUMPTIONS*

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### **Withdrawal Rates**

100% of the L&A Assumption Study for Police 2016. Sample Rates as Follows:

Age	Rate	Age	Rate
25	0.041	40	0.027
30	0.039	45	0.014
35	0.036	50	0.003

### **Disability Rates**

100% of the L&A Assumption Study for Police 2016. Sample Rates as Follows:

Age	Rate	Age	Rate
25	0.0005	40	0.0028
30	0.0010	45	0.0043
35	0.0018	50	0.0064

### **Mortality Rates**

Active Mortality follows the Sex Distinct Raw Rates as Developed in the RP-2014 Study, with Blue Collar Adjustment. These Rates are Improved Generationally using MP-2016 Improvement Rates.

Retiree Mortality follows the L&A Assumption Study for Police 2016. These Rates are Experience Weighted with the Raw Rates as Developed in the RP-2014 Study, with Blue Collar Adjustment and Improved Generationally using MP-2016 Improvement Rates.

Disabled Mortality follows the Sex Distinct Raw Rates as Developed in the RP-2014 Study for Disabled Participants, with Blue Collar Adjustment. These Rates are Improved Generationally using MP-2016 Improvement Rates.

Spouse Mortality follows the Sex Distinct Raw Rates as Developed in the RP-2014 Study. These Rates are Improved Generationally using MP-2016 Improvement Rates.

### **Married Participants**

80% of Active Participants are Assumed to be Married. Female Spouses are Assumed to be 3 Years Younger than Male Spouses.





## SUMMARY OF PRINCIPAL PLAN PROVISIONS

Establishment of the Fund  
Administration  
Employee Contributions  
Normal Retirement Pension Benefits  
Pension to Survivors  
Termination Benefits  
Disability Benefits

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## ***SUMMARY OF PRINCIPAL PLAN PROVISIONS***

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### **ESTABLISHMENT OF THE FUND**

The Police Pension Fund is established and administered as prescribed by “Article 3. Police Pension Fund – Municipalities 500,000 and Under” of the Illinois Pension Code.

### **ADMINISTRATION**

The Police Pension Fund is administered by a Board of Trustees located in each municipality maintaining a pension fund for its police officers. Its duties are to control and manage the pension fund, to hear and determine applications for pensions, to authorize payment of pensions, to establish rules, to pay expenses, to invest funds, and to keep records.

### **EMPLOYEE CONTRIBUTIONS**

Employees contribute 9.910% of salary.

### **NORMAL RETIREMENT PENSION BENEFIT**

#### Hired Prior to January 1, 2011

*Eligibility:* Age 50 with at least 20 years of creditable service and no longer a police officer.

*Benefit:* 50% of final salary is payable commencing at retirement for 20 years of service. An additional 2.5% of final salary is added for each additional year of service in excess of 20 years of service (not to exceed 75% of final salary). “Final salary” is the salary attached to rank held on the last day of services or for 1 year prior to the last day, whichever is greater.

*Annual Increase in Benefit:* An officer will receive an initial increase of 1/12 of 3% for each month that has elapsed since retirement. The initial increase date will be the later of the first day of the month following the attainment of age 55, or the first anniversary of the date of retirement. Subsequent increases of 3% of the current pension amount (including prior increases) will be provided in each January thereafter.



## ***SUMMARY OF PRINCIPAL PLAN PROVISIONS***

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### **NORMAL RETIREMENT PENSION BENEFIT - CONTINUED**

#### Hired on or After January 1, 2011

*Eligibility:* Age 55 with at least 10 years of creditable service and no longer a police officer.

*Benefit:* 2.5% of final average salary for each year of service is payable at retirement (not to exceed 75% of final average salary). “Final average salary” is determined by dividing the highest total salary over 96 consecutive months of service in the last 120 months of service by the total number of months of service in the period. Annual salary for this purpose will not exceed \$106,800, indexed by the lesser of 3% or ½ of the CPI-U for the 12 months ending with the September preceding each November 1. The salary cap will not decrease.

*Annual Increase in Benefit:* The initial increase date will be the January 1<sup>st</sup> following the later of the attainment of age 60, or the first anniversary of the date of retirement. Subsequent increases will occur on each subsequent January 1<sup>st</sup>. The first increase and subsequent increases will be the lesser of 3% of the original benefit or ½ of the CPI-U for the 12 months ending with the September preceding each November 1, applied to the original benefit.

### **EARLY RETIREMENT PENSION BENEFIT**

#### Hired Prior to January 1, 2011

None

#### Hired on or After January 1, 2011

*Eligibility:* Age 50 with at least 10 years of creditable service and no longer a police officer.

*Benefit:* The normal retirement pension benefit reduced by ½ of 1% for each month that the police officer’s age is under age 55.

*Annual Increase in Benefit:* The initial increase date will be the January 1<sup>st</sup> following the later of the attainment of age 60, or the first anniversary of the date of retirement. Subsequent increases will occur on each subsequent January 1<sup>st</sup>. The first increase and subsequent increases will be the lesser of 3% of the original benefit or ½ of the CPI-U for the 12 months ending with the September preceding each November 1, applied to the original benefit.



## ***SUMMARY OF PRINCIPAL PLAN PROVISIONS***

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### **PENSION TO SURVIVORS**

#### Hired Prior to January 1, 2011

##### Death - Line of Duty

Surviving spouse is entitled to 100% of the salary attached to the rank of the police officer on the last day of service, payable immediately.

##### Death - Non-Duty

*Current Pensioners (Including Disabled Pensioners):* Surviving spouse to receive continuation of the pension.

*Active Employee with 20+ Years of Service:* Surviving spouse is entitled to the full pension earned by the police officer at the time of death.

*Active Employee with 10-20 Years of service:* Surviving spouse is entitled to 50% of the salary attached to the rank of the police officer on the last day of service, payable immediately

*Annual Increase in Benefit:* None.

#### Hired on or After January 1, 2011

##### Death - Line of Duty

Surviving spouse is entitled to 100% of the salary attached to the rank of the police officer on the last day of service, payable immediately.

##### Death - Non-Duty

*Current Pensioners (Including Disabled Pensioners), Active Employee with 20+ Years of Service, and Active Employee with 10-20 Years of service:* Surviving spouse to receive 66 ⅔% of the police officer's earned pension at the date of death.

*Annual Increase in Benefit:* The initial increase date will be the January 1<sup>st</sup> after the attainment of age 60 by the recipient of the survivor's pension. Subsequent increases will occur on each subsequent January 1<sup>st</sup>. The first increase and subsequent increases will be the lesser of 3% of the original benefit or ½ of the CPI-U for the 12 months ending with the September preceding each November 1, applied to the original survivor's benefit amount.



## ***SUMMARY OF PRINCIPAL PLAN PROVISIONS***

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### **TERMINATION BENEFIT**

#### Hired Prior to January 1, 2011

*Eligibility:* At least 8 years but less than 20 years of creditable service.

*Benefit:* 2.5% of final salary for each year of service is payable beginning at age 60. “Final salary” is based on the greater of salary during the last year of service prior to termination of employment or the pay rate for the police officer at termination of employment.

*Annual Increase in Benefit:* An officer will receive an initial increase of 3% on the first anniversary of the date of start of payments. Subsequent increases of 3% of the current pension amount will be provided in each January thereafter.

#### Hired on or After January 1, 2011

*Eligibility:* At least 10 years but less than 20 years of creditable service.

*Benefit:* 2.5% of final salary for each year of service is payable beginning at age 60. “Final salary” is based on the greater of salary during the last year of service prior to termination of employment or the pay rate for the police officer at termination of employment. Annual salary for this purpose will not exceed \$106,800, indexed by the lesser of 3% or ½ of the CPI-U for the 12 months ending with the September preceding each November 1. The salary cap will not decrease.

*Annual Increase in Benefit:* The initial increase date will be the January 1<sup>st</sup> following the first payment. Subsequent increases will occur on each subsequent January 1<sup>st</sup>. The first increase and subsequent increases will be the lesser of 3% of the original benefit or ½ of the CPI-U for the 12 mos. ending with the September preceding each November 1, applied to the original benefit amount.



## ***SUMMARY OF PRINCIPAL PLAN PROVISIONS***

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### **DISABILITY BENEFIT**

#### Hired Prior to January 1, 2011

*Eligibility:* Disability (duty or non-duty).

*Benefit:* A police officer who becomes disabled on duty is entitled to receive a pension equal to the greater of 65% of final salary or the pension they would have been entitled to upon retirement at the time of disability. For a non-duty disability, the police officer is entitled to 50% of final salary. “Final salary” is based on the pay rate for the police officer on the last day of service.

*Annual Increase in Benefit:* The initial increase date will be the January 1<sup>st</sup> following the attainment of age 60. Subsequent increases will occur on each subsequent January 1<sup>st</sup>. The first increase is 3% of the original benefit for each full year that has passed since the pension began. Subsequent increases will be the 3% of the original pension benefit amount.

#### Hired on or after January 1, 2011

*Eligibility:* Disability (duty or non-duty).

*Benefit:* A police officer who becomes disabled on duty is entitled to receive a pension equal to the greater of 65% of final salary or the pension they would have been entitled to upon retirement at the time of disability. For a non-duty disability, the police officer is entitled to 50% of final salary. “Final salary” is based on the pay rate for the police officer on the last day of service.

*Annual Increase in Benefit:* The initial increase date will be the January 1<sup>st</sup> following the attainment of age 60. Subsequent increases will occur on each subsequent January 1<sup>st</sup>. The first increase and subsequent increases will be the lesser of 3% of the original benefit or ½ of the CPI-U for the 12 months ending with the September preceding each November 1, applied to the original benefit amount.





## GLOSSARY OF TERMS

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## **GLOSSARY OF TERMS**

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### **GLOSSARY OF TERMS**

***Actuarial Accrued Liability*** –The actuarial present value of future benefits based on employees’ service rendered to the measurement date using the selected actuarial cost method. It is that portion of the Actuarial Present Value of plan benefits and expenses allocated to prior years of employment. It is not provided for by future Normal Costs.

***Actuarial Cost Method*** – The method used to allocate the projected obligations of the plan over the working lifetimes of the plan participants.

***Actuarial Value of Assets*** – The value of the assets used in the determination of the Unfunded Actuarial Accrued Liability. The Actuarial Value of Assets is related to Market Value of Assets, with adjustments made to spread unanticipated gains and losses for a given year over a period of several years. Actuarial Value of Assets is generally equally likely to fall above or below the Market Value of Assets, and generally does not experience as much volatility over time as the Market Value of Assets.

***Asset Valuation Method*** – A valuation method designed to smooth random fluctuations in asset values. The objective underlying the use of an asset valuation method is to provide for the long-term stability of employer contributions.

***Funding Policy*** – A set of procedures for a Pension Fund that outlines the “best practices” for funding the pension benefits based on the goals of the plan sponsor. A Funding Policy discusses items such as assumptions, Actuarial Cost Method, assets, and other parameters that will best help the sponsor meet their goal of working in the best interest of the plan participant.

***Market Value of Assets*** – The value of the cash, bonds, securities and other assets held in the pension trust as of the measurement date.

***Normal Cost*** –The present value of future benefits earned by employees during the current fiscal year. It is that portion of the Actuarial Present Value of benefits and expenses which is allocated to a valuation year by the Actuarial Cost Method.

***Unfunded Actuarial Accrued Liability*** – The excess of the Actuarial Accrued Liability over the Actuarial Value of Assets. The Unfunded Actuarial Accrued Liability is amortized over a period either in level dollar amounts or as a level percentage of projected payroll.



TO: Committee of the Whole  
FROM: Jamie Tate, AICP, Consulting Planner  
THROUGH: Jason Berry, AICP, Economic & Community Development Director  
SUBJECT: Case 18-17 313 E Logan Street Rezoning  
DATE: November 26, 2018

## **SUMMARY/ BACKGROUND**

Brian Baetz of Morgan Homes LLC is the contract purchaser of the vacant lot located at 313 E Logan Street and he is requesting rezoning to R-4A Single-Family Preservation and Infill District from R-6 Multi-Family Residential District in order to construct a single-family home. The property is 0.14 acres in size with a gravel driveway and curb cut remaining from a single-family home that was formerly on this property. Mr. Baetz intends to use the existing curb cut and driveway location.

The subject lot is within a pocket of R-6 Zoning which includes ten (10) lots, otherwise surrounded by the R-4A Zoning District. Of the ten lots, there are two (2) multi-family developments and the remaining are either single family detached homes or vacant properties. The subject property cannot be developed within the R-6 lot and dimensional parameters as defined by the UDO without variances or lot consolidation. The subject lot can meet the lot and dimensional standards of the R-4A Zoning district and will not require variances with the construction of a detached single-family home.

Staff finds the rezoning request to meet the LaSalle factors for rezoning. The surrounding land uses are residential and primarily detached single-family homes. The subject property cannot develop under the parameters of the R-6 Zoning District and can adequately develop within the R-4A Lot and Dimensional standards, therefore they are more appropriate for this lot. Property values should not decrease as the construction of a single-family home on a vacant lot should add to the value in the area.

## **ANALYSIS**

### ***Consistency with Village Policy***

#### *Planning and Zoning Commission (PZC)*

A public hearing was held at the PZC on October 17, 2018. One (1) neighbor spoke in regards to the rezoning. He was concerned about the curb cut not being sized properly for a two-car garage. He stated that he did not have an issue with the proposed house for this lot, but did not understand why the Village would require a sidewalk.

The PZC recommended in favor (6-0) of the rezoning for 313 E Logan Street to R-4A.

### *Lemont 2030 Comprehensive Plan*

The Lemont 2030 plan designates this area as Infill Residential (INF). The proposed rezoning with consistent with the land use goals of the Lemont 2030 plan, as the outcome will be the construction of a single-family home on a vacant infill parcel within the Village of Lemont with easy access to utilities and infrastructure.

### **STAFF RECOMMENDATION**

Staff recommends approval as the rezoning would follow the future land use map in the Comprehensive Plan and allow for infill development while meeting the lot and dimensional standards of the R-4A zoning district.

### **BOARD ACTION REQUESTED**

This item is being presented for discussion.

### **ATTACHMENTS**

1. PZC Staff Report with Attachments
2. Draft PZC Minutes Excerpt



TO: Planning & Zoning Commission  
FROM: Jamie Tate, AICP, Consulting Village Planner  
THUR: Jason Berry, AICP, Community Development Director  
SUBJECT: Case 18-17 313 E Logan Avenue Rezoning  
DATE: October 17, 2018

## SUMMARY

Brian Baetz of Morgan Homes LLC, contract purchaser of the subject property, is requesting rezoning to R-4A Single-Family Preservation and Infill District from R-6 Multi-Family Residential District Arterial Commercial District in order to construct a single-family home on the vacant lot addressed 313 E Logan Avenue. Staff is recommending approval.

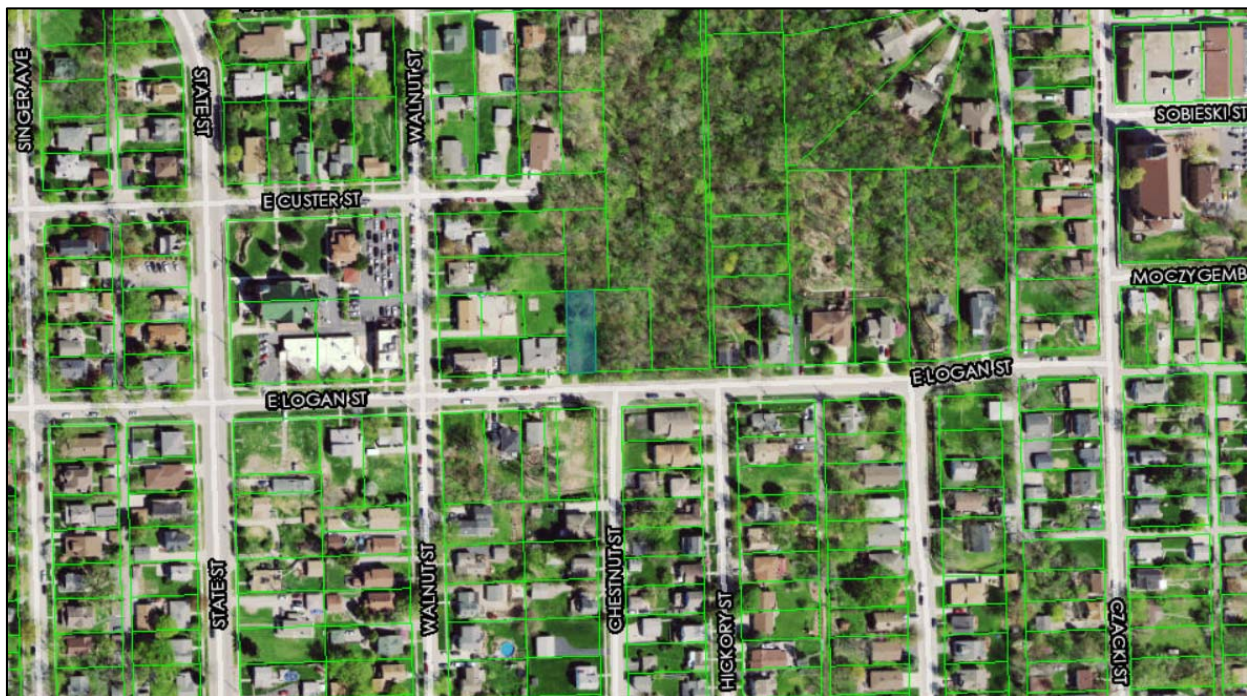


Figure 1: Subject site is highlighted in shaded blue

**PROPOSAL INFORMATION**

Case No. 18-17  
Project Name 313 E Logan Street Rezoning

**General Information**

Applicant	Brian Baetz (Morgan Homes LLC)
Status of Applicant	Contract Purchaser
Requested Actions:	Rezoning
Purpose for Requests	Construct a single-family home
Site Location	313 E Logan Street, (PIN: 22-29-202-023-0000)
Existing Zoning	R-6, Multi-Family Residential District
Size	0.14 acres (6,210 square-feet)
Existing Land Use	Vacant lot
Surrounding Land Use/Zoning	North: Vacant R-6, (234 Custer Street)
	South: Vacant R-4A, (310 Logan Street)
	East: Vacant R-6, (317 E Logan Street)
	West: R-6, Single Family Residence at 303 E Logan Street / R-6, Detached Garage of a multi-family residence located at 607 Walnut Street
Lemont 2030 Comprehensive Plan	The Comprehensive Plan map designates this area Infill Residential (INF).



## BACKGROUND, HISTORY & PROPOSAL

The subject property is 0.14 acres in size, and is located north of the intersection of Chestnut Street and Logan Street. The property's present use is vacant, although there formally was a single-family home located on the lot with only a gravel driveway and curb cut remaining from the previous home.

There is a pocket of R-6 Zoning, which includes the subject property, surrounded by the R-4A Zoning district in this neighborhood (shown in Figure 2). There are ten (10) lots of R-6 zoned properties with two (2) multi-family developments occupying four (4) of the ten lots. The multi-family residence at 607 Walnut Street occupies three (3) lots but is one development. The remaining lots of R-6 are either vacant or are existing single-family residences. The home that is directly west of the subject property is a single-family home but zoned R-6, Multi-Family Residential District.

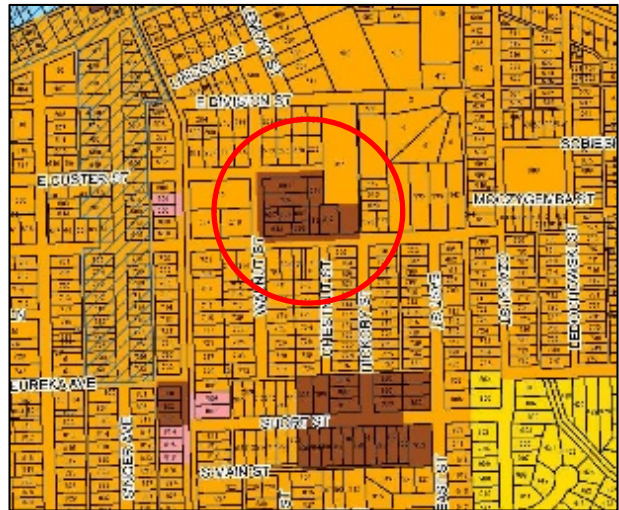


Figure 2: 2018 Zoning map zoomed to site location

The subject property and 10 lot pocket of R-6 Multi-Family Residential District appears to have been zoned R-6 for some time. The 1974 Zoning Map and 2005 Zoning Map both show this area as R-6. In or around 2004, there was a Residential Preservation District Overlay created by the Village, which corresponds with the R-4A District, but included some properties with different zoning, such as R-4, R-6, B-1, B-2, B-3 and D-D. This overlay provided more regulations at that time to preserve this special area but became obsolete when in 2006 the Village Board created the R-4A Infill and Preservation District. This new district was created to combine two layers of regulations (for the Infill District and for the R-4) into one zoning district, eliminating differences in standards, and strengthening some of the controls intended to inhibit tear-downs, and ensuring new construction fits the context of the area. During the rezoning, the R-6 pockets remained, most likely because they contained existing multi-family developments that were not to become legal non-conforming.

The subject property would not be able to be developed as a single-family or multi-family residence today without variances or a rezoning as it does not currently meet the lot and dimensional standards for the R-6 Zoning District (i.e. minimum lot size must be 10,000 square-feet and minimum lot width must be 80 feet). Multiple lots would need to be consolidated in order to proceed with an appropriate multi-family development.

The subject property appears to and can meet the R-4A dimensional standards:

Lot Standards	R-4A	313 E Logan Street
Lot Size	5,000 sf (min)	6,210 sf
Lot Width	45' (min)	46'
Front Yard Setback	25' or *	20' (Adjacent lot is less than 25')
Side Yard Setback	12% of lot width or 5' (whichever greater)	5.58'
Rear Yard Setback	30'	70.17'

\*Average of principal buildings on adjacent lots

## STANDARDS FOR REZONING

Illinois courts have used an established set of criteria when evaluating the validity of zoning changes. The criteria are known as the LaSalle factors, as they were established in a 1957 lawsuit between LaSalle National Bank and Cook County. Additionally, the eight “LaSalle factors” serve as a useful guide to planners and appointed and elected officials who are contemplating zoning changes. The LaSalle factors are as follows:

1. The existing uses and zoning of nearby property.

**Analysis:** The existing use of the property is vacant. The surrounding uses are primarily single-family residential with a couple of small scale multi-family residential properties on the block and around the corner. The existing two (2) multi-family residential properties appear to be converted single-family residences and are a two-flat and a five-unit building (607 and 603 Walnut Street). The two (2) adjacent lots to the east and west are zoned R-6 with one lot containing a single-family residence and the other is vacant. All lots across the street are zoned R-4A and have recently seen construction of single-family homes on infill lots.

2. The extent to which property values are diminished by the particular zoning;

**Analysis:** Property values are not diminished by either zoning, but the subject lot is unbuildable without substantial variances as it's presently zoned. The subject property has not developed as R-6, possibly due to the significant restraints the lot and dimensional standards for R-6 place on the subject property. The property

values should increase with the R-4A zoning designation as there is a willing purchaser to construct a new single-family home with the rezoning.

3. The extent to which the destruction of property values of the complaining party benefits the health, safety, or general welfare of the public;

**Analysis:** The rezoning allows for the development of the site that would include the public sidewalk in front of the home to add to the eventual completion of a total pathway system throughout the Village. The applicant will meet all other requirements of the UDO for the construction of a single-family home.

4. The relative gain to the public as compared to the hardship imposed on the individual property owner;

**Analysis:** There is no hardship upon the subject contract property owner, as the requested rezoning will allow the owner to achieve their desired development of the subject property without requested variances and increase the value of the land through improvements.

5. The suitability of the property for the zoned purpose;

**Analysis:** The property is not well suited for the zoned purpose as there is not a way to build on the lot within the existing parameters of the lot and dimensional standards in the R-6 zoning district. The lot can be developed today meeting the standards of the R-4A zoning district. The 2030 Comprehensive Plan designates this property as Infill Residential and it would support both the R-4A and R-6 Zoning designation with construction of a residence on this lot.

6. The length of time the property has been vacant as zoned, compared to development in the vicinity of the property;

**Analysis:** The subject property has been vacant for approximately eleven (11) years. The Village of Lemont issued a demolition permit for the prior home in 2007. During this time, lots have been developed across the street and in the vicinity surrounding the subject property. This lot has likely remained vacant due to the size constraints as it would not be able to meet the lot and dimensional standards with the R-6 zoning designation.

7. The public need for the proposed use;

**Analysis:** The proposed use would allow for the construction of a single-family home on a site that is currently underutilized. The subject property is situated adjacent to existing utilities and major streets, thus the burden on the public utilities or road system is minimal. The occupancy of the site is seen as an



improvement and benefit to the Village as the public will gain a sidewalk and all other UDO requirements (i.e., parkway tree, landscaping, etc.).

8. The thoroughness with which the municipality has planned and zoned its land use;

**Analysis:** The history of the zoning in this area as previously discussed has shown that the Village has thoroughly planned and zoned its land use. The Village rezoned most of the Preservation Overlay parcels to R-4A in order to keep ahead of tear-downs and maintain the scale of developments in this section of town. This pocket of R-6 likely remained multi-family due to the existing multi-family developments in the area. If the Village were to rezone the existing multi-family residences to R-4A at that time, they would have made them legal non-conforming therefore putting additional constraints on the properties. Although the R-6 zoning designation makes sense for the existing properties with multi-family developments, construction of a single-family home in this area is more appropriate for this lot within the R-4A Zoning District as it can meet the bulk and size requirements without variations. It is also fitting because the R-4A Zoning District touches the subject property line across the street, and the entire block on the south side of Logan Street is zoned R-4A.

## GENERAL ANALYSIS

**Consistency with Lemont 2030 Comprehensive Plan.** The Lemont 2030 Comprehensive Plan (Lemont 2030) map designates this area as INF (Infill Residential) land use.

Properties within this district are existing residential neighborhoods, typically in platted subdivisions. New development in this district is expected to be minimal and generally limited to new construction on the few vacant lots in the area. Some redevelopment of older home sites may also occur over time, but would likely not increase the total number of dwelling units on the redevelopment parcels. Any new development or redevelopment will be consistent with the established character of these neighborhoods.

The proposed zoning change is consistent with the land use goals of the Lemont 2030 plan, as the applicant desires to construct a single-family home on a vacant infill parcel within the Village of Lemont. There is a mix of single-family homes and smaller multi-family developments on this block and in the general area. The property as zoned R-6 would also follow the Comprehensive plan as far as encouraging infill residential, but it would require more land entitlements (variances) than the straight rezoning. The subject property would not support a multi-family development alone. Adjacent parcels would likely need to be accumulated and consolidated in order to meet the lot and dimensional standards for the R-6 Zoning District. The rezoning would allow for the construction of a single-family home that meets the standards for the R-4A district.

Parkways are required per the Lemont 2030 Plan, and the UDO also requires parkways, with five (5) foot sidewalks, and parkway trees be installed. The applicant has stated that they will meet all requirements of the UDO for residential construction.

**Compatibility with Existing Land Uses.** All of the adjacent properties to the subject lot are zoned residential and have residential land uses. The adjacent parcel to the west is a single-family home even with a multi-family zoning designation. Staff sees no compatibility concerns as the majority of the block and neighborhood is comprised of single-family homes.

**Traffic & Site Access.** Staff has no concerns in regards to access or traffic. The amount of traffic generated by a single-family home would be less than the amount that could be generated by a multi-family development.

## **CONCLUSIONS & RECOMMENDATIONS**

The proposed rezoning would follow the future land use map in the Lemont Comprehensive Plan, and would allow for faster development as the applicant is ready to start constructing a single-family home on the subject property without variances while meeting all requirements of the UDO for the construction of a residential home. Staff recommends approval.

## **ATTACHMENTS**

1. Site Photograph
2. Rezoning Application package
3. 2018 Village of Lemont Zoning Map
4. Historical zoning maps

Attachment 1



**Figure 1:** Streetview looking north from Logan at vacant lot

# Rezoning Application Form

## APPLICANT INFORMATION

BRIAN BAETZ  
Applicant Name

MORGAN HOMES LLC  
Company/Organization

8 SPRUCE CT. LEMONT IL 60439  
Applicant Address

630 853 5564  
Telephone & Fax

BRIAN@BRIANMORGANHOMES.COM  
E-mail

### CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.



## PROPERTY INFORMATION

313 E. LOGAN ST.  
Address of Subject Property/Properties

22-29-202-023-0000  
Parcel Identification Number of Subject Property/Properties

46' x 135'  
Size of Subject Property/Properties

## DESCRIPTION OF REQUEST

Requested Zoning: R4A

## REQUIRED DOCUMENTS

See Form 502-A, *Rezoning Application Checklist of Required Materials*, for items that must accompany this application.

## FOR OFFICE USE ONLY

Application received on: \_\_\_\_\_ By: \_\_\_\_\_

Application deemed complete on: \_\_\_\_\_ By: \_\_\_\_\_

Current Zoning: \_\_\_\_\_

Fee Amount Enclosed: \_\_\_\_\_ Escrow Amount Enclosed: \_\_\_\_\_

# Rezoning Application Form

Village of Lemont

## APPLICATION FEE & ESCROW

### Application Fee (based on size of property to be rezoned):

< 2 acres = \$300                      10 to < 20 acres = \$1,000  
2 to < 5 acres = \$500                20 acres or more = \$1,250  
5 to < 10 acres = \$750

Fee is non-refundable.

### Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the rezoning application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the rezoning review process, any unused portion of the escrow account will be refunded upon request.

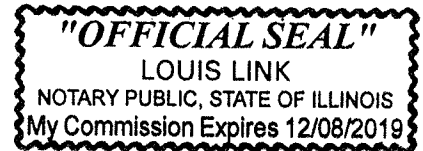
## AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

Brian Baetz                      9/19/18  
Signature of Applicant                      Date  
IL.    COOK  
State    County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that BRIAN BAETZ is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

[Signature]  
Notary Signature



Given under my hand and notary seal this 19 day of September A.D. 20 18.  
My commission expires this 8 day of December A.D. 20 19.

COMMON ADDRESS:

313 E. LOGAN ST.  
LEMONT, IL 60439

PIN # 22-29-202-023-0000

LEGAL DESCRIPTION:

LOT 4 IN SUBDIVISION OF THE WEST HALF OF BLOCK 2 AND LOT 8 OF BLOCK 6 IN DOWSE'S ADDITION TO LEMONT, A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



Brian Baetz  
8 Spruce Ct.  
Lemont, IL 60439

September 19, 2018

Village of Lemont  
418 Main St  
Lemont, IL 60439

RE: Rezoning 313 E. Logan St, Lemont from R6 to R4A

To the Lemont Trustees, Board Members, and Staff,

I am writing to request the rezoning of the property at 313 E. Logan St. The property is currently zoned R6 (multi-family), and I am requesting that this parcel be rezoned to R4A (single family). A single family home was once located on this now vacant land, and the property is currently surrounded by single family homes. If permitted, I intend to construct an approximately 2,200 sq.ft. Stone & Shingle style home on the 313 E. Logan St. property. I have attached a rendering and site plan with this package.

I have been a resident of Lemont for 25 years and have children and grandchildren that live in Lemont, as well. Over the years, I have built dozens of homes in Lemont, and a hundred homes throughout the surrounding suburbs. Recently, we have completed two new homes a block east of the subject property (at the corner of Logan St. and East St.), and have also started the construction of two more homes directly across the street. Attached you will find the renderings of these homes, as well.

A single family home at 313 E. Logan St. would be a great asset to the neighborhood. I kindly ask for your support.

Sincerely,

Brian Baetz  
Morgan Homes



# VACANT LAND SALES CONTRACT

(This is not to be used for Tear Down)

1 **1. THE PARTIES:** Buyer and Seller are hereinafter referred to as the "Parties".

2  
3 Buyer(s) (Please Print) Morgan Homes, LLC

4 AG ALFREDO

5 Seller(s) (Please Print) Fred Garcia

6 If Dual Agency applies, complete Optional Paragraph 27.

7  
8 **2. THE REAL ESTATE:** Real Estate shall be defined to include the Real Estate and all improvements thereon. Seller  
9 agrees to convey to Buyer or to Buyer's designated grantee, the Real Estate with the approximate lot size or acreage  
10 of 46' x 135' commonly known as: 313 E. Logan St Lemo/L 60439

11 Address City State Zip

12 Cook

13 County

14 AG Permanent Index Number(s) of Real Estate

15 **3. PURCHASE PRICE:** Purchase Price of \$65,000 \$65,500 shall be paid as follows: Initial

16 earnest money of \$ 2,000 by ( check), ( cash), OR ( note due on  
17 N/A, 20    ) to be increased to a total of \$N/A by N/A

18 20. The earnest money and the original of this Contract shall be held by the Listing Company, as "Escrowee",  
19 in trust for the mutual benefit of the Parties. The balance of the Purchase Price, as adjusted by prorations, shall be paid at  
20 Closing by wire transfer of funds, or by certified, cashier's, mortgage lender's or title company's check (provided that  
21 the title company's check is guaranteed by a licensed title insurance company).

22  
23 **4. DIRECTION TO ESCROWEE:** In every instance where this Contract shall be deemed null and void or if the  
24 Contract may be terminated by either Party, the following shall be incorporated by reference: "the Earnest Money shall  
25 be refunded to the Buyer upon written notice of the Parties to the Escrowee".

26  
27 **5. MORTGAGE CONTINGENCY:** This Contract is contingent upon Buyer obtaining a firm written mortgage  
28 commitment (except for matters of title and survey or matters totally within Buyer's control) on or before  
29 N/A, 20     for a (choose one)  fixed  adjustable; (choose one)  conventional

30  other loan of \$ N/A or such lesser amount as Buyer elects to take, plus private mortgage  
31 insurance (PMI), if required. The interest rate (initial rate, if applicable) shall not exceed     % per annum, amortized  
32 over not less than      years. Buyer shall pay loan origination fee and/or discount points not to exceed     % of the  
33 loan amount. Buyer shall pay the cost of application, usual and customary processing fees and Closing costs charged by  
34 lender. Buyer shall make written loan application within five (5) business days after the Date of Acceptance. **Failure to**  
35 **do so shall constitute an act of default under this Contract.** If Buyer, having applied for the loan specified above, is  
36 unable to obtain such loan commitment and serves written notice to Seller within the time specified, this Contract shall  
37 be null and void. **If written notice of inability to obtain such loan commitment is not served within the time**  
38 **specified, Buyer shall be deemed to have waived this contingency and this Contract shall remain in full force and**  
39 **effect. Unless otherwise provided herein, this Contract shall not be contingent upon the sale and/or closing of**  
40 **Buyer's existing real estate.** Buyer shall be deemed to have satisfied the financing conditions of this paragraph if Buyer  
41 obtains a loan commitment in accordance with the terms of this paragraph even though the loan is conditioned on the  
42 sale and/or closing of Buyer's existing real estate.

AG THE PARTIES HAVE AGREED THAT PLAT OF SURVEY  
DATED JUNE 9, 2016 WILL BE ACCEPTED.

<u>B.B</u>	Buyer Initial	<u>AG</u>	Seller Initial
Address _____			
(Page 1 of 6) March 2006 Code 1006 Mainstreet Organization of REALTORS®			



43 If Seller at Seller's option and expense, within thirty (30) days after Buyer's notice, procures for Buyer such  
44 commitment or notifies Buyer that Seller will accept a purchase money mortgage upon the same terms, this Contract  
45 shall remain in full force and effect. In such event, Seller shall notify Buyer within five (5) Business Days after Buyer's  
46 notice of Seller's election to provide or obtain such financing, and Buyer shall furnish to Seller or lender all requested  
47 information and shall sign all papers necessary to obtain the mortgage commitment and to close the loan.  
48

49 **6. CLOSING:** Closing or escrow payout shall be on September 28th, 2018, or at such time as  
50 mutually agreed upon by the Parties in writing. Closing shall take place at the title company escrow office situated  
51 geographically nearest the Real Estate or as shall be agreed mutually by the Parties.  
52

53 **7. POSSESSION:** Possession shall be granted to Buyer(s) at the completion of closing unless otherwise agreed in  
54 writing by the parties.  
55

56 **8. PRORATIONS:** Proratable items shall include, without limitation, rents and deposits (if any) from tenants, water and  
57 sewer. Seller agrees to pay prior to or at Closing any special assessments (governmental or association) confirmed prior  
58 to Date of Acceptance. The general Real Estate taxes shall be prorated as of the date of Closing based on \_\_\_\_\_ %  
59 of the most recent ascertainable full year tax bill. All prorations shall be final as of Closing.  
60

61 **9. OTHER PROVISIONS:** This Contract is also subject to those OPTIONAL PROVISIONS selected for use and  
62 initiated by the Parties which are contained on the succeeding pages and the following attachments, if any:  
63 N/A  
64

65 **10. BUILDING AND SEWAGE PERMITS CONDITION:** This Contract is subject to the condition that Buyer(s)  
66 obtain within \_\_\_\_\_ business days after the date of this contract, at Buyer's expense, a building permit and an acceptable  
67 septic percolation test or sewage tap-on permit from the applicable governmental agency having jurisdiction over the  
68 subject Property. If Buyer(s) has properly, diligently, and promptly applied for said permits and approvals and has been  
69 unable to obtain the permits within the times specified, Buyer(s) may, at Buyer's option, within one (1) business day of  
70 the time specified, serve written notice of such failure and inability to obtain the necessary permits upon Seller(s) or  
71 Seller's attorney, and in such event this Contract shall become null and void and all earnest money paid by Buyer(s)  
72 shall be refunded to Buyer(s). IN THE EVENT BUYER(S) DOES NOT SERVE WRITTEN NOTICE WITHIN THE  
73 TIME SPECIFIED HEREIN, THIS PROVISION SHALL BE DEEMED WAIVED BY ALL PARTIES HERETO  
74 AND THIS CONTRACT SHALL CONTINUE IN FULL FORCE AND EFFECT.  
75

76 **11. SOIL TEST/FLOOD PLAIN CONDITION:** This Contract is subject to Buyer obtaining within  
77 N/A business days from date of acceptance a soil boring test and/or Flood Plain Determination at a site or sites of  
78 Buyer's choice on the Property to obtain the necessary permits from the appropriate governmental authorities for the  
79 improvement contemplated by the Buyer. Such determination and tests shall be at Buyer's expense. In the event Flood  
80 Plain Determination and such tests are unsatisfactory, at the option of Buyer, and upon written notice to Seller within  
81 one (1) business day of the time set forth above, this contract shall be null and void and earnest money shall be refunded  
82 to Buyer upon mutual written direction of Seller and Buyer or the escrow agent. In the event the Buyer does not serve  
83 written notice within the time specified herein, this provision shall be deemed waived by all parties hereto and this  
84 contract shall continue in full force and effect.  
85

86 **12. ATTORNEY REVIEW:** The respective attorneys for the Parties may approve, disapprove, or make modifications  
87 to this Contract, other than stated Purchase Price, within five (5) business days after the Date of Acceptance.  
88 Disapproval or modification of this Contract shall not be based solely upon stated Purchase Price. Any notice of

<u>B B</u> Buyer Initial _____ Buyer Initial _____ Seller Initial <u>AG</u> Seller Initial
Address _____
(Page 2 of 6) March 2006 Code 6007 Mainstreet Organization of REALTORS®

89 disapproval or proposed modification(s) by any Party shall be in writing. If written notice is not served within the  
90 time specified, this provision shall be deemed waived by the Parties and this Contract shall remain in full force  
91 and effect. If prior to the expiration of ten (10) Business Days after Date of Acceptance, written agreement is not  
92 reached by the Parties with respect to resolution of proposed modifications, then this Contract shall be null and  
93 void.

94  
95 **13. PLAT OF SURVEY:** Not less than one (1) business day prior to Closing Seller shall, at Seller's expense, furnish to  
96 Buyer or Buyer's attorney a Plat of Survey dated not more than six (6) months prior to the date of Closing, prepared by  
97 an Illinois Professional Land Surveyor, showing any encroachments, measurements of all lot lines, all easements of  
98 record, building set back lines of record, fences, all buildings and other improvements on the Real Estate and distances  
99 therefrom to the nearest two lot lines. In addition, the survey to be provided shall be a boundary survey conforming to  
100 the current requirements of the appropriate state regulatory authority. The survey shall show all corners staked, flagged,  
101 or otherwise monumented. The survey shall have the following statement prominently appearing near the professional  
102 land surveyor seal and signature: "This professional service conforms to the current Illinois minimum standards for a  
103 boundary survey." A Mortgage Inspection, as defined, is not a boundary survey, and is not acceptable.

104  
105 **14. NOTICE:** All Notices shall be in writing and shall be served by one Party or attorney to the other Party or attorney.  
106 Notice to any one of a multiple person Party shall be sufficient Notice to all. Notice shall be given in the following  
107 manner:

- 108 (a) By personal delivery of such Notice; or
- 109 (b) By mailing of such Notice to the addresses recited herein by regular mail and by certified mail, return receipt  
110 requested. Except as otherwise provided herein, Notice served by certified mail shall be effective on the date of  
111 mailing; or
- 112 (c) By sending facsimile transmission. Notice shall be effective as of date and time of facsimile transmission,  
113 provided that the Notice transmitted shall be sent on Business Days during Business Hours. In the event fax  
114 Notice is transmitted during non-business hours, the effective date and time of Notice is the first hour of the next  
115 Business Day after transmission; or
- 116 (d) By sending e-mail transmission. Notice shall be effective as of date and time of e-mail transmission, provided  
117 that the Notice transmitted shall be sent during Business Hours, and provided further that the recipient provides  
118 written acknowledgment to the sender of receipt of the transmission (by e-mail, facsimile, regular mail or  
119 commercial overnight delivery). In the event e-mail Notice is transmitted during non-business hours, the  
120 effective date and time of Notice is the first hour of the next Business Day after transmission; or
- 121 (e) By commercial overnight delivery (e.g., FedEx). Such Notice shall be effective on the next Business Day  
122 following deposit with the overnight delivery company.

123  
124 **15. THE DEED:** Seller shall convey or cause to be conveyed to Buyer or Buyer's designated grantee good and  
125 merchantable title to the Real Estate by recordable general Warranty Deed, with release of homestead rights, (or the  
126 appropriate deed if title is in trust or in an estate), and with real estate transfer stamps to be paid by Seller (unless  
127 otherwise designated by local ordinance). Title when conveyed will be good and merchantable, subject only to: general  
128 real estate taxes not due and payable at the time of Closing, covenants, conditions, and restrictions of record, building  
129 lines and easements, if any, so long as they do not interfere with the current use and enjoyment of the Real Estate.

130  
131 **16. TITLE:** At Seller's expense, Seller will deliver or cause to be delivered to Buyer or Buyer's attorney within  
132 customary time limitations and sufficiently in advance of Closing, as evidence of title in Seller or Grantor, a title  
133 commitment for an ALTA title insurance policy in the amount of the Purchase Price with extended coverage by a title  
134 company licensed to operate in the State of Illinois, issued on or subsequent to the Date of Acceptance, subject only to  
135 items listed in Paragraph 14. The requirement of providing extended coverage shall not apply if the Real Estate is vacant  
136 land. The commitment for title insurance furnished by Seller will be conclusive evidence of good and merchantable title

<p>B.B. Buyer Initial _____ Buyer Initial _____ Seller Initial A.G. Seller Initial Address _____</p> <p>(Page 3 of 6) March 2006 Code 6007 Mainstreet Organization of REALTORS®</p>
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137 as therein shown, subject only to the exceptions therein stated. If the title commitment discloses unpermitted exceptions,  
138 or if the Plat of Survey shows any encroachments which are not acceptable to Buyer, then Seller shall have said  
139 exceptions or encroachments removed, or have the title insurer commit to insure against loss or damage that may be  
140 caused by such exceptions or encroachments. If Seller fails to have unpermitted exceptions waived or title insured over  
141 prior to Closing, Buyer may elect to take the title as it then is, with the right to deduct from the Purchase Price prior  
142 encumbrances of a definite or ascertainable amount. Seller shall furnish Buyer at Closing an Affidavit of Title covering  
143 the date of Closing, and shall sign any other customary forms required for issuance of an ALTA Insurance Policy.  
144

145 **17. PERFORMANCE: Time is of the essence of this Contract.** In any action with respect to this Contract, the Parties  
146 are free to pursue any legal remedies at law or in equity and the prevailing Party in litigation shall be entitled to collect  
147 reasonable attorney fees and costs from the losing Party as ordered by a court of competent jurisdiction. There shall be  
148 no disbursement of earnest money unless Escrowee has been provided written agreement from Seller and Buyer. Absent  
149 an agreement relative to the disbursement of earnest money within a reasonable period of time, Escrowee may deposit  
150 funds with the Clerk of the Circuit Court by the filing of an action in the nature of interpleader. Escrowee shall be  
151 reimbursed from the earnest money for all costs, including reasonable attorney fees, related to the filing of the  
152 interpleader action. Seller and Buyer shall indemnify and hold Escrowee harmless from any and all conflicting claims  
153 and demands arising under this paragraph.  
154

155 **18. SELLER REPRESENTATIONS:** Seller represents that Seller has not received written notice from any  
156 Governmental body or Homeowner Association regarding (a) zoning, building, fire or health code violations that have  
157 not been corrected; (b) any pending rezoning; (c) any pending condemnation or eminent domain proceeding; or (d) a  
158 proposed or confirmed special assessment and/or Special Service Area affecting the Real Estate. Seller represents,  
159 however, that, in the case of a special assessment and/or Special Service Area, the following applies:

- 160 1. There [check one] is  is not  a proposed or pending unconfirmed special assessment affecting the Real  
161 Estate not payable by Seller after date of Closing.  
162 2. The Real Estate [check one] is  is not  located within a Special Service Area, payments for which will  
163 not be the obligation of Seller after date of Closing.

164 **If any of the representations contained herein regarding non-Homeowner Association special assessment or**  
165 **Special Service Area are unacceptable to Buyer, Buyer shall have the option to declare this Contract null and**  
166 **void. If written notice of the option to declare this Contract null and void is not given to Seller within ten (10)**  
167 **Business Days after Date of Acceptance or within the term specified in Paragraph 11 (whichever is later), Buyer**  
168 **shall be deemed to have waived such option and this Contract shall remain in full force and effect.** Seller further  
169 represents that Seller has no knowledge of boundary line disputes, easements or claims of easement not shown by the  
170 public records, any hazardous waste on the Real Estate or any improvements for which the required permits were not  
171 obtained. Seller represents that there have been no improvements to the Real Estate which are not either included in full  
172 in the determination of the most recent real estate tax assessment or which are eligible for home improvement tax  
173 exemption.  
174

175 **19. GOVERNMENTAL COMPLIANCE:** Parties agree to comply with the reporting requirements of the applicable  
176 sections of the Internal Revenue Code and the Real Estate Settlement Procedures Act of 1974, as amended.  
177

178 **20. ESCROW CLOSING:** At the election of either Party, not less than five (5) Business Days prior to the Closing, this  
179 sale shall be closed through an escrow with the lending institution or the title company in accordance with the provisions  
180 of the usual form of Deed and Money Escrow Agreement, as agreed upon between the Parties, with provisions inserted  
181 in the Escrow Agreement as may be required to conform with this Contract. The cost of the escrow shall be paid by the  
182 Party requesting the escrow. If this transaction is a cash purchase (no mortgage is secured by Buyer), the Parties shall  
183 share the title company escrow closing fee equally.

<p>B. B    Buyer Initial _____    Buyer Initial _____    Seller Initial <u>AG.</u>    Seller Initial _____ Address _____</p> <p>(Page 4 of 6) March 2006 Code 6007 Mainstreet Organization of REALTORS®</p>
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184 **21. FLOOD INSURANCE:** Buyer shall have the option to declare this Contract null and void if the Real Estate is  
185 located in a special flood hazard area which requires Buyer to carry flood insurance. If written notice of the option to  
186 declare this Contract null and void is not given to Seller within ten (10) business days after Date of Acceptance, Buyer  
187 shall be deemed to have waived such option and this Contract shall remain in full force and effect. Nothing herein shall  
188 be deemed to affect any rights afforded by the Residential Real Property Disclosure Act.  
189

190 **22. FACSIMILE:** Facsimile signatures shall be sufficient for purposes of executing, negotiating, and finalizing this  
191 Contract.  
192

193 **23. BUSINESS DAYS/HOURS:** Business Days are defined as Monday through Friday, excluding Federal holidays.  
194 Business Hours are defined as 8:00 A.M. to 6:00 P.M. Chicago time.  
195

196 **24. CHOICE OF LAW/GOOD FAITH:** All terms and provisions of this Contract including, but not limited to, the  
197 Attorney Review and Professional Inspection paragraphs, shall be governed by the laws of the State of Illinois and are  
198 subject to the covenant of good faith and fair dealing implied in all Illinois contracts.  
199

200 **THE FOLLOWING OPTIONAL PROVISIONS APPLY ONLY IF INITIALED BY ALL PARTIES**

201  
202 \_\_\_\_\_ **25. CANCELLATION OF PRIOR REAL ESTATE CONTRACT:** In the event either Party has entered  
203 into a prior real estate contract, this Contract shall be subject to written cancellation of the prior contract on or before  
204 N/A, 20\_\_\_\_. **In the event the prior contract is not cancelled within the time specified, this Contract shall be**  
205 **null and void and earnest money refunded to Buyer upon written direction of the Parties to Escrowee. Notice to the**  
206 **purchaser under the prior contract should not be served until after Attorney Review and Professional Inspections provisions**  
207 **of this Contract have expired, been satisfied or waived.**  
208

209 \_\_\_\_\_ **26. INTEREST BEARING ACCOUNT:** Earnest money (with a completed W-9 and other required forms),  
210 shall be held in a federally insured interest bearing account at a financial institution designated by Escrowee. All interest earned on  
211 the earnest money shall accrue to the benefit of and be paid to Buyer. **The Buyer shall be responsible for any administrative fee**  
212 **(not to exceed \$100) charged for setting up the account.** In anticipation of Closing, the Parties direct Escrowee to close the  
213 account no sooner than ten (10) Business Days prior to the anticipated Closing date.  
214

215 \_\_\_\_\_ **27. CONFIRMATION OF DUAL AGENCY:** The Parties confirm that they have previously consented to  
216 N/A (Licensee) acting as a Dual Agent in providing brokerage services  
217 on their behalf and specifically consent to Licensee acting as a Dual Agent with regard to the transaction referred to in this Contract.  
218

219 \_\_\_\_\_ **28. INTERIM FINANCING:** This Contract is contingent upon Buyer obtaining a written commitment for  
220 interim financing on or before \_\_\_\_\_, 20\_\_\_\_ in the amount of \$ N/A. **If Buyer is unable to**  
221 **secure the interim financing commitment and gives written notice to Seller within the time specified, this Contract shall be**  
222 **null and void. If written notice is not served within the time specified, this provision shall be deemed waived by the Parties**  
223 **and this Contract shall remain in full force and effect.**  
224

225 \_\_\_\_\_ **29. SPECIFIED PARTY APPROVAL:** This Contract is contingent upon the approval of the Real Estate by  
226 N/A Buyer's specified party,  
227 within five (5) Business Days after the Date of Acceptance. **In the event Buyer's specified party does not approve of the Real**  
228 **Estate and written notice is given to Seller within the time specified, this Contract shall be null and void. If written notice is**  
229 **not served within the time specified, this provision shall be deemed waived by the Parties and this Contract shall remain in**  
230 **full force and effect.**

<p><u>B. B</u> Buyer Initial _____ Buyer Initial _____ Seller Initial <u>A G.</u> Seller Initial Address _____</p> <p>(Page 5 of 6) March 2006 Code 6007 Mainstreet Organization of REALTORS®</p>
---

231 30. CLOSING COST CREDIT: Provided Buyer's lender permits such credit(s) to show on the HUD-1  
 232 Settlement Statement, and if not, such lesser amount as the lender permits, Seller agrees to credit to Buyer  
 233 \$ \_\_\_\_\_ at closing.

234  
 235 **THIS DOCUMENT WILL BECOME A LEGALLY BINDING CONTRACT WHEN SIGNED BY ALL**  
 236 **PARTIES AND DELIVERED**

237 The Parties represent that text of this form has not been altered and is identical to the official Vacant Land Contract of  
 238 the Mainstreet Organization of REALTORS®

239 January 08 \_\_\_\_\_ 2018 08-10-18. \_\_\_\_\_ 20  
 240 Date of Offer Brian Diaz **DATE OF ACCEPTANCE**  
 241  
 242 Buyer Signature \_\_\_\_\_ Seller Signature Alfredo Garcia  
 243  
 244 Buyer Signature \_\_\_\_\_ Seller Signature Fred Garcia  
 245 Morgan Homes, LLC \_\_\_\_\_ ALFREDO GARCIA  
 246 Print Buyer(s) Name(s) [Required] \_\_\_\_\_ Print Seller(s) Name(s) [Required]  
 247 5401 Palton Dr. #105 \_\_\_\_\_ 1805 WILCOX ST.  
 248 Address \_\_\_\_\_ Address  
 249 Lisle IL 60532 \_\_\_\_\_ CREST HILL IL 60403  
 250 City State Zip \_\_\_\_\_ City State Zip  
 251 630-853-5564 brian@brianmorganhomes.com \_\_\_\_\_  
 252 Phone E-mail \_\_\_\_\_ Phone E-mail

**FOR INFORMATION ONLY**

253  
 254  
 255 Selling Office \_\_\_\_\_ Listing Office CRAYER REALTY \_\_\_\_\_ 76503  
 256 N/A \_\_\_\_\_ MLS # \_\_\_\_\_  
 257 Buyer's Designated Agent \_\_\_\_\_ Seller's Designated Agent PAUL TERDICH \_\_\_\_\_ 705140  
 258 N/A \_\_\_\_\_ MLS # \_\_\_\_\_  
 259 Phone \_\_\_\_\_ Fax 815-483-5416 \_\_\_\_\_ 866-271-3749  
 260 E-mail \_\_\_\_\_ E-mail PBTERDICH@YAHOO.COM \_\_\_\_\_  
 261 \_\_\_\_\_ E-mail CHRIS GALLOWAY \_\_\_\_\_ CHRISTOPHER GALLOWAY  
 262 Buyer's Attorney \_\_\_\_\_ Seller's Attorney \_\_\_\_\_  
 263 Joseph Talerico \_\_\_\_\_ E-mail ESQ@GMAIL.COM  
 264 \_\_\_\_\_ E-mail \_\_\_\_\_  
 265 Phone \_\_\_\_\_ Fax 630-632-5760 \_\_\_\_\_  
 266 (708) 687-8200 \_\_\_\_\_ Fax \_\_\_\_\_  
 267 Mortgage Company \_\_\_\_\_ Homeowner's/Condo Association (if any) \_\_\_\_\_ Phone  
 268 N/A \_\_\_\_\_  
 269 Loan Officer \_\_\_\_\_ Fax \_\_\_\_\_ Management Co./Other Contact \_\_\_\_\_ Phone

271 Rev. March 2006

<u>B.B.</u>	Buyer Initial _____	Buyer Initial _____	<u>A.G.</u>	Seller Initial _____
Address _____				
(Page 6 of 6) March 2006 Code 6007 Mainstreet Organization of REALTORS®				

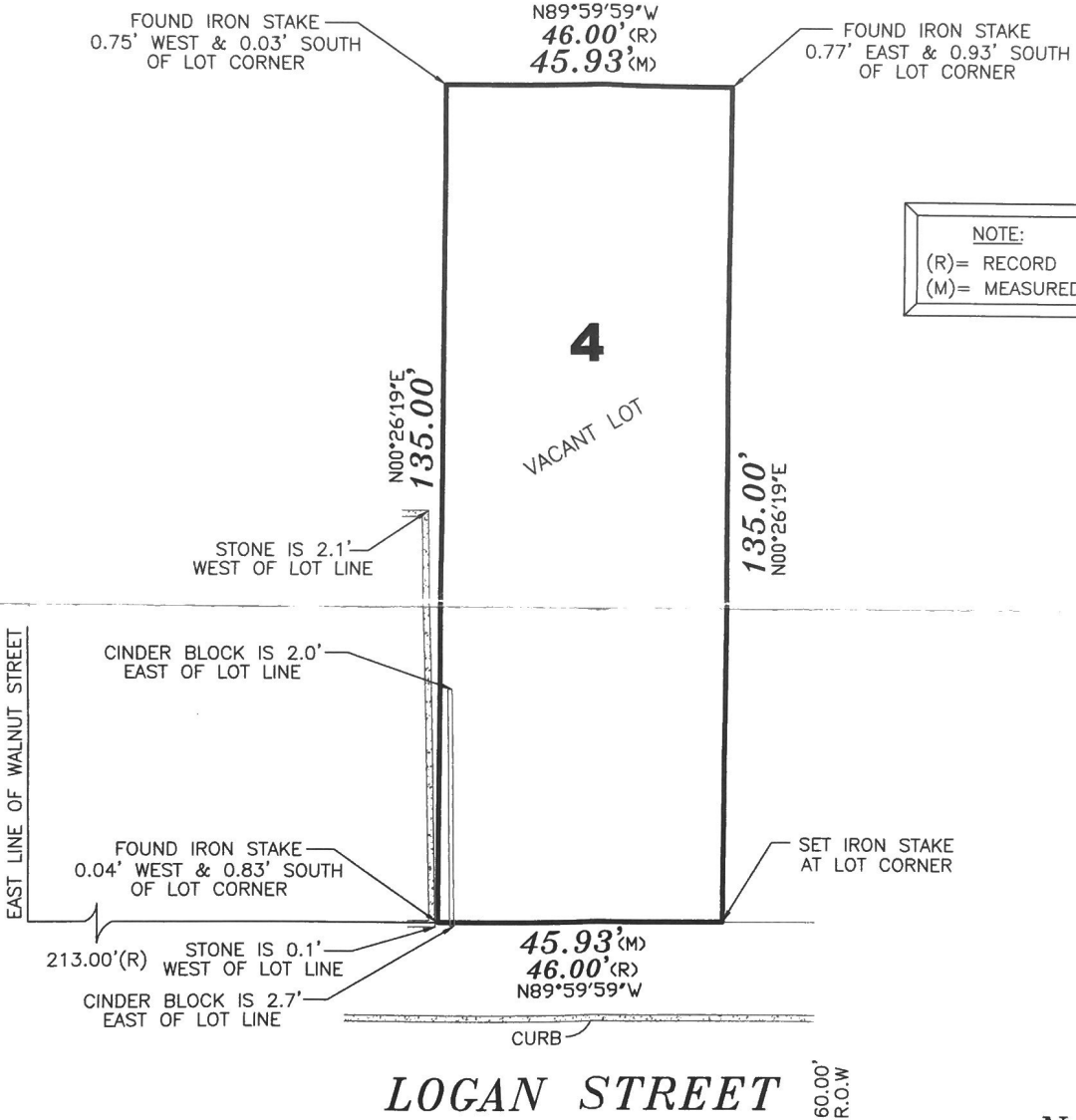
# PLAT OF SURVEY

OF

LOT 4 IN SUBDIVISION OF THE WEST HALF OF BLOCK 2 AND LOT 8 OF BLOCK 6 IN DOWSE'S ADDITION TO LEMONT, A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 313 LOGAN STREET

NOTE:  
JNT LAND SURVEY WAS ASKED TO WRITE A LEGAL DESCRIPTION FOR THIS SURVEY, BASED UPON TAX ID NUMBERS, VERBAL COMMUNICATION, OR BY OTHER MEANS. THIS LEGAL CORRECTLY IDENTIFIES THE PROPERTY SURVEYED. JNT LAND SURVEY DOES NOT OFFER ANY GUARANTEE THAT THE CLIENT OWNS ALL OR ANY PART OF THE PROPERTY. THIS LEGAL DESCRIPTION SHOULD BE COMPARED TO A TITLE POLICY TO MAKE CERTAIN THAT THE CLIENT DOES IN FACT OWN THE ENTIRE TRACT OF LAND SURVEYED.



NOTE:  
(R) = RECORD  
(M) = MEASURED

CLIENT: ALFREDO GARCIA

AREA OF SURVEY = 6201 SQ.FT.  
BASIS OF BEARINGS: ASSUMED



STATE OF ILLINOIS } S. S.  
COUNTY OF WILL }

FIELD WORK COMPLETED ON 9th DAY OF JUNE, 2016.

JNT LAND SURVEYING SERVICES INCORPORATED HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

Dated this 15th Day of JUNE, 2016.

15935 S. BELL ROAD (708) 645-1136  
HOMER GLEN, IL. 60491 FAX (708) 645-1138  
WWW.JNTLANDSURVEY.COM

PROFESSIONAL DESIGN FIRM  
LAND SURVEYOR CORPORATION  
LICENSE NO. 184.004450

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. LICENSE EXPIRES 11/30/16

IPLS No. 3354

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCE.

...:\Projects\2018\18-0620\Engineering\DWG\Detailed Grading Plan\18-0620 SITE PLAN.dwg, 9/18/2018 5:36:39 PM, sscshreiner, Adobe PDF

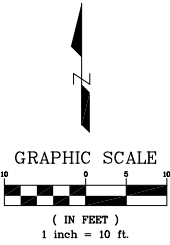
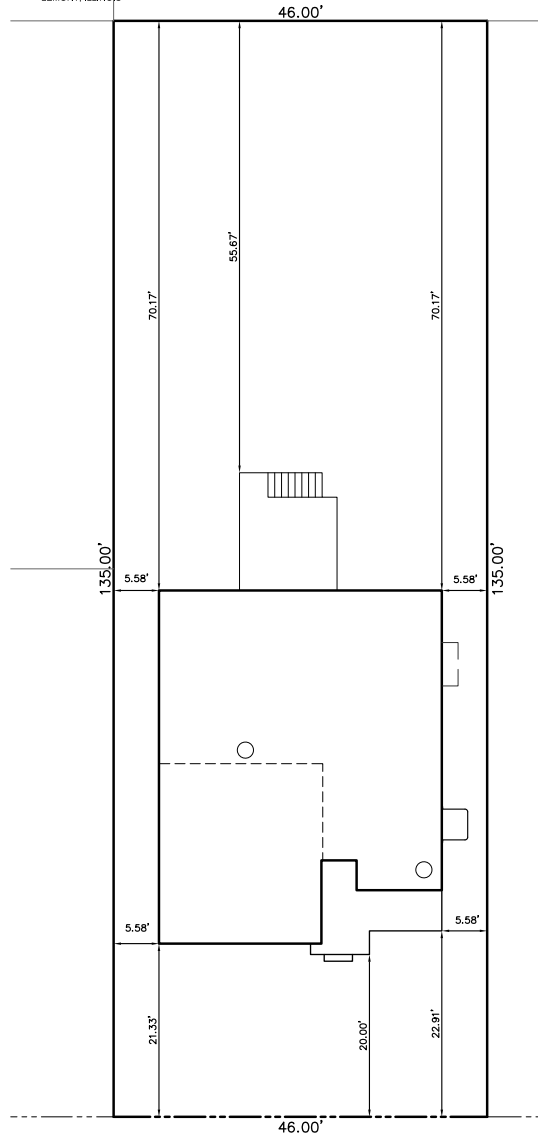
# LEGEND

EXISTING		PROPOSED
	SANITARY SEWER	
	SANITARY SERVICE	
	SANITARY MANHOLE	
	STORM SEWER	
	STORM SERVICE	
	CATCH BASIN	
	OPEN LID STORM MANHOLE	
	CLOSED LID STORM MANHOLE	
	STORM INLET	
	FLARED END SECTION	
	WATER MAIN	
	WATER SERVICE	
	VALVE VAULT	
	B-BOX	
	HYDRANT	
	VALVE BOX	
	STREET LIGHT	
	UTILITY POLE	
	RETAINING WALL	
	SILT FENCE	
	CONTOUR	
	FORCE MAIN	
	SPOT GRADES	
	OVERFLOW ARROW	
	TOP OF FOUNDATION	
	FINISH GRADE	
	FINISH FLOOR	
	GARAGE FLOOR	

# SITE PLAN

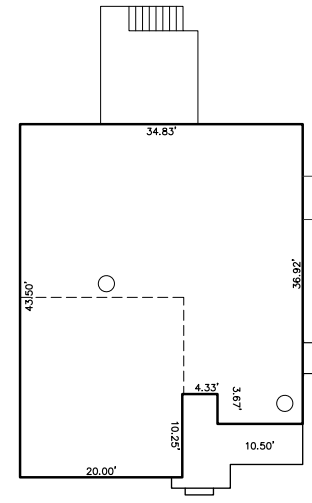
LOT 4 IN SUBDIVISION OF THE WEST HALF OF BLOCK 2 AND LOT 8 OF BLOCK 6 IN DOWSE'S ADDITION TO LEMONT, A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

COMMON ADDRESS: 313 EAST LOGAN STREET  
LEMONT, ILLINOIS



### R4-A SETBACKS

FRONT: 25' OR AVERAGE OF 50% OF ADJACENT LOTS  
SIDE: 12% OR 5' WHICHEVER IS GREATER  
REAR: 30'



**NOTES:**  
CONTRACTOR MUST VERIFY ALL EXISTING CONDITIONS PRIOR TO STARTING CONSTRUCTION TO DETERMINE IF ANY CONFLICTS EXIST. THE DESIGN ENGINEER MUST BE NOTIFIED PRIOR TO START OF CONSTRUCTION.

FOR UNDERGROUND UTILITY LOCATIONS AND PRIOR TO ANY CONSTRUCTION, CONTACT J.U.L.I.E. TOLL FREE: 1-800-892-0123.

EXISTING TOPOGRAPHIC SURVEY PREPARED BY DESIGNTEK SURVEYING, LLC. (708) 326-4961; FIELD WORK WAS COMPLETED ON XXXXX XX7, 2018.

OWNER:  
BRIAN MORGAN HOMES  
(630) 853-5564

LOGAN STREET AVERAGE SETBACK TABLE	
ADDRESS	SETBACK
613 WALNUT CIRCLE	11'
309 E. LOGAN STREET	10'
325 -	8'
327 -	10'
331 -	27'
335 -	31'
AVERAGE SETBACK 16'	

### SITE DATA

AREA: 6,210 SQUARE FEET  
OR 0.1426 ACRES

### PARCEL IDENTIFICATION NUMBER

22-29-202-023-0000

### BASIS OF BEARING

N/A

### PROPERTY ADDRESS

313 EAST LOGAN STREET  
LEMONT, ILLINOIS

**DEI** DESIGNTEK ENGINEERING, INC.  
CONSULTING AND SITE DESIGN ENGINEERS  
9930 W. 190TH STREET, SUITE L  
MOKENA, ILLINOIS 60448  
(708) 326-4961  
ILLINOIS PROFESSIONAL LICENSE NO: 184-003740

### REVISION

LOT XX  
313 LOGAN STREET  
LEMONT, ILLINOIS

### DETAILED GRADING PLAN

DRAWN	CHECKED	PROJECT NO.
NSM	MJF	18-0620
DATE: 09-18-18		SHEET 1
SCALE: 1" = 10'		OF 1

NOTE: DESIGNTEK MAKES NO REPRESENTATION AS TO ACCURACY OF DIMENSIONS SHOWN HEREON. FOR ACTUAL DIMENSIONS OF HOME REFER TO FOUNDATION PLAN PREPARED BY OTHERS.

**EAST LOGAN STREET**



CALL 1-800-892-0123 or 811  
AT LEAST 48 HOURS (2 WORKING DAYS) BEFORE YOU DIG  
WWW.ILLINOISCALL.COM

L:\Projects\2018\18-0620\Engineering\DWG\Detailed Grading Plan\18-0620 SITE PLAN.dwg Plot Date: 9/18/2018 5:37:08 PM By: sscshreiner



MH MORGAN  
HOMES



313 E. Logan St.





Corner of Logan & East Street

Recently Completed:



704 East St.



332 E. Logan St.

Under Construction:



703 East St.



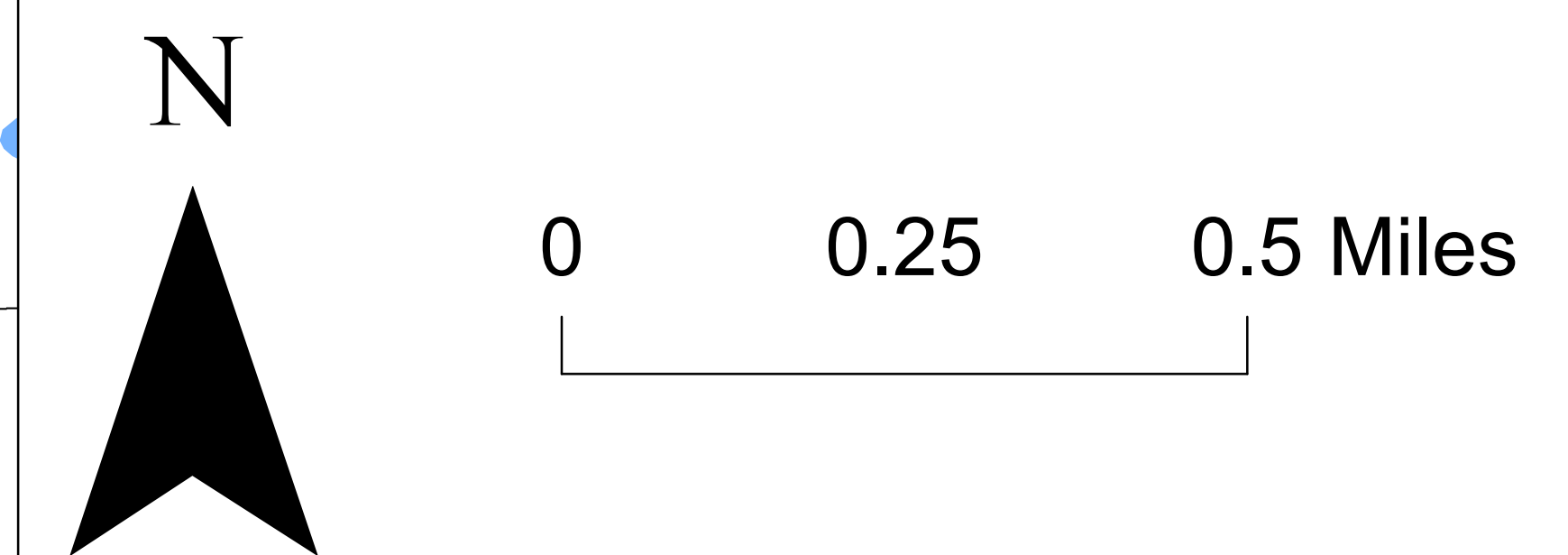
705 East St.



# Village of Lemont 2018 Zoning Map

## Legend

- Corporate Boundary
  - County Boundary
  - Historic District
  - Canal Overlay District
  - Railroads
  - Water
  - Parcel
- Zoning Districts
- R-1 Single-Family Detached Residential District
  - R-2 Single-Family Detached Residential District
  - R-3 Single-Family Detached Residential District
  - R-4 Single-Family Detached Residential District
  - R-4A Single-Family Preservation & Infill District
  - R-5 Single-Family Attached Residential District
  - R-6 Multi-Family Residential District
  - B-1 Office/Retail Transitional District
  - B-3 Arterial Commercial District
  - B-4 Commercial Recreation District
  - DD Downtown District
  - INT Institutional District
  - M-1 Light Manufacturing District
  - M-2 General Manufacturing District
  - M-3 Heavy Manufacturing District



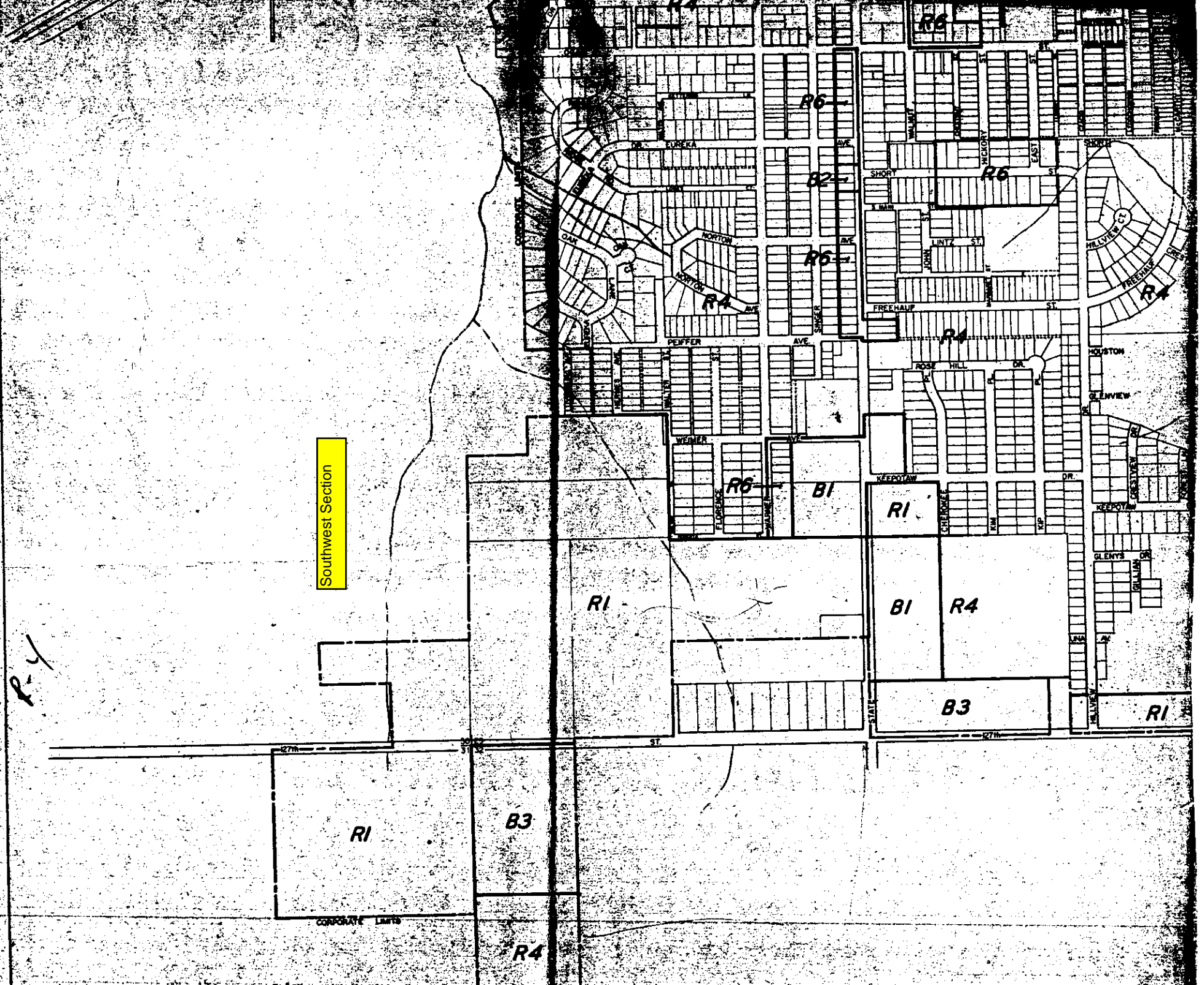
This zoning map reflects  
Village zoning as of April 1, 2018





Southwest Section

P-4



RI

B3

R4

RI

R6

B1

RI

B1

R4

B3

RI

R6

B2

R6

R6

R6

R4

R4

R4

R6

Houston

Glenview

Keefowan

Glenys

Sullivan

Keefowan

Keefowan

Keefowan

Keefowan

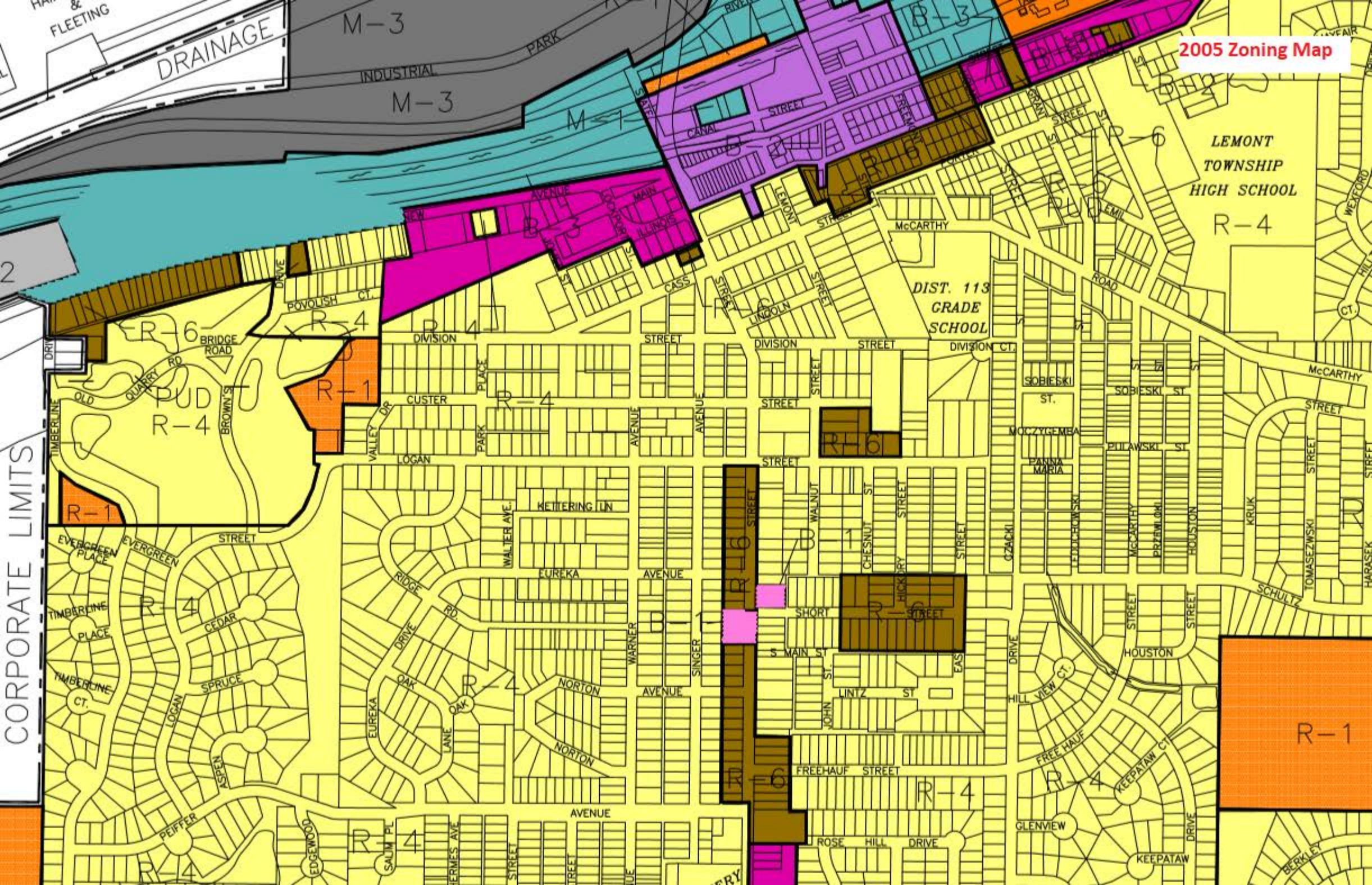
Keefowan

Keefowan

Keefowan

CORPORATE LIMITS





CORPORATE LIMITS

DRAINAGE

M-3

M-3

M-3

LEMONT TOWNSHIP HIGH SCHOOL

R-4

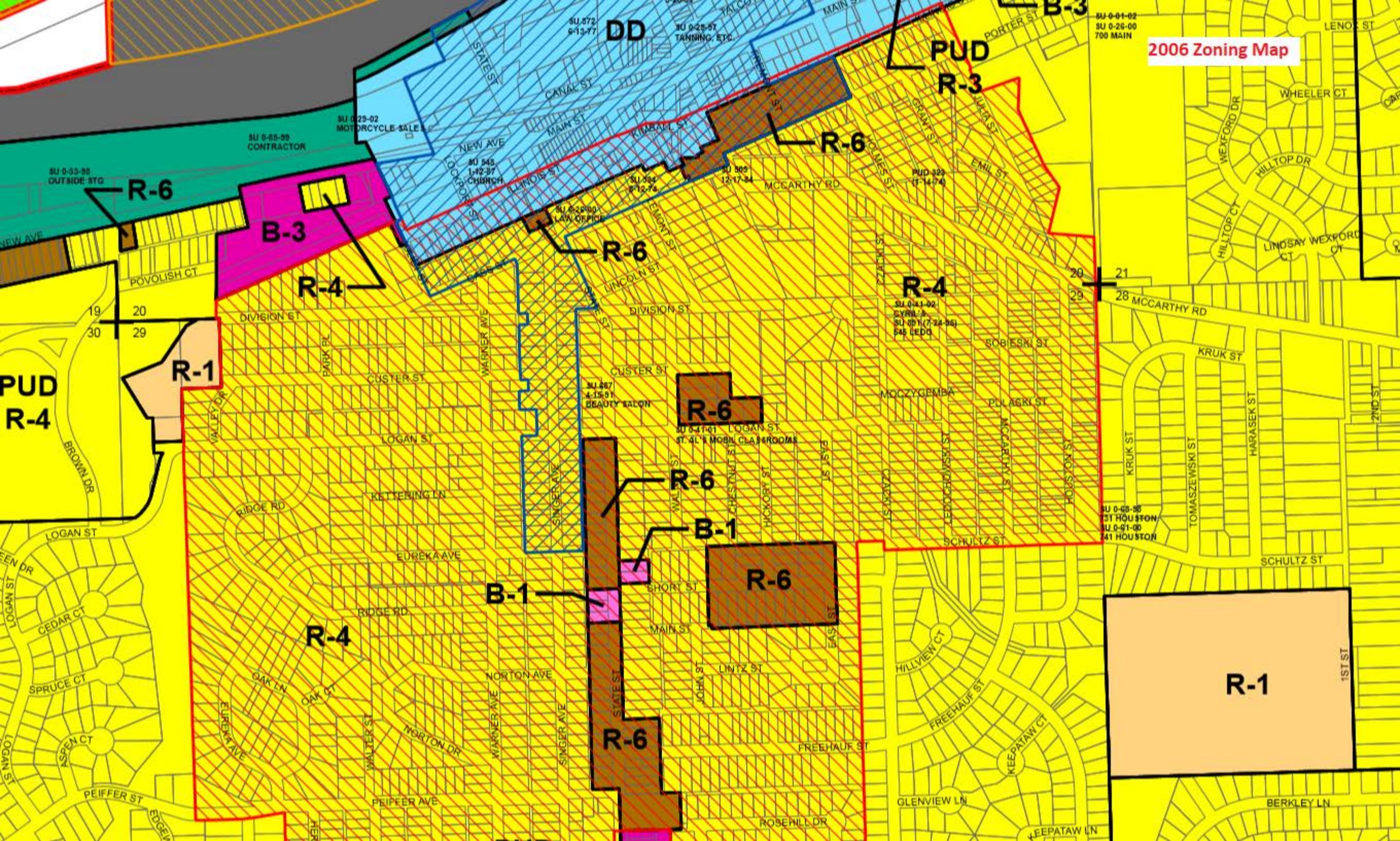
DIST. 113 GRADE SCHOOL

R-1

Berkeley



2006 Zoning Map





**VILLAGE OF LEMONT**  
**ORDINANCE NO. 02-06-07**

**AN ORDINANCE AMENDING THE ZONING MAP, REZONING R-4 LOTS WITHIN  
THE FORMER RESIDENTIAL PRESERVATION AND ENHANCEMENT OVERLAY  
DISTRICT TO R-4A SINGLE-FAMILY PRESERVATION AND INFILL DISTRICT**

**ADOPTED BY THE PRESIDENT  
AND BOARD OF TRUSTEES  
OF THE VILLAGE OF LEMONT  
THIS 8<sup>TH</sup> DAY OF JANUARY, 2007.**

**Published in pamphlet form by  
authority of the President and  
Board of Trustees of the Village  
of Lemont, Cook, DuPage, and Will  
Counties, Illinois this 8<sup>th</sup> day of  
January, 2007.**

ORDINANCE NO. 0-06-07

**AN ORDINANCE AMENDING THE LEMONT  
ZONING MAP, REZONING R-4 LOTS WITHIN THE FORMER RESIDENTIAL  
PRESERVATION AND ENHANCEMENT OVERLAY DISTRICT TO R-4A SINGLE-  
FAMILY PRESERVATION AND INFILL DISTRICT**

**WHEREAS**, the Zoning Commission, following months of review conducted a public hearing on proposed changes for portions of the Lemont Zoning Ordinance, including the replacement of the Residential Preservation and enhancement Overlay District with a new R-4A zoning category, on June 12, 2006, and

**WHEREAS**, the Village Board of Trustees approved Ordinance No. 0-96-06 amending the text of the Lemont Zoning Ordinance on December 11<sup>th</sup>, 2006, and

**WHEREAS**, these text amendments to the Lemont Zoning Ordinance eliminated the Residential Preservation and enhancement Overlay District and created the R-4A Residential Preservation and Infill District, and

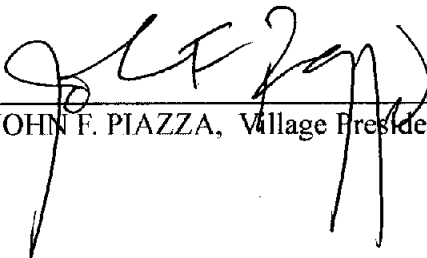
**WHEREAS**, the intent in creating the new R-4A zoning district was to combine two layers of regulations (for the Infill District and for the R-4) into one zoning district, eliminate differences in standards based on dates of platting, and strengthen some of the controls intended to inhibit tear-downs and ensure that new construction fits the context of the area,

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, DUPAGE, AND WILL, ILLINOIS that the Lemont Zoning Map is hereby amended per Exhibits A and B, attached.**

**PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF  
THE VILLAGE OF LEMONT, COUNTIES OF COOK, DUPAGE AND WILL, ILLINOIS,  
ON THIS 8<sup>th</sup> DAY OF JANUARY, 2007.**

	<u>AYES</u>	<u>NAYS</u>	<u>PASSED</u>	<u>ABSENT</u>
DEBBY BLATZER	✓			✓
PETER COULES	✓			
CLIFFORD MIKLOS	✓			
BRIAN REAVES	✓			
RON STAPLETON	✓			
JEANETTE VIRGILIO				✓

Approved by me this 8<sup>th</sup> day of January, 2007.

  
\_\_\_\_\_  
JOHN F. PIAZZA, Village President

Attest:

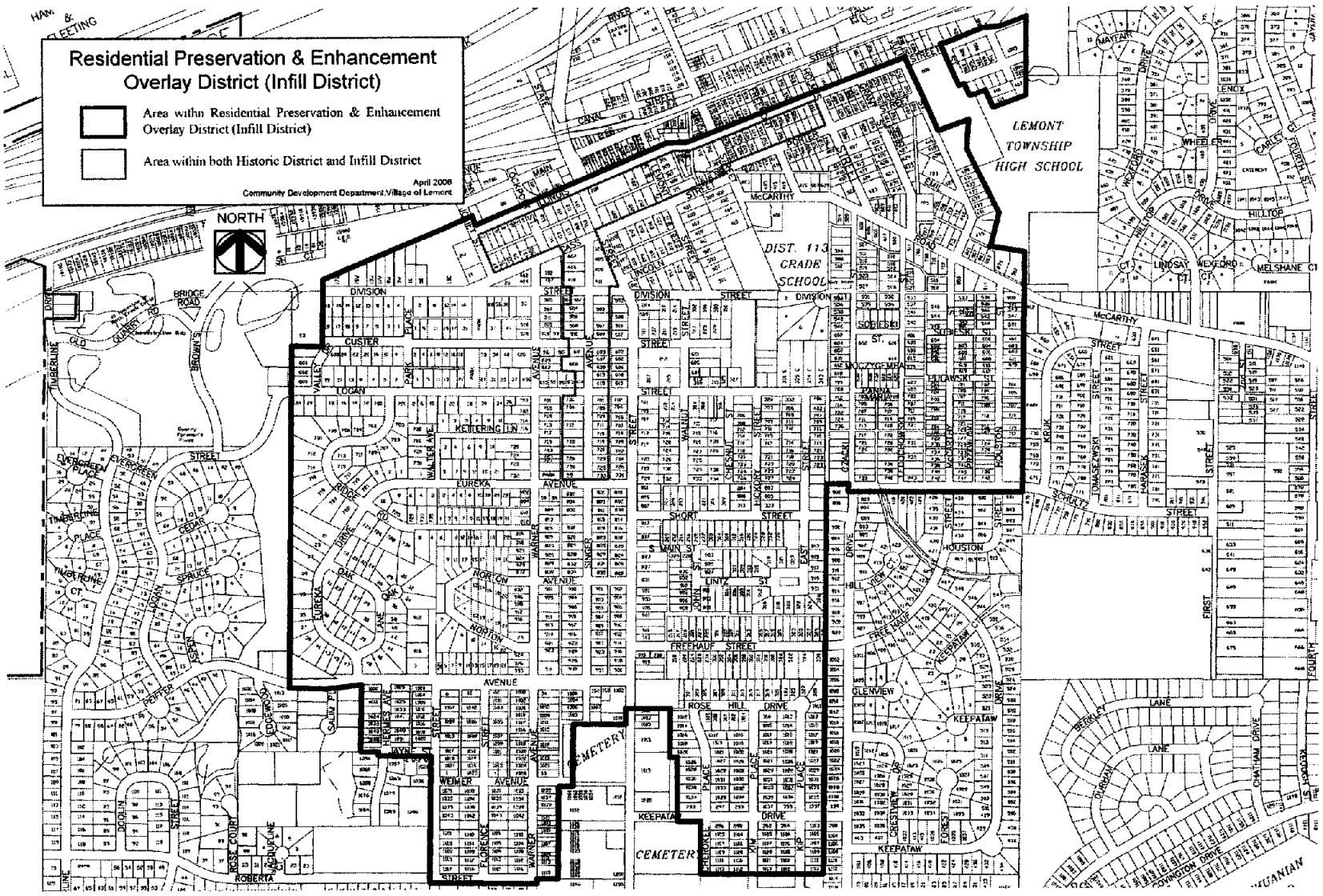
  
\_\_\_\_\_  
CHARLENE SMOLLEN, Village Clerk



**EXHIBIT "A" to ORDINANCE NO. 0-06-07 AMENDING THE  
LEMONT ZONING MAP**

**All lots within the former Residential Preservation and enhancement Overlay District (Exhibit "B") zoned R-4 are hereby re-zoned to R-4A Residential Preservation and Infill District. Such re-zoning shall apply only to lots zoned R-4 and shall not apply to lots zoned B-1, B-2, B-3, DD, or R-6.**

EXHIBIT "B" to ORDINANCE NO. \_\_\_\_\_ AMENDING THE  
LEMONT ZONING MAP



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

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to close the public hearing for Case 18-18. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Recommendation**

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

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to recommend to the Mayor and Board of Trustees approval of Case 18-18, Lemont Mulch Special Use. A roll call vote was taken:

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

*Nays: None*

*Motion passed*

### **Findings of Fact**

Commissioner Cunningham made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 18-18 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **B. 18-17 – 313 E. LOGAN REZONING**

Chairman Spinelli called for a motion to open the public hearing for Case 18-17.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to open the public hearing for Case 18-17. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Jamie Tate, Consulting Planner, said Brian Baetz of Morgan Homes, LLC is the contract purchaser of 313 E. Logan Avenue. The request is for rezoning to R-4A Single-Family Preservation and Infill District from R-6 Multi-Family Residential District in order to construct a single-family home on the vacant lot. The

Comprehensive Plan designates this area as Infill Residential. The subject property is 0.14 acres in size and the property's present use is vacant, although there formally was a single-family home located on the lot with only a gravel driveway and curb cut remaining from the previous home.

There is a pocket of R-6 Zoning, which includes the subject property, surrounded by the R-4A Zoning district in this neighborhood. There are 10 lots that are zoned R-6 with two multi-family properties occupying four of those ten lots. There is a multi-family residence at 607 Walnut Street that occupies three lots but is one development. The remaining lots of R-6 are either vacant or are existing single-family residences. The home directly west of the subject property is a single-family home but is zoned R-6.

Mrs. Tate stated the subject property and 10 lot pocket of R-6 Multi-Family appears to have been zoned R-6 for some time. The 1974 Zoning Map and 2005 Zoning Map both show this area as R-6. Around 2004, there was a Residential Preservation District Overlay created, which provided more regulations to help preserve this special area but became obsolete in 2006 when the Village Board created the R-4A Infill and Preservation District. This new district was created to combine two layers of regulations into one zoning district, eliminating differences in standards, and strengthening some of the controls intended to inhibit tear-downs, and ensuring new construction that would fit the context of the area. During the rezoning, the R-6 pockets remained, most likely because they contained existing multi-family developments that were not to become legal non-conforming.

The subject property would not be able to be developed today as it stands as a single-family or multi-family residence without variances or a rezoning. The standards for the R-6 Zoning, such as minimum lot size of 10,000 square feet and minimum lot width of 80 feet, does not apply to this lot. Multiple lots would need to be consolidated in order to create a multi-family development. For the standards for rezoning they look at the LaSalle factors and how it fits with the Village UDO and rezoning. She then read through the factors which are listed in staff's packet. The proposed zoning change does meet the Comprehensive Plan and is consistent with the land goals of the plan.

Mrs. Tate said parkways are required in the UDO and the applicant has stated that they plan to put in sidewalk and parkway trees. They also stated to meet all the other requirements of the UDO. Staff does find that it is compatible with the existing land uses and there are no concerns with traffic. In conclusion, the proposed rezoning would follow the future land use map of the Comprehensive Plan, and would allow for faster development as the applicant is ready to start construction of a single-family home. There are no variances and the applicant will be meeting all the requirements of the UDO for the construction. Staff is recommending approval.

Chairman Spinelli asked if the site plan that is provided would be submitted for the actual building permit. He wants to make sure that they are going to be using the existing curb cut and a garage left configuration.

Mrs. Tate said that is her understanding.

Chairman Spinelli asked if they could make this a requirement because if it became a garage right then there would be a potential traffic conflict with the intersection.

Mrs. Tate stated it can be a requirement.

Commissioner McGleam said it was stated that they are not asking for variances. However, they are asking for a 20 foot front yard setback and the requirement is 25 feet.

Mrs. Tate stated when it comes to the R-4A Zoning District for the front yard setback it talks about the average of principle buildings on adjacent lots. The lot that is next door that has a home on it is at 15 feet and the adjacent lot on the other side is vacant so it would be 25 feet, so the average would be 20 feet.

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

### **Applicant Presentation**

Brian Baetz, Morgan Homes, LLC, said they have built several homes in Lemont. They are planning on building a 2,200 square foot home just up the street. It will be similar in size and similar amenities.

Chairman Spinelli asked if the rendering that he has provided along with the site plan would be the house.

Mr. Baetz stated that will be the house.

Chairman Spinelli confirmed that they are planning on using the existing curb cut.

Mr. Baetz said engineering would require that the garage would be on the high side of the property so it will remain a garage left.

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

### **Public Comment**

Chuck Cicora stated he is just west of this property. The curb cut is for a one car garage but the picture shows a two car garage. There is no sidewalk east or west of this lot so he is not sure why this is required.

Chairman Spinelli said the purpose of the sidewalk is so that if these additional lots to the east were to ever be developed they would be required to provide a sidewalk also. This is a requirement for anyone building in Lemont to provide connectivity.

Mr. Cicora stated the terrain on the lot that is east of this lot come to a 45 degree angle from the curb into the bowl, so in order to put in a sidewalk you would have to fill it with a lot of fill. He does not have an issue with the house. He wanted to point out the curb cut and was not sure why there was a requirement for the sidewalk.

Commissioner Zolecki said it allows the homeowner to come out of their house and go west if they wanted or cross the street.

Chairman Spinelli stated if the builder was requesting a two-car garage then the builder would have to modify the curb cut. In regards to the sidewalk, it would provide this homeowner access to the public sidewalk and it is part of the development code to require developers to extend sidewalks when sidewalks exist near them. He then asked if there was anyone else in the audience that wanted to speak in regards to this public hearing. None responded. He then called for a motion to close the public hearing.

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

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

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

### **Plan Commission Recommendation**

Commissioner Zolecki made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 18-17, 313 E. Logan Avenue Rezoning. A roll call vote was taken:

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

*Nays: None*

*Motion passed*

### **Findings of Fact**

Commissioner Cunningham made a motion, seconded by Commissioner Plahm to authorize the Chairman to approve the Findings of Fact for Case 18-17 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **C. 18-16 - 16135 NEW AVENUE, UNIT 12 SPECIAL USE**

Chairman Spinelli called for a motion to open the public hearing for Case 18-16.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 18-16. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Jamie Tate, Consulting Planner, stated AVA Transportation Group, represented by Joseph Hill of Goldin Hill & Associates, P.C., is requesting a special use to allow the operation of a freight transportation terminal located at Unit 12 of 16135 New Avenue. Freight transportation terminals are a special use in the M-1 Zoning District and considered on a case by case basis. Staff is recommending approval with conditions.

The total acre of the site is 3.9 acres and the Comprehensive Plan designates this site as Industrial Land Use. It is surrounded by the Canal to the north, M-1 Light Manufacturing to the east, R-6 Multi-family to the south, and M-2 General Manufacturing to the west. The property is owned by new Venture Properties, LLC and they have provided consent for AVA Transportation Group to seek a special use for this freight transportation terminal for a portion of their property. AVA Transportation is planning on leasing approximately 4,200 square feet of the multi-tenant building. The full list of existing tenants in the building are provided in staff's packet as Attachment 6 and vary from warehouse storage to light assembly.

Mrs. Tate said the UDO requires a special use permit for freight transportation terminal in M-1 Light Industrial District but it is an allowed use in the M-3. She then read the definition for Freight Transportation Terminal. The leased area will consist of an office area, a small storage area and one loading dock. There are seven parking stalls for them to utilize. The office area will be utilized for the dispatching of trucks, business accounting, safety/human resources and other office uses. AVA currently has three full-time employees with three part-time employees. They typically operate from 7 am to 6 pm, Monday through Friday with an occasional Saturday meeting.

TO: Committee of the Whole  
FROM: Jamie Tate, AICP, Consulting Planner  
THROUGH: Jason Berry, AICP, Economic & Community Development Director  
SUBJECT: Case 18-16 16135 New Avenue, Unit 12 Special Use  
DATE: November 26, 2018

### **SUMMARY/ BACKGROUND**

AVA Transportation Group, represented by Joseph Hill of Goldin, Hill & Associates, P.C., is requesting a special use to allow the operation of a freight transportation terminal in the M-1 Zoning District located in Unit 12 of 16135 New Avenue. They are leasing 4,200 square-feet of space in a 41,687 square-foot multi-tenant industrial building.

The UDO defines a Freight Transportation Terminal as the following:

*A facility that (1) includes buildings for the storage, transfer, or transshipment of freight, AND (2) is used by a commercial establishment primarily engaged in the movement of freight, mail or packages.*

AVA's proposed freight terminal and dispatch operation at 16135 New Avenue will consist of an office area, a small storage area and one loading dock. The office area will be utilized for the dispatching of trucks, business accounting, safety and human resources, and other typical office uses. There will be a total of six (6) employees and they typically operate Monday-Friday 7am to 6pm. Due to the temporary storage at this location when a load does not have an ending delivery appointment, the UDO defines this business as a freight transportation terminal. The owner has stated this may happen approximately 2-3 times a week and a truck will unload and load from the dock located in the rear of the building and not visible from New Avenue. AVA has a fleet of 20 trucks that park at the offsite location of 12300 New Avenue in Lemont. They will not park trucks, trailers or store materials outside overnight at 16135 New Avenue.

### **ANALYSIS**

#### ***Consistency with Village Policy***

##### *Planning and Zoning Commission (PZC)*

The PZC held a public hearing to discuss this matter on October 17, 2018. One (1) neighbor from across New Avenue spoke at the hearing. They were concerned with increased truck traffic on New Avenue and the possibility of more trucks parked overnight on the subject property. Since the meeting, the property owner, Daniel Chopp, of 16135 New Avenue has opened a line of communication with the neighbor to ensure there no improperly parked trucks on this site in the future. He states that the trucks that are parked behind the fence are related to the current tenants in the multi-tenant building and the trucks should not be parked outside of the fence or along the railroad tracks.



The PZC voted in favor 6-0 to approve the special use for a Freight Transportation Terminal located in Unit 12 of 16135 New Avenue for AVA Transportation Group with the following conditions:

1. The fleet of AVA's trucks cannot park overnight unless located in the one (1) dock provided in the lease.
2. If the business is to expand and grow in employees or truck fleet numbers, or share space with another trucking company, the owner must provide written documentation to the Village of Lemont stating the change. The Economic and Community Development Director will determine if the special use shall be amended or if the change is minor in order to provide administrative approval.
3. Have staff look into any zoning violations for truck parking to the west of the proposed property.

#### *Lemont 2030 Comprehensive Plan*

The Lemont 2030 plan designates this area as Industrial. This proposal is consistent with the goals of the Lemont 2030 Comprehensive Plan for Industrial.

### **STAFF RECOMMENDATION**

Staff finds the proposal to adequately meet all the applicable standards for a special use found in §17.04.140 of the Unified Development Ordinance and recommends approval of the special use to allow a freight transportation terminal in M-1 Light Manufacturing Zoning District with the following conditions:

1. The fleet of AVA's trucks cannot park overnight unless located in the one (1) dock provided by the lease.
2. If the business is to expand and grow in employees or truck fleet numbers, or share space with another trucking company, the owner must provide written documentation to the Village of Lemont stating the change. The Economic and Community Development Director will determine if the special use shall be amended or if the change is minor to provide administrative approval.

### **BOARD ACTION REQUESTED**

This item is being presented for discussion.

### **ATTACHMENTS**

1. PZC Staff Report with Attachments
2. PZC Minute Excerpt



TO: Planning & Zoning Commission

FROM: Jamie Tate AICP, Consulting Village Planner

THRU: Jason Berry AICP, Community Development Director

SUBJECT: Case 18-16 16135 New Avenue Unit 12 Special Use

DATE: October 17, 2018

## SUMMARY

AVA Transportation Group, represented by Joseph Hill of Goldin, Hill & Associates, P.C., is requesting a special use to allow the operation of a freight transportation terminal located in Unit 12 of 16135 New Avenue. Freight transportation terminals are a special use in the M-1 Light Manufacturing Zoning District and considered on a case by case basis. Staff is recommending approval with conditions.



**PROPOSAL INFORMATION**

Case No. 18-16  
Project Name 16135 New Avenue Special Use

<b>General Information</b>	
Applicant	AVA Transportation Group Inc.
Status of Applicant	Lessee
Requested Actions:	Special Use
Purpose of Request	Allow for the operation of a freight transportation terminal
Site Location	16135 New Avenue
Existing Zoning	M-1, Light Manufacturing District
Size	3.9 acres (169,752 sf)
Existing Land Use	Industrial
Surrounding Land Use/Zoning	North: I&M Canal East: Kallemeyn Collision Center / M-1 Light Manufacturing District South: Residential homes / R-6, Multi-Family Zoning District West: Rolling Landscapes Contractor / M-2, General Manufacturing District
Lemont 2030 Comprehensive Plan	The Comprehensive Plan designates this site Industrial land use.

**BACKGROUND**

The subject property is owned by New Venture Properties, LLC and they have provided consent for AVA Transportation Group to seek a special use for a freight transportation terminal for a portion of their property. Built in the early 1900s, New Venture has owned the property since the mid-1970s. AVA Transportation Group is a trucking company proposing to lease approximately 4,200 sf of the multi-tenant building at 16135 New Avenue. The total square footage of the industrial multi-tenant building is 41,687 sf. The

full list of existing tenants in the building are provided in Attachment 6 and range in use from warehouse storage to light assembly.

The UDO requires a special use permit for a freight transportation terminal in M-1, Light Industrial District but it is an allowed use in the M-3, Heavy Industrial District. The UDO defines a Freight Transportation Terminal as the following:

A facility that (1) includes buildings for the storage, transfer, or transshipment of freight, AND (2) is used by a commercial establishment primarily engaged in the movement of freight, mail or packages. This definition includes accessory parking areas attendant to the operation of the transportation service, i.e. parking areas provided for the overnight or temporary storage of truck tractors or trailers.

## **SUMMARY OF REQUEST**

AVA's proposed freight terminal and dispatch operation at 16135 New Avenue will consist of an office area, a small storage area and one loading dock. The office area will be utilized for the dispatching of trucks, business accounting, safety/human resources, and other typical office uses. AVA currently has three (3) full-time employees with three (3) part-time employees for a total of six (6) employees.

They have outgrown their current location in Woodridge, IL and have found this larger space for their office operation. They typically operate 7am-6pm Monday through Friday with an occasional Saturday meeting. There are seven (7) parking stalls for AVA to utilize for their business, and one loading dock for their trucks. AVA's trucks will occupy the loading dock approximately 2-3 times a week to temporarily store products and parts for its business, and with occasional truck maintenance. The owner has stated that sometimes a load does not have an ending delivery appointment so AVA must store the cargo for 2-3 days at the office location as they do not have extra trailers for the freight storage. If they need the extra storage for more long term, they have a location in Bolingbrook that they use.

AVA's fleet of twenty (20) trucks park at a different off-site location at 12300 New Avenue in Lemont. They do not plan to park trucks, trailers or store materials outside overnight at the proposed office location.

## **STANDARDS FOR A SPECIAL USE**

No special use shall be recommended by the Planning and Zoning Commission unless the special use:

1. Is deemed necessary for the public convenience at that location; and
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected; and

3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located; and
4. Shall not create excessive demands on Village service or impair the ability of the Village to maintain the peace and provide adequate protection for its citizens; and
5. Is consistent with standards enumerated elsewhere in this ordinance for the specific use, including planned unit developments; and
6. Meets, as applicable, the standards for planned unit developments found in Chapter 17.08 of this ordinance.

Staff finds that the requested special use for a freight transportation terminal at 16135 New Avenue for AVA Transportation Group meets the applicable standards [stated above] for a special use found in §17.04.140.

## **CONCLUSIONS & RECOMMENDATIONS**

Staff recommends approval of the special use for AVA Transportation Group for a freight transportation terminal in the M-1 Light Manufacturing Zoning District located at 16135 New Avenue with the following conditions:

1. The fleet of AVA's trucks cannot park overnight unless located in the one (1) dock provided by the lease.
2. If the business is to expand and grow in employees or truck fleet numbers, or share space with another trucking company, the owner must provide written documentation to the Village of Lemont stating the change. The Economic and Community Development Director will determine if the special use shall be amended or if the change is minor to provide administrative approval.

## **ATTACHMENTS**

1. Photographs of site
2. Special Use Application
3. AVA Letter of Authorization
4. Plat of Survey
5. Interior Building Layout by Architects by Design
6. Full list of tenants

Attachment 1



*Figure 1: Front of building from Industrial Drive looking west*



*Figure 2: Rear of building looking southwest at loading dock area*





Figure 3: Streetview of building from New Avenue



Figure 4: View of Unit 12 and its dock door

# Special Use Application Form

### APPLICANT INFORMATION

Applicant Name: AVA TRANSPORTATION GROUP, INC.

Company/Organization: C/O GOLDIN, Hill & Associates, P.C.

Applicant Address: 9100 W. PLAINFIELD RD BROOKFIELD IL 60513

Telephone & Fax: 708 485 8300 ; 708-485-8301

E-mail: JHILL@GHLAW.NET

### CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

### PROPERTY INFORMATION

Address of Subject Property/Properties: 16135 NEW AVENUE, LEMONT IL 60439

Parcel Identification Number of Subject Property/Properties: 22-19-400-016-0000

Size of Subject Property/Properties: ~ 169,752 SQUARE FEET

### DESCRIPTION OF REQUEST

Brief description of the proposed special use: ALLOW THE OPERATION OF A FREIGHT TRANSPORTATION TERMINAL

### REQUIRED DOCUMENTS

See Form 501-A, *Special Use Application Checklist of Required Materials*, for items that must accompany this application.

### FOR OFFICE USE ONLY

Application received on: _____	By: _____
Application deemed complete on: _____	By: _____
Current Zoning: _____	
Fee Amount Enclosed: _____	Escrow Amount Enclosed: _____



# Special Use Application Form

Village of Lemont

## APPLICATION FEE & ESCROW

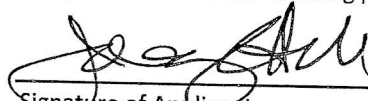
Application Fee = \$500 for properties less than 10 acres, \$750 for properties 10 acres or larger  
Fee is non-refundable.

### Required Escrow = \$500

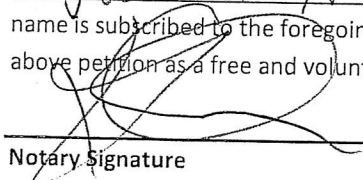
At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the special use application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the special use review process, any unused portion of the escrow account will be refunded upon request.

## AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

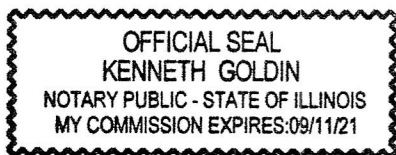
	SEPTEMBER 12, 2018
Signature of Applicant	Date
ILLINOIS	COOK
State	County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that JOSEPH NIEL is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

  
Notary Signature

Given under my hand and notary seal this 12<sup>th</sup> day of SEPTEMBER A.D. 20 18.

My commission expires this 11 day of Sept A.D. 20 21.



**Introduction and Special Use Criteria**  
**AVA Transportation Group, Inc.**  
**16135 New Avenue, Lemont, IL 60439**

**Introduction**

**AVA Transportation Group, Inc.** (“AVA”) is requesting Special Use Approval to allow for the operation of a freight transportation terminal located at 16135 New Avenue, Lemont, Illinois (the “Property”). AVA operates a small trucking business and is seeking approval to allow its use as further described below. The current zoning of the Property is M-1 Light Manufacturing District. The use of freight transportation terminal is permitted as a special use in the M-1 zoning district. Please find attached a survey of the Property along with a site plan depicting the leased premises.

**Description of Use**

AVA is a trucking business that proposes to operate at the Property. The leased premises comprises approximately 4,200 square feet. AVA’s operation consists of an office area and a small storage area and one loading dock. The office area will be utilized for the dispatching of trucks, business accounting and safety/human resources and other typical office uses. AVA currently has 3 full time employees with a few part-time employees. There are seven parking spots, one of which will utilize the loading dock area. AVA’s trucks will use the loading dock approximately 2-3 times a week. The trucks will temporarily store products and parts for it operation and maintenance of its trucks. AVA’s fleet of 20 trucks park at a separate location.

**Special Use Criteria Worksheet**

Unified Development Ordinance (UDO) Section 17.04.140.C establishes the criteria for approval of special use requests, no special use will be recommended by the Planning and Zoning Commission unless it meets the following criteria.

Please describe below how your request meets the criteria of UDO Section 17.04.140.C.

Below is a written response to those standards for your consideration.

1. UDO Section 17.04.140.C.1

The special use is deemed necessary for the public convenience at that location:

**REPLY:** The proposed use will serve the public convenience at the Property. The Property is currently utilized for light manufacturing purposes with truck traffic and light commercial and industrial uses already present in this Property and surrounding properties. The Village of Lemont, in its comprehensive plan, designated the Property and surrounding properties for these type of light industrial and manufacturing uses.

**2. UDO Section 17.04.140.C.2**

The special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

*REPLY:* The facility will not endanger public safety, morals, comfort or general welfare of the community. The Property and surrounding properties are currently being utilized for light industrial uses and the proposed use will not change the use of the land. The Property (including the building existing thereon) has existed in its current state for many decades.

**3. UDO Section 17.04.140.C.3**

The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located:

*REPLY:* The Property is a multi-tenant building with the businesses utilized for commercial or industrial purposes. The proposed use is aligned with other uses at the Property and will not emit any other noises or smells different than what already exists. There will no change to the appearance of the building with the proposed use. The impact of the proposed use on the surrounding properties will be compatible with the existing environment. With such a small space and operation, the facility will have little impact on property values within the neighborhood.

**4. UDO Section 17.04.140.C.4**

The special use shall not create excessive demands on Village service or impair the ability of the Village to maintain the peace and provide adequate protection for its citizens:

*REPLY:* The Property is already equipped with utilities, such utilities are available to the leased premises. Adequate ingress and egress already exists at the Property due to the existing building currently being utilized for rental to commercial and industrial businesses.

**5. UDO Section 17.04.140.C.5**

The special use is consistent with the standards enumerated elsewhere in the UDO for the specific use, including, but not limited to, planned unit developments:

*REPLY:* The proposed special use conforms to the applicable regulations of the M-1 zoning district, as the proposed use as a freight transportation terminal as outlined in Section 17-06-01 is permitted as a special use in such district.

**6. UDO Section 17.04.140.C.6**

The special use meets, as applicable, the standards for planned unit development found in Chapter 17.08 of the UDO:

*REPLY:* This Section does not apply to AVA's intended use as this property is not located in a planned unit development.

## **Conclusion**

AVA is requesting that its proposed use to allow the operation of a freight transportation terminal at 16135 New Avenue, Lemont, Illinois is approved by the Village of Lemont. AVA has demonstrated that the proposed use meets all of the criteria for a Special Use in the UDO. AVA will maintain the site in accordance with the provisions of the applicable ordinances of the Village of Lemont.

Therefore, AVA Transportation Group, Inc. respectfully requests Special Use Permit Approval to allow the operation of a freight transportation terminal at 16135 New Avenue, Lemont, Illinois.

---

**GOLDIN, HILL & ASSOCIATES**  
ATTORNEYS AT LAW

Kenneth Goldin  
Joseph Hill

9100 West Plainfield Road  
Brookfield, IL 60513  
TEL: 708-485-8300  
FAX: 708-485-8301

September 12, 2018

Mark Herman  
Community Development  
Village of Lemont  
418 Main Street  
Lemont, IL 60439

**RE: Introduction and Special Use Criteria  
AVA Transportation Group, Inc.  
16135 New Avenue, Lemont, IL 60439**

Mr. Herman:

We have been retained by AVA Transportation Group, Inc. to obtain the necessary approvals to allow for the operation of a freight transportation terminal located at 16135 New Avenue, Lemont, Illinois. The property owner, New Venture Properties, LLC, has given AVA Transportation Group, Inc. authorization to pursue this special use petition and other approvals necessary.

I have enclosed for your consideration the necessary documentation as outlined in the Village of Lemont Special Use Application and the standards outlined in the Village code.

Should you have any questions, please contact me at (630) 842-9965 or via email at [jhill@ghlaw.net](mailto:jhill@ghlaw.net). Please send any correspondence regarding this application to my attention:

Joseph Hill  
Goldin, Hill & Associates, P.C.  
9100 West Plainfield Road  
Brookfield, IL 60513  
Fax: (708) 485-8301

If you have any questions, I can be reached at 708-485-8300.

Sincerely,  
GOLDIN, HILL & ASSOCIATES

  
Joseph Hill

**NEW VENTURE PROPERTIES, LLC  
9100 West Plainfield Road  
Brookfield, IL 60513**

September 12, 2018

Mark Herman  
Community Development  
Village of Lemont  
418 Main Street  
Lemont, IL 60439

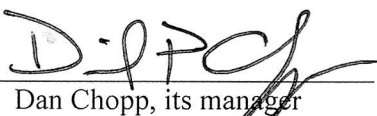
RE: Letter of Authorization  
Special Use Application  
AVA Transportation Group, Inc. ("AVA")  
16135 New Avenue, Lemont, IL 60439

Dear Sir:

This Letter of Authorization accompanies the special use petition by AVA Transportation Group, Inc. AVA and Joseph Hill, AVA's agent, have been authorized by New Venture Properties, LLC to file the special use application and to act on its behalf and as its representative for planning and zoning matters regarding the above captioned matter. AVA proposes to operate a freight transportation terminal at 16135 New Avenue, Lemont, Illinois 60439.

If you have any questions, please feel free to contact Joseph Hill at 630-842-9965.

Sincerely,  
**New Venture Properties, LLC**

By:   
Dan Chopp, its manager

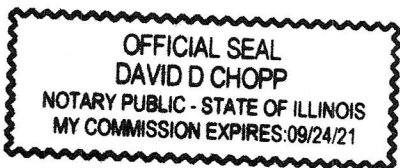
State of Illinois )  
) SS  
County of Cook )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Daniel Chopp, Manager of New Venture Properties, LLC, personally known to me to be the same persons whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 12<sup>th</sup> day of September, 2018.

Commission expires SEPT. 24, 2021

  
NOTARY PUBLIC

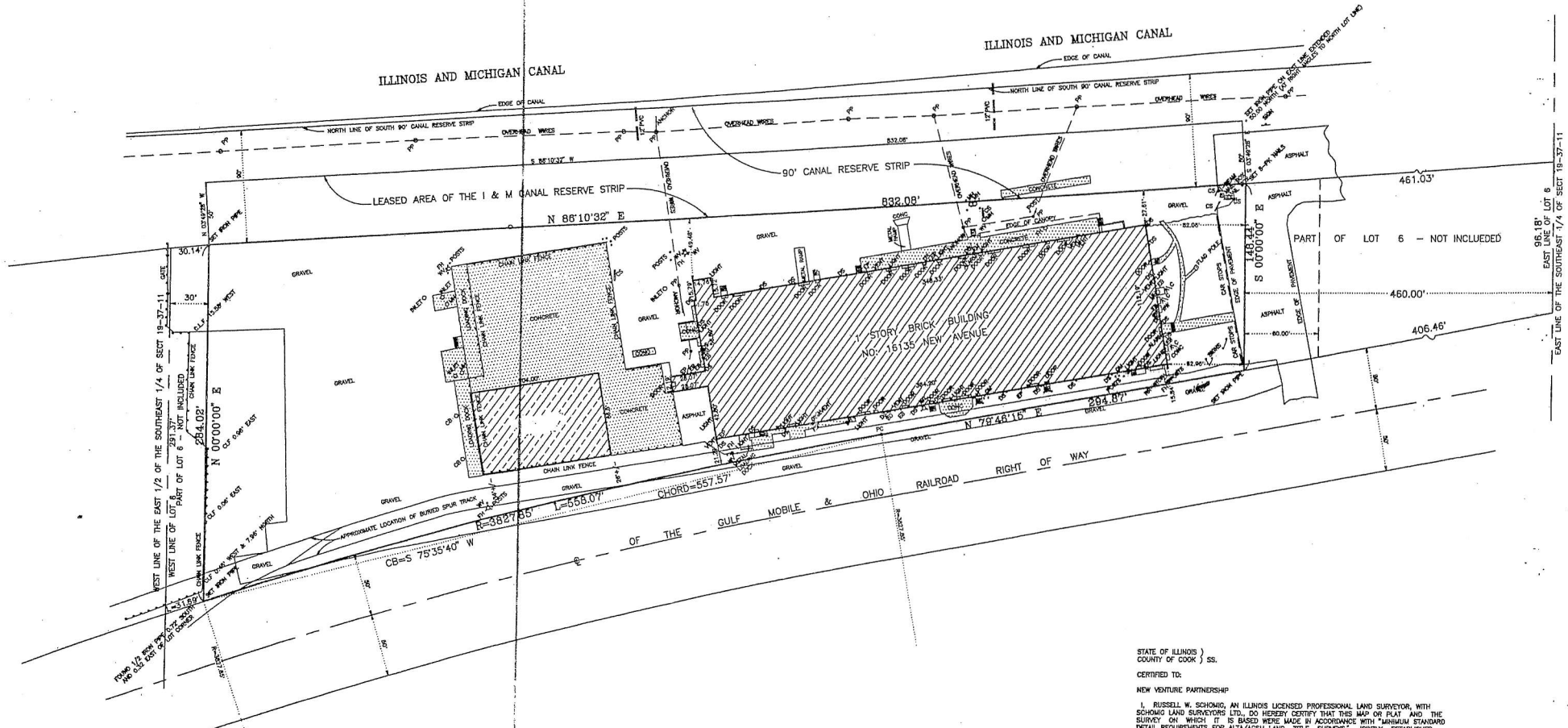


RUSSELL W. SCHOMIG PLS NO. 2446  
WILLIAM K. SCHOMIG

SCHOMIG LAND SURVEYORS, LTD.  
**PLAT OF SURVEY**

LOT 6 (EXCEPT THE EAST 460 FEET AND EXCEPT THE WEST 30 FEET THEREOF) OF THE COUNTY CLERK'S DIVISION OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

1915 EAST 31ST STREET  
LA GRANGE PARK, ILLINOIS 60526  
OFFICE (708) 352-1452  
FAX (708) 352-1454



COMPARE LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. THIS PLAT DOES NOT SHOW BUILDING RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES. LOCAL AUTHORITIES MUST BE CONSULTED REGARDING ANY RESTRICTIONS. DO NOT SCALE DIMENSIONS FROM THIS PLAT. NO EXTRAPOLATIONS SHOULD BE MADE FROM THE INFORMATION SHOWN WITHOUT PERMISSION OF SCHOMIG LAND SURVEYORS, LTD. THIS PLAT IS NOT TRANSFERABLE. ONLY PRINTS WITH AN EMBOSSED SEAL ARE OFFICIAL COPIES. © COPYRIGHT, ALL RIGHTS RESERVED

ORDERED BY: NEW VENTURE PARTNERSHIP

**LEGEND**

- |      |   |                          |        |   |   |
|------|---|--------------------------|--------|---|---|
| BB   | = | BUFFALO BOX              | G      | = | GUTTER  |
| BL   | = | BUILDING SETBACK LINE    | GM     | = | GAS METER   |
| CB   | = | CAN STOP                 | IBT    | = | ILLINOIS BELL TELEPHONE; PEDESTAL OR SERVICE CONNECTION |
| CAVY | = | CABLE TELEVISION         | IP     | = | IRON PIPE   |
| CLF  | = | CHAIN LINK FENCE         | MH     | = | MAN HOLE  |
| CB   | = | CATCH BASIN              | PP     | = | POWER POLE  |
| CWE  | = | COMMUNICATIONS; ELEC BOX | PUE    | = | PUBLIC UTILITY EASEMENT                                 |
| DC   | = | DRAINAGE EASEMENT        | SAN-MH | = | SANITARY MANHOLE  |
| DS   | = | DEADMAN                  | TO     | = | TOP OF CURB   |
| DS   | = | DOWN SPOUT               | TC-DEP | = | TOP OF DEPRESSED CURB                                   |
| EB   | = | ELECTRIC BOX             | TOP    | = | TOP OF FOUNDATION ELEVATION                             |
| ED   | = | EDGE OF GRAVEL           | WF     | = | WOOD FENCE  |
| EM   | = | ELECTRIC METER           | WV     | = | WATER VALVE   |
| EP   | = | ELECTRIC PIPE            |        |   |   |
| FH   | = | FIRE HYDRANT             |        |   |   |

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS.

CERTIFIED TO:

NEW VENTURE PARTNERSHIP

I, RUSSELL W. SCHOMIG, AN ILLINOIS LICENSED PROFESSIONAL LAND SURVEYOR, WITH SCHOMIG LAND SURVEYORS, LTD., DO HEREBY CERTIFY THAT THIS MAP OR PLAT, AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1992, AND MEETS THE ACCURACY REQUIREMENTS OF A CLASS "W" SURVEY, AS DEFINED THEREIN.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECT MEASUREMENTS AT A TEMPERATURE OF 68 DEGREES FAHRENHEIT. DIMENSIONS SHOWN ON BUILDINGS ARE TO THE OUTSIDE OF BUILDINGS. BUILDING AREA SHOWN IS THE BUILDING FOOTPRINT AREA. ONLY PRINTS WITH AN EMBOSSED SEAL ARE OFFICIAL. ANY UNDERGROUND UTILITY IMPROVEMENTS SHOWN HEREON ARE BASED ON ABOVE GROUND INSPECTION AND/OR INFORMATION PROVIDED BY RESPECTIVE UTILITY COMPANIES OR MUNICIPALITIES. CONTACT RESPECTIVE UTILITY REPRESENTATIVES AND/OR MUNICIPAL AUTHORITIES TO CONFIRM UTILITY LOCATION AND DEEP PRIOR TO NEW CONSTRUCTION. CONTACT JULIUS 1-(800)-922-0123 TO LOCATE UTILITIES IN THE FIELD PRIOR TO EXCAVATION OR NEW CONSTRUCTION.

EASEMENTS AND RESTRICTIONS SHOWN BASED ON CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT NO. 83 81 184 EFFECTIVE DATE JANUARY 5, 1983.

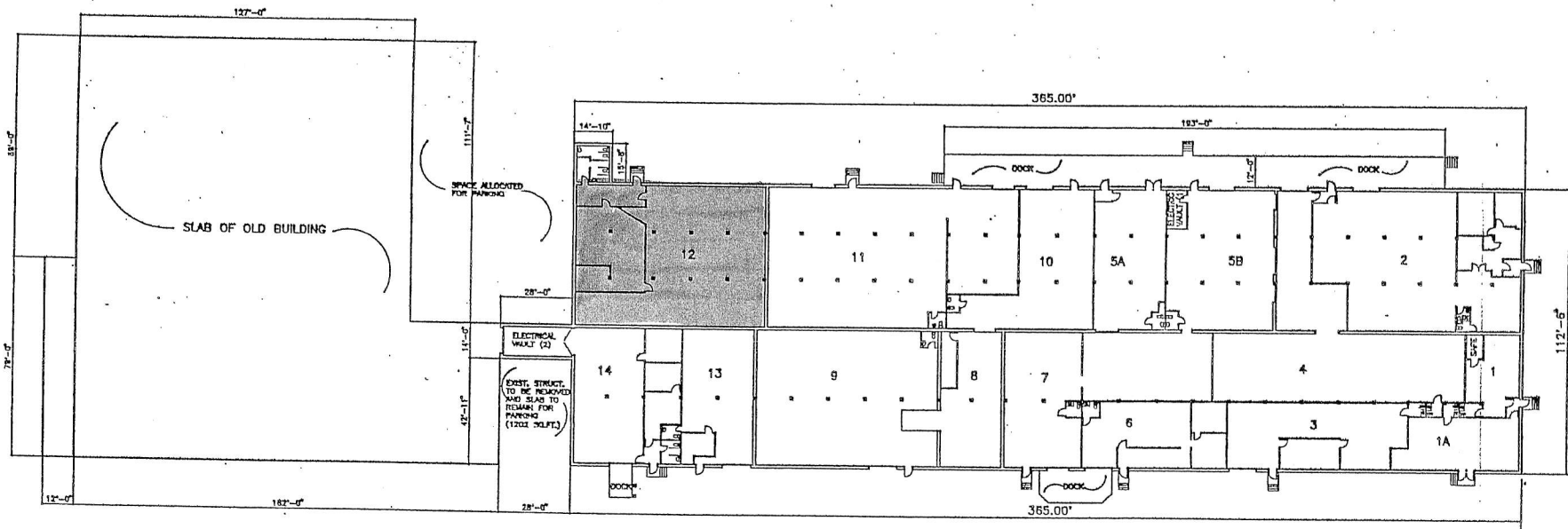
BY: *Russell W. Schomig*  
ILLINOIS LICENSED PROFESSIONAL LAND SURVEYOR 2446

DATED: 4/19/98 PLAT NO. 88P1-31 FC. 554 ROLL 101-448 SCALE: 1" = 40'

THIS TRACT CONTAINS 189,762 SQ. FT.

# SITE PLAN - LEASED PREMISES

SPACE SQUARE FOOTAGE				
SPACE #		SQ. FT.	DOCK SQ.FT.	TOTAL SQ.FT.
737	1	4518.8	197.00	4832.8
3781.8	4	1123		
	1A	4402.20	1021.00	5423.20
	2	1952		
	5A	1576.00	334.00	1910.00
	5B	5371.18	480.00	5851.18
	7			
	8	1605.62		
	8	1314.00		
	9	3918.00		
	10	2023.60	365.00	2388.60
	11	5027.00	357.00	5384.00
	12	4409.15		
	13	1601.20		
	14	2328.18		
	VAULT #1	392.00		
	VAULT #2	126.00		
TOTAL BUILDING SQ. FT.		41686.89	2754.00	
SLAB OF OLD BUILDING		24258.58		
TOTAL BUILDING AND DOCK SQ. FT. COMBINED				44441.00'



**FIRST FLOOR PLAN**  
SCALE: 1"=20' (EXISTING)

3346th Plz  
Wilmette, IL 60091  
Phone: (708) 311-9608  
Fax: (708) 311-9618

Architects  
By Design, Inc.

AN OFFICE LAYOUT FOR:  
**NEW VENTURE INDUSTRIAL COMPLEX**  
21 W. NEW AVE., LEMONT, ILLINOIS

FILE NO.  
H92-121

DRAWN BY:

DATE:  
8-30-92

REVISIONS:


SHEET NO:  
**A-1**  
OF SHEETS



**2018 NEW VENTURE TENANT RENT ROLL**  
**16135 New Avenue Lemont IL**

**October, 2018**

<b>Unit #</b>	<b>Tenant</b>	<b>Square Footage</b>	<b>Lease Start</b>	<b>Lease Expiration</b>	<b>Type of Business</b>
1A	Rainbow Printing	1,060	5/1/06	4/30/19	Printing company
2	Solar Traffic Systems	4,000	10/1/15	9/30/19	Traffic control lighting assembly
1,3,4,5A,5B	Turning Point USA	12,370	8/1/17	4/30/22	Office/warehouse promotional materials
6	Southwest Digital	1,624	7/1/04	7/31/20	Blueprint copying
7	Bristol Electronics	1,694	10/1/02	3/31/20	Medical equipment products
8, 9	NuCo2	5,920	10/1/02	5/31/23	Co2 distributing
10	Skorusa	4,000	12/1/13	5/31/20	Alcohol products
11	Lincoln Packaging	3,136	9/1/13	10/31/18	Packaging equipment
12	Ava Transportation	4,200	PROPOSED 11/1/18	7/31/19	PROPOSED - Freight business
13	Coventry Gardeners	1,601	2/1/99	2/28/20	Landscaping contractor
14	Pollyanna Brewing	2,330	12/1/16	5/31/20	Brewery office/storage
Bsmt #2	Professional Painters		6/1/15	Mo./Mo.	Storage
Basmt #3	QRC Remodeling		10/10/12	Mo./Mo.	Storage
Bsmt #4	Chad Stauber		9/1/15	Mo./Mo.	Storage
Bsmt #5	Daniel Krupa		1/1/18	Mo./Mo.	Storage
	T-Mobile		6/29/07	11/30/18	Cell tower site

Commissioner Cunningham made a motion, seconded by Commissioner Plahm to authorize the Chairman to approve the Findings of Fact for Case 18-17 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **C. 18-16 - 16135 NEW AVENUE, UNIT 12 SPECIAL USE**

Chairman Spinelli called for a motion to open the public hearing for Case 18-16.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 18-16. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

#### **Staff Presentation**

Jamie Tate, Consulting Planner, stated AVA Transportation Group, represented by Joseph Hill of Goldin Hill & Associates, P.C., is requesting a special use to allow the operation of a freight transportation terminal located at Unit 12 of 16135 New Avenue. Freight transportation terminals are a special use in the M-1 Zoning District and considered on a case by case basis. Staff is recommending approval with conditions.

The total acre of the site is 3.9 acres and the Comprehensive Plan designates this site as Industrial Land Use. It is surrounded by the Canal to the north, M-1 Light Manufacturing to the east, R-6 Multi-family to the south, and M-2 General Manufacturing to the west. The property is owned by new Venture Properties, LLC and they have provided consent for AVA Transportation Group to seek a special use for this freight transportation terminal for a portion of their property. AVA Transportation is planning on leasing approximately 4,200 square feet of the multi-tenant building. The full list of existing tenants in the building are provided in staff's packet as Attachment 6 and vary from warehouse storage to light assembly.

Mrs. Tate said the UDO requires a special use permit for freight transportation terminal in M-1 Light Industrial District but it is an allowed use in the M-3. She then read the definition for Freight Transportation Terminal. The leased area will consist of an office area, a small storage area and one loading dock. There are seven parking stalls for them to utilize. The office area will be utilized for the dispatching of trucks, business accounting, safety/human resources and other office uses. AVA currently has three full-time employees with three part-time employees. They typically operate from 7 am to 6 pm, Monday through Friday with an occasional Saturday meeting.

AVA's trucks will occupy the loading dock approximately 2-3 times a week to temporarily store products and parts for its business and with occasional truck maintenance. The owner has stated that sometimes a load does not have an ending delivery appointment so AVA must store the cargo for 2-3 days at the office location as they do not have extra trailers for the freight storage. If they need the extra storage for more long term, they have a location in Bolingbrook that they use. AVA's fleet of 20 trucks is parked at a different off-site location which is located at 12300 New Avenue in Lemont. They do not plan to park trucks, trailers or store materials outside overnight at the proposed office location.

Mrs. Tate then showed on the overhead a picture of the location. She then read through the standards for a special use. Staff does recommend approval of the special use with two conditions:

1. The fleet of AVA's trucks cannot park overnight unless located in the one dock provided by the lease.
2. If the business is to expand and grow in employees or truck fleet numbers, or share space with another trucking company, the owner must provide written documentation to the Village of Lemont stating the change. The Economic and Community Development Director will determine if the special use shall be amended or if the change is minor to provide administrative approval.

Chairman Spinelli asked if the loading dock was only on the north side of the building and not visible from New Avenue.

Mrs. Tate said that is her understanding.

Chairman Spinelli stated Units 13 and 14 are on the south side of the building. He asked if AVA was to expand to those units would they have to come to back for an amendment to their special use.

Mrs. Tate stated she would consider that a major amendment and they would have to come back.

Chairman Spinelli said he just does not want to see them expanding and them having trucks parking overnight with material. It could become a potential target for theft.

Mrs. Tate stated that is the intent of condition number two. The Commission can modify the condition anyway they choose.

Commissioner McGleam said the request is for freight transportation terminal but it seems that most of their work there is office work.

Mrs. Tate stated their definition of what they said they did with moving the goods and having it come to the property at some point to switch loads is what puts them into that group.

Chairman Spinelli asked if there were any crossing restrictions at the railroad crossing.

Mrs. Tate said not that she is aware of and there are other trucks that are coming in there.

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

### **Applicant Presentation**

Joseph Hill, Golden Hill & Associates stated for Unit 12 they will only be utilizing the dock on the north side. For dock space itself they will be using a potential trailer and a tractor. Even though this is not freight transportation terminal they do fall into the definition.

Chairman Spinelli asked if they do use a trailer and tractor is there enough room for other tenants to get around the parked vehicle.

Dan Chop, New Venture Properties, said they can fit a 53 foot trailer with a tractor at that dock and not impede the traffic.

Commissioner Cunningham asked if they could explain a delivery that does not have an end.

Algimantas Akelaitis, owner of AVA Transportation, stated the scenario would be if they picked up a load and the appointment was not due till next week or if the appointment was canceled. So to not occupy the trailer they would unload the trailer into the warehouse.

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

### **Public Comment**

Sharon Eby said she is across the street from the subject property. She asked if this will increase the traffic on New Avenue.

Mrs. Tate stated the hours will be from 7 am to 5 pm. The freight trucks are stored at 12300 New Avenue and they will mostly likely not be coming to this site. It is generally an office use.

Mrs. Eby said there are trucks currently parking there overnight. She asked what would stop anyone else from parking there.

Chairman Spinelli stated this applicant currently does not exist at that facility.

Mrs. Eby asked who owns those trucks that are being parked there.

Chairman Spinelli said they will have staff look into those trucks. He then asked if there was anyone else that would like to speak in regards to this public hearing. None responded. He then called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 18-16. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

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

### **Plan Commission Recommendation**

Commissioner Cunningham made a motion, seconded by Commission McGleam to recommend to the Mayor and Board of Trustees approval of Case 18-16, 16135 New Avenue Unit 12 Special Use with the following conditions:

1. The fleet of AVA's trucks cannot park overnight unless located in the one dock provided by the lease.
2. If the business is to expand and grow in employees or truck fleet numbers, or share space with another trucking company, the owner must provide written documentation to the Village of Lemont stating the change. The Economic and Community Development Director will determine if the special use shall be amended or if the change is minor to provide administrative approval.
3. Have staff look into any zoning violations for truck parking to the west of the proposed property.

A roll call vote was taken:

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

*Nays: None*

*Motion passed*

### **Findings of Fact**

Commissioner Cunningham made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 18-16 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

TO: Committee of the Whole  
FROM: Jamie Tate, AICP, Consulting Planner  
THROUGH: Jason Berry, AICP, Economic and Community Development Manager  
SUBJECT: Case 18-07 480 5<sup>th</sup> Street Variations & Erie Preliminary Subdivision  
DATE: November 26, 2018

## SUMMARY/ BACKGROUND

William Brennan, owner of the subject property located at 480 5<sup>th</sup> Street, is requesting approval of variations from the Lemont Unified Development Ordinance (UDO) for the purpose to allow a subdivision of an existing parcel into two (2) single-family lots. There is history with this piece of property regarding access rights, easements, previous proposals to the Village and other discrepancies. At this time, it has been decided by the courts that Mr. Brennan has access to his property through 5<sup>th</sup> Street and he is appropriately applying to the Village to subdivide and develop his property. The parcel is zoned R-4, Single-Family Detached Residential District and the two (2) proposed single-family lots do not meet all the required lot and dimensional standards of the zoning district.

The applicant is requesting the following variations in order to construct a detached single-family home on each of the proposed two (2) lots on the subject property:

- To allow minimum lot sizes of 10,859.62 sf when R-4 requires a minimum of 12,500 sf; and
- To allow minimum lot widths of 87.5 feet when R-4 requires a minimum of 90 feet; and
- To allow a setback of 10 feet for the interior side yards when R-4 requires a minimum of 15 feet; and
- Relief from installing a sidewalk at the time of construction, but rather provide an escrow for a future sidewalk on both lots; and
- Relief from connecting to Village water for both lots; and
- Relief from using curb and gutter on both lots.

## ANALYSIS

### *Consistency with Village Policy*

#### *Lemont 2030 Comprehensive Plan.*

The Lemont 2030 Plan designates this area as Infill Residential and the two-lot subdivision does further the goals of the plan. The 2030 Plan calls for new residential construction on the few vacant lots in the area that is consistent with the established character of these neighborhoods. The proposal furthers the goals of the Plan by meeting the Village's residential design standards, and building on a vacant lot within an existing established neighborhood.

### *Planning and Zoning Commission (PZC)*

A public hearing to discuss the matter was held at the October 17, 2018 PZC meeting. Three (3) neighbors spoke at the hearing in regards to this matter. Their primary concerns were:

- Clarifying the access rights and whether or not a 2 to 3-foot strip of land on the west side of 5<sup>th</sup> Street is the east side of 5<sup>th</sup> Street's property. If so, they should not be paying taxes on it and how will access work; and
- The additional wells for the proposed lots will take away water from the neighbor's existing wells and deplete their water supply; and
- The adjacent properties will see decreased fair market value from the variations requested by Mr. Brennan; and
- How this will effect drainage on 5<sup>th</sup> Street; and
- Mr. Brennan should provide parking for construction workers when the lots are being developed so cars are not parked all along 5<sup>th</sup> Street.

The PZC voted in favor 6-0 for the Preliminary Erie Subdivision and variations for 508 6<sup>th</sup> Street with the following conditions:

1. Maintain a 30-foot total side yard setback by having the interior side yard setbacks to the lots at 10 feet and exterior side yard setbacks to the lots at 20 feet. (Attachment 3 demonstrates this condition)
2. Provide an escrow for the public sidewalk in front of both proposed lots.
3. When Village water is adjacent to either lot on 5<sup>th</sup> Street within the subdivision, the property owner will be required to connect to Village water.
4. The applicant must provide parking within his lots for workers during construction.

### **STAFF RECOMMENDATION**

Staff finds the variation requests adequately consistent with UDO Section 17.04.150. D (Standards for Variations). Staff is recommending approval of the requested variations from the UDO in order to construct two (2) detached single-family homes on two vacant (proposed) lots located at 480 5<sup>th</sup> Street with the following conditions:

1. Provide an escrow for the public sidewalk in front of both proposed lots.
2. When Village water is adjacent to either lot along 5<sup>th</sup> Street, the property owner will be required to connect to Village water.
3. Provide off-street parking for workers during construction so they are not parked on 5<sup>th</sup> Street.

### **BOARD ACTION REQUESTED**

This item is being presented for discussion.

### **ATTACHMENTS**

1. PZC Report with attachments.
2. Excerpt of Draft PZC Minutes from October 17, 2018 meeting.
3. Updated Plat of Subdivision dated 11/14/18 addressing PZC condition



TO: Planning & Zoning Commission  
FROM: Jamie Tate, AICP, Consulting Planner  
THRU: Jason Berry, AICP, Community Development Director  
SUBJECT: Case 18-07 480 5<sup>th</sup> Street Variations and Erie Preliminary Subdivision  
DATE: October 17, 2018

## SUMMARY

William Brennan, owner of the property located at 480 5<sup>th</sup> Street, is requesting approval of variations from the Lemont Unified Development Ordinance (UDO) for the purpose to allow a subdivision of an existing property into two (2) single-family lots. Staff is recommending approval with conditions.



*Subject site is highlighted in blue*



## PROPOSAL INFORMATION

Case No. 18-07  
Project Name 480 5<sup>th</sup> Street Variations and Subdivision

General Information	
Applicant	William Brennan
Status of Applicant	Owner
Requested Actions:	Variations to allow for the construction of two (2) detached single-family homes with variations
Site Location	480 5 <sup>th</sup> Street (PIN 22-28-102-018-0000)
Existing Zoning	R-4 (Single-Family Residential District)
Size	0.56 ac (24,500 sf)
Existing Land Use	Vacant lot
Surrounding Land Use/Zoning	North: R-4 (Rear yard of detached single-family residences)
	South: R-4 (Detached single-family residence)
	East: R-4 (Detached single-family residences)
	West: R-4 (Detached single-family residences)
Comprehensive Plan 2030	The Comprehensive Plan classifies this site infill Residential (INF)

## BACKGROUND & HISTORY

The subject property is part of the Becker's subdivision from 1880 and it is zoned R-4, Single-Family Residential Detached District.

There is much history with the subject property regarding access rights, easements and other miscellaneous discrepancies between Mr. Brennan and the neighbors on 5<sup>th</sup> Street. There have been multiple public hearings and applications to the Village to subdivide this property over the years. The applicant applied to develop the lot in 2003 with a similar proposal, the application was denied by the Village Board, which raised concerns over the proposed size of the lots without a road right-of-way dedication to the Village. The neighboring property owners from the east side of 5<sup>th</sup> St. also commented that 5<sup>th</sup> St. is a private road for which access to the east lots was granted through private road and right-of-way easements in 1890.



The applicant applied to subdivide the lot with variations in another similar proposal in 2016. At that time, the two-lot subdivision with the requested variations (lot size, lot width, relief from sidewalk requirement, ability to use a well, and relief from parkway size requirement) went to TRC, PZC and COW. There was much discussion regarding access to the lot and if the applicant was able to use 5<sup>th</sup> Street. At this time, it has been determined through the court system that the applicant has access to the subject property through 5<sup>th</sup> Street. The Village has accepted the application to proceed with Mr. Brennan’s two-lot subdivision and requested variations.

**Technical Review Committee.** Prior to submitting a formal application, the applicant submitted plans to the Technical Review Committee (TRC) on May 16, 2018. The TRC noted potential deviations from the Village standards in the proposed lot sizes, lot width, setbacks and the use of well water. Since TRC, the proposal has changed in size, as the applicant previously proposed a three-lot subdivision and now it is a two-lot subdivision. The full comments are provided as Attachment 5 along with a Staff Memo clarifying the access concern for 5<sup>th</sup> Street.

## GENERAL ANALYSIS

**Dimensional Standards.** The subject property is zoned R-4, Single-Family Residential Detached District. The proposed lots do not meet all required lot and dimensional standards in Table 17-07-01. See below.

Lot Standards	R-4	Proposal (Lot 1)	Proposal (Lot 2)
Lot Size	12,500 sf (min)	<b>10,859.62 sf</b>	<b>10,859.62 sf</b>
Lot Width	90' (min)	<b>87.5'</b>	<b>87.5'</b>
Front Yard Setback	25'	25'	25'
Side Yard Setback	15'	<b>10'</b>	<b>10'</b>
Rear Yard Setback	30'	39.11'	39.11'

*\*Bolded items do not meet the UDO requirements*



**Unified Development Ordinance.** The following chart summarizes the requested variations from the UDO.

<b>UDO Section</b>	<b>UDO Standard</b>	<b>Proposed</b>	<b>Staff Comments</b>
<b>17.07.01 (Table)</b>	<p>Minimum lot size is 12,500 sf for R-4.</p> <p>Minimum lot widths is 90 ft. for R-4 lots.</p> <p>Minimum side yard setback is 15 feet</p>	<p>Minimum lot size is 10,859.62 sf.</p> <p>Minimum lot width is 87.5 ft.</p> <p>Proposed side yard setback is 10 feet</p>	<p>The proposed lot size is a 15% variation from the UDO defined minimum lot size. The applicant is proposing dedicating 15 ft. (1,312 sf) of each proposed lot to the Village for public right-of-way. Staff finds this deviation acceptable due to the dedication and constraints of the property.</p> <p>The proposed lot width is a request for a 3% variation from the minimum of 90 ft. per the UDO, staff finds this deviation acceptable.</p> <p>Staff does not find this request acceptable as the lots are able to support 15' side yard setbacks as proposed in 2016. The home sizes can be reduced or there is seven (7) feet of rear yard setback that can be used to gain back the square-footage lost in the side yards.</p>
<b>17.26.01 (Table)</b>	<p>Parkway width minimum of 12 ft., sidewalk width minimum of five feet.</p>	<p>The applicant is also requesting a waiver from the requirement to construct sidewalks.</p>	<p>While the adjacent properties do not have an existing sidewalk, there is the opportunity to provide a sidewalk if the (potential) lots to the north were to develop. Staff suggests the applicant provide escrow for a future sidewalk.</p>
<b>17.26.110</b>	<p>Install curb, gutter and sidewalk</p>	<p>Relief from constructing sidewalk and curb and gutter</p>	<p>While it would not be in the best interest to construct a public sidewalk that is disconnected on either side of the proposed homes, this is not the last vacant parcel on the block, and there is still an opportunity to provide a sidewalk along the west side of 5<sup>th</sup> Street. Staff suggests the applicant provide escrow for a future sidewalk. Curb and gutter would not be appropriate for this proposal when none of the adjacent homes have utilized it for their driveways, sidewalks and walkways.</p>
<b>17.27.020 WATER SUPPLY – GENERAL</b>	<p>Connect to Village Water System</p>	<p>Private wells for each of the lots</p>	<p>Staff finds this request acceptable with the assurance that the subject property will connect to Village water if and when it was ever to be adjacent to the lots.</p>



**Comprehensive Plan.** The Lemont 2030 Comprehensive Plan identifies this area as Infill Residential. The Comprehensive Plan describes this area as:

*Properties within this district are existing residential neighborhoods, typically in platted subdivisions. New development in this district is expected to be minimal and generally limited to new construction on the few vacant lots in the area. Some redevelopment of older home sites may also occur over time, but would not likely increase the total number of dwelling units on the redevelopment parcels. Any new development or redevelopment will be consistent with the established character of these neighborhoods.*

The proposal to subdivide an existing lot to construct two (2) detached single-family homes furthers the goals of the Lemont 2030 plan to encourage infill development in established neighborhoods.

## STANDARDS FOR VARIATIONS

UDO Section 17.04.150.D states that variation requests should be consistent with the following three standards to be approved:

1. The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

**Analysis.** The general purpose of the UDO is specified in UDO Section 17.01.050. Of the eight components listed, five are either not applicable to or unaffected by the variation request. The applicable three are studied below:

- ***Ensuring adequate natural light, air, privacy, and access to property.***  
The proposed variations would not negatively impact light or air to the property.
- ***Protecting the character of established residential neighborhoods.***  
The proposed lots will not alter the established residential area surrounding. The subject property is proposed to be split into single-family lots that are wider than the lots to the east of 5<sup>th</sup> St. The proposed lots are smaller in total size than the neighboring lots to the east but when viewed from the road the new lots will not appear smaller due to their wider lot widths. The average width of the lots along the east side of 5<sup>th</sup> St. is 66ft. The narrower and somewhat smaller proposed lots fit the established character of the neighborhood better than the R-4 standards.



- ***Accommodating development and growth that is consistent with the preceding purposes.*** The subject property is classified in the Lemont 2030 Plan as Infill Residential (INF). The goal of the INF is construction of new home sites on the remaining vacant lots in the area that are consistent with the established character of the neighborhoods. The proposal would develop a vacant lot that although does not fully meet R-4 standards, is consistent with the neighboring properties.
2. The plight of the owner is due to unique circumstances, and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unique conditions that are not generally found on other properties in the same zoning district;

**Analysis.** The UDO states that in making a determination whether there are unique circumstances, practical difficulties, or particular hardships in a variation petition, the Planning and Zoning Commission shall take into consideration the five (5) factors listed in UDO §17.04.150. D.2.

- a. ***Particular physical surroundings, shape, or topographical conditions results in a particular hardship upon the owner as distinguished from a mere inconvenience.*** The subject property is surrounded by existing lots that do not meet all the standards defined in the UDO for R-4 properties. The property is land locked and thus restricted by the narrower surrounding existing lots. The average lot in the surrounding area has a width of 66 ft. and the proposed lots have a width of 87.5 ft. The proposed lot sizes, although smaller than the neighboring lots along the east side of 5<sup>th</sup> St., the proposed lots are similar in size to the lots to the west and south. While the above analysis speaks to the lot width and lot size, the side setbacks can be adjusted to meet R-4 requirements as they were shown to in the 2016 proposal.
- b. ***The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district.*** The conditions upon which the petition for variations are based on may be applicable to other properties within the same zoning district. The R-4 Detached Single-Family Zoning District is a large district with much variety throughout the Village. This particular area of R-4 and specifically the block of homes on 5<sup>th</sup> Street has lots that do not meet all of the R-4 standards as well.



- c. ***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** The difficulty is created by the current property owner (the applicant) as the request for the variations is from the property owner to subdivide a conforming lot into two that require deviations from UDO. It must be noted that the deviations for lot size and lot width are not significant and are partially affected by the dedication of property along 5<sup>th</sup> Street. The relief from connecting to Village water has not been created by the applicant as the location of water is not within a reasonable distance at this time and also would require additional easements.
- d. ***The granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject project is located.*** The request should not be detrimental to public welfare or injurious to other properties or improvements. The property owner is requesting similar standards found on the homes already constructed on this block. This area is serviced by private wells and they do not have public sidewalks or curb and gutter on their streets. The properties across the street do not appear to meet all the lot and dimensional standards. The applicant is proposing single-family homes in an established single-family neighborhood. The applicant is proposing to dedicate 15ft of the front portion of the property for a public right-of-way increasing the width of the road in front of the proposed lots to improve the public access along 5<sup>th</sup> St.
- e. ***The variations will not impair an adequate supply of light and air to adjacent properties or substantially increase congestion in the public street or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.*** The variations would not endanger public safety, substantially impair property values, diminish adequate supply of light or air, or increase the danger of fire or congestion. The variation will result in an increase the value of the subject property by developing it with two single-family lots. The creation of two lots rather than one mitigates the size of any proposed homes. If the property was developed as only a single lot, the home that would be permitted per UDO standards could be significantly larger than the surrounding properties. Alternatively, the two proposed lots have smaller building envelopes thus ensuring future homes constructed on the subject site would be less out of scale when compared to the existing surrounding homes. Additionally, the variations will increase



the safety incoming and outgoing traffic by widening a portion of the existing road.

3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

**Analysis.** The variations will not alter the essential character of the local area as the proposal is for two-single family homes, which is consistent with surrounding land uses. Additionally, the surrounding lots do not confirm the standard R-4 lot widths. The proposed lot sizes are smaller than the surrounding properties and the proposed lots; however, the proposed lots are more consistent with the surrounding lots widths. Additionally, the proposal will achieve the goals of the Lemont 2030 Comprehensive Plan as stated previously.

## RECOMMENDATIONS

Although the property will vary slightly from the standard R-4 requirements in the UDO, the proposed variations will be more consistent with the surrounding single-family homes that currently do not meet the minimum width standards required in UDO. Additionally, the proposal will achieve the goals of the Lemont 2030 Comprehensive Plan that designates this area as Infill Residential. The UDO requires that the applicant demonstrate consistency with all three of the variation standards contained within §17.04.150. D. and staff finds that all are substantially met with the following conditions:

1. The lots should meet the required 15' side yard setback.
2. Provide an escrow for the public sidewalk in front of both proposed lots.
3. When Village water is adjacent to either lot in the subdivision, the property owner will be required to connect to Village water.

## ATTACHMENTS

1. Site photographs
2. Application and Criteria Worksheet
3. Proposed Preliminary Plat by DJA Civil Engineers dated 9/28/2018
4. Erie's Geometric Exhibit by DJA Civil Engineers dated 9/28/2018
5. TRC Comments
6. Fire District Comments
7. Village Arborist Comments
8. Village Engineer Comments
9. Staff Memo from Village Administrator dated August 16, 2018
10. Geometric Plan from 2016 proposal





Attachment 1 Site photographs



Figure 1: View of the property from the southeast corner looking west.



Figure 2: View of the neighboring properties to the southwest.





*Figure 3: View from the subject property looking east.*



*Figure 4: View the property from roughly the middle of the parcel looking north.*

# Variation Application Form

### APPLICANT INFORMATION

William BRENNAN  
Applicant Name

Company/Organization  
73 DEER LAKE LEMONT IL. 60439

Applicant Address  
708-307-9947

Telephone & Fax  
WBRENO9947@YAHOO.COM

E-mail

### CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

### PROPERTY INFORMATION

480 FIFTH ST. LEMONT IL. 60439  
Address of Subject Property/Properties

22-28-102-018  
Parcel Identification Number of Subject Property/Properties

175 x 140  
Size of Subject Property/Properties

### DESCRIPTION OF REQUEST

100 LOT SUBDIVISION WITH VARIATIONS  
Brief description of the proposed variation

### REQUIRED DOCUMENTS

See Form 500-A, *Variation Application Checklist of Required Materials*, for items that must accompany this application.

### FOR OFFICE USE ONLY

Application received on: _____	By: _____
Application deemed complete on: _____	By: _____
Current Zoning: _____	
Fee Amount Enclosed: _____	Escrow Amount Enclosed: _____

# Variation Application Form

Village of Lemont

## APPLICATION FEE & ESCROW

### Application Fee = \$250 (per zoning lot)

Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance Chapter 17.02).

### Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the variation application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the variation review process, any unused portion of the escrow account will be refunded upon request.

## AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

William Brennan 9-27-18

Signature of Applicant

Date

Illinois

COOK

State

County

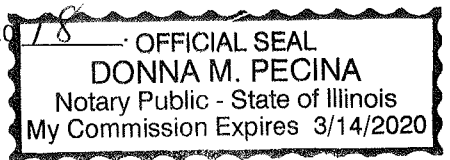
I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that William Brennan is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Donna M. Pecina

Notary Signature

Given under my hand and notary seal this 27<sup>th</sup> day of September A.D. 2018

My commission expires this 14<sup>th</sup> day of March A.D. 2020



# Affidavit of Public Notice

The undersigned William Brennan, being duly sworn on oath states as follows:

1. That he/she is the OWNER OF RECORDS that is subject of the  
(owner of record, contract purchaser, authorized agent, etc.)  
petition to SUBDIVIDE WITH VARIATIONS

by TRUST #5251 MARQUETTE BANK  
(Designate petitioner(s); and, if applicable, designate Trust numbers and all beneficiaries thereunder.)  
WILLIAM BRENNAN

for property located at and commonly known as 480 FIFTH ST. LEMONT ILL.

2. That the attached Public Notice, marked as Exhibit A, was served on all parties whose names and addresses are identified on attached Exhibit B, by one of two means listed below.

**Check the applicable box and enter requested information:**



By mailing a copy of said notice by certified mail, return receipt requested, via United States Mail at the following location: LEMONT ILL.  
City and State

OR:



By delivering said notice in person to the individual homes or offices and obtaining the signature of each recipient with name and address on a separate sheet of paper to be submitted as Exhibit C.

3. That the designated delivery took place on the 27 day of Sept 2018.

William Brennan  
Signature

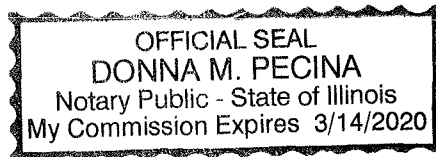
OWNER  
(Indicate whether owner, contract purchaser, agent, etc.)

Subscribed and sworn before me this 27th  
day of September, 2020

Donna M. Pecina

Notary Public

My commission expires on 3/14/2020



(Notary Seal Here)

# SAMPLE PUBLIC NOTICE

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN FOR A PUBLIC HEARING CONCERNING A LAND USE APPLICATION FOR THIS PROPERTY.

HEARING FOR: [INSERT WHAT APPLICATION IS FOR]

VENUE OF HEARING: VILLAGE HALL, 418 MAIN ST., LEMONT (UPSTAIRS CHAMBER ROOM)

HEARING BODY: PLANNING AND ZONING COMMISSION

DATE AND TIME OF HEARING: [INSERT DATE AND TIME]

PUBLIC ATTENDANCE AND COMMENTS INVITED:

FOR ADDITIONAL INFORMATION CONTACT:  
VILLAGE OF LEMONT  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
418 MAIN STREET  
(630)257-1595

### Sign Size/Appearance Requirements:

- At least 36 inches in height and 48 inches in width.
- Must have a white background.
- Must have 1.5-inch high black block letters, except the words “NOTICE OF PUBLIC HEARING” must appear in 3-inch high capital red block letters.

# Variation Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.150.D.1 establishes the criteria that all applications for variations must meet. In addition, Section 17.04.150.D.2 of the Unified Development Ordinance requires that the Planning & Zoning Commission or Zoning Hearing Officer take the following conditions into consideration when determining whether a request qualifies for a variation. You may want to consider the following in your variation request:

- The particular physical surroundings, shape, or topographical condition of the specific property involved results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations of the Unified Development Ordinance were fulfilled;
- The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located; and
- The variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please describe below how your variation request meets the criteria of UDO Section 17.04.150.D.1. Attach additional sheets if necessary.

**UDO Section 17.04.150.D.1.a**

The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

TO DEVELOP CONSISTENT WITH EXISTING  
NEIGHBORHOOD

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**UDO Section 17.04.150.D.1.b**

The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and

*Business of 2 Howard Avenue Bldg  
Close to street with neglected*

**UDO Section 17.04.150.D.1.c**

The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

*Will not alter existing  
neighborhood.*

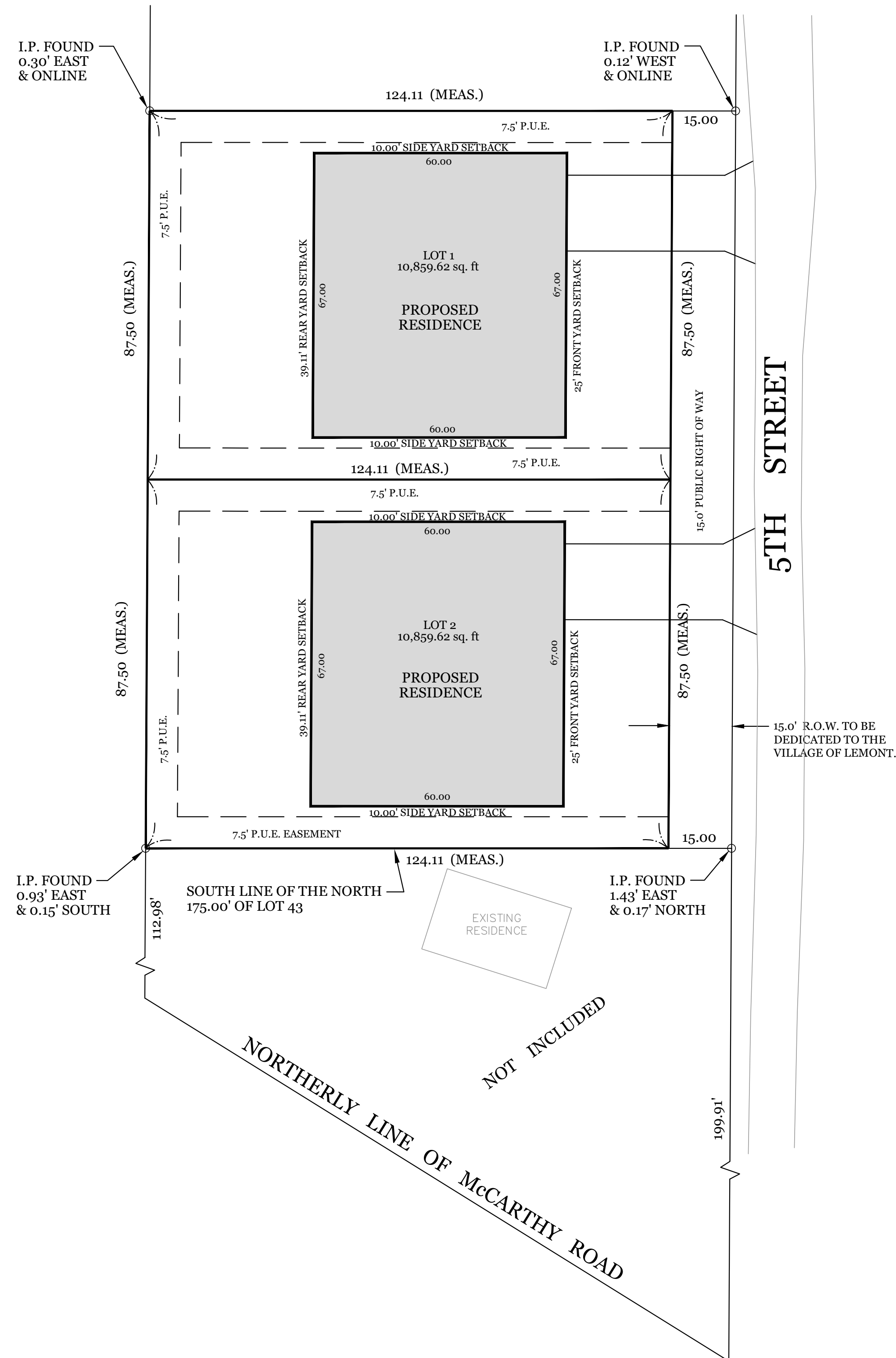
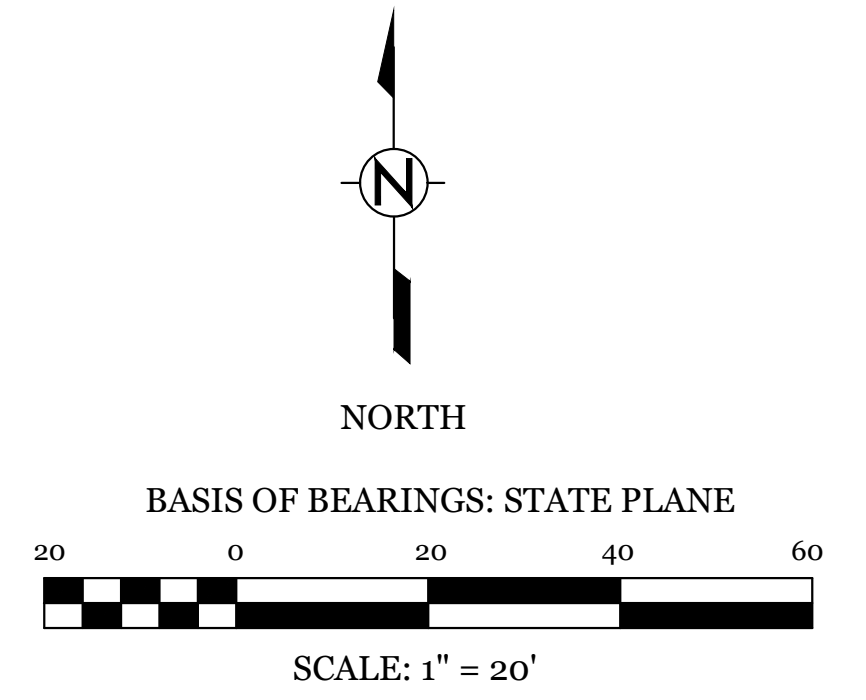






# GEOMETRIC EXHIBIT EIRE'S RESUBDIVISION

OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 37  
NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
LEMONT, ILLINOIS



REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
09-28-18	D.J.	PER REVIEW			

DRAWN BY:	DJ	DATE:	09-28-18
CHECKED BY:	WDJ	DATE:	09-28-18
APPROVED BY:	WDJ	DATE:	09-28-18

**DJA** CIVIL ENGINEERS & SURVEYORS  
DAVE JOHNSON and ASSOCIATES, Ltd.  
312 S. Hale Street Wheaton, IL 60187  
ph. 630 752 8600 fax. 630 752 9556  
e-mail: DJA@DJAonline.net

CLIENT:

TITLE:  
GEOMETRIC PLAN  
EIRE'S RESUBDIVISION  
5TH STREET  
LEMONT, ILLINOIS

SCALE: 1" = 20'  
DATE: 09-28-18  
JOB NO: 1586  
SHEET 1 OF 1



Proposed 3 lot subdivision at 480 5<sup>th</sup> Street, Lemont, IL  
 Technical Review Committee – Community Development Planning & Zoning UDO Plan Review  
 Wednesday, May 16, 2018  
 Proposed plan by: DJA Civil Engineers & Surveyors dated 4/28/18  
 Zoning: R-4, Single Family Residential District

Table 17-07-01

Lot & Dimensional Standards	R-4	Lot 1	Lot 2	Lot 3
Min Lot Size*	12,500 SF	7,239.33 SF	7,239.33 SF	7,239.33 SF
Min Lot Width*	90 feet	58.33 feet	58.33 feet	58.33 feet
Min FY Setback	25 feet	25 feet	25 feet	25 feet
Min SY Setback*	15 feet	6 feet	6 feet	6 feet
Min RY Setback	30 feet	30 feet	30 feet	30 feet
Max Building Height	37 feet	NA	NA	NA
Max Lot Coverage	55%	NA	NA	NA

\*Does not meet minimum

**Comprehensive Plan:** This area is designated INF (Infill Residential). Properties within this district are existing residential neighborhoods, typically in platted subdivisions. New development in this district is expected to be minimal and generally limited to new construction on the few vacant lots in the area. Some redevelopment of older home sites may also occur over time, but would likely not increase the total number of dwelling units on the redevelopment parcels. Any new development or redevelopment will be consistent with the established character of these neighborhoods.

**Process:**

- Subdivision: Preliminary Plat, Final Plat (public hearing for variations if the plan was to continue as proposed)
- All UDO requirements can be found online:  
[https://library.municode.com/il/lemont/codes/code\\_of\\_ordinances?nodeId=TIT17UNDEOR](https://library.municode.com/il/lemont/codes/code_of_ordinances?nodeId=TIT17UNDEOR)

**Planning Comments:**

- §17.04.110 A. The Final Plat of Subdivision shall be in conformance with applicable lot standards (above) of the UDO unless a variation is granted by the Village Board. Subdivision of land requires land/cash contribution in accordance with §17.18 of the UDO.
- Variations are subject to §17.04.150. The standards for Variations are listed under section D of this chapter. The standards are used as the basis for a staff and PZC recommendation.

**Residential Design Requirements**

- See §17.22.020 for all residential design standards.
- The proposed subdivision will need to meet the dissimilarity standards.
- No portion of a single-family residence that contains a garage space shall project more than 10' from the plan of the elevation of the residence that is closest to the street.
- A sidewalk shall be installed at a minimum of 5' in width along 5<sup>th</sup> Street.

**Landscaping**

- One canopy (parkway) tree is required per 40 feet of street frontage.
- Parkway trees shall be installed in the spring or fall, but not before the construction of the dwelling and the completion of the public sidewalk. However, in no case shall parkway trees be planted later than 2 years after the commencement of construction of the development (i.e. issuance of site development permit).
- Provide a tree survey and preservation plan to verify if any trees can be saved during construction. §17.20.130

The comments above are preliminary in nature and do not constitute a full review of all ordinances and codes in the Village of Lemont. Many comments and suggestions are meant to guide the applicant through the creation of more final documents. Please contact me with questions.

Sincerely,



Jamie Tate, AICP  
Consulting Planner  
[jtate@lemont.il.us](mailto:jtate@lemont.il.us)  
630.640.5860

THIS PLAT OR MAP HAS BEEN SUBMITTED FOR RECORDING BY AND RETURN TO:  
 VILLAGE CLERK  
 VILLAGE OF LEMONT  
 418 MAIN STREET  
 LEMONT, ILLINOIS 60439

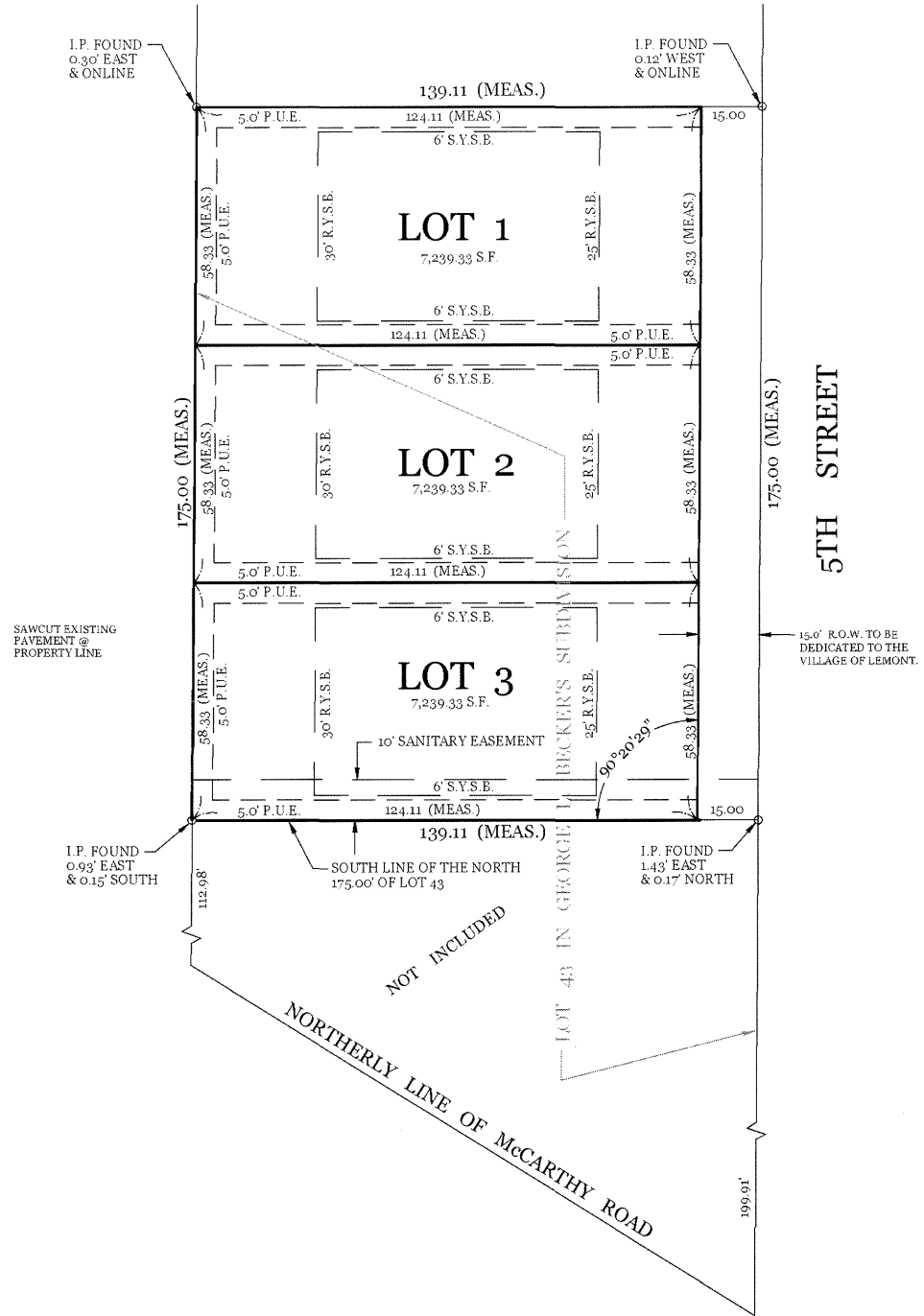
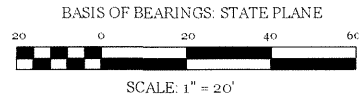
Plan submitted for TRC in May 2018

# EIRE'S RESUBDIVISION

OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
 LEMONT, ILLINOIS



NORTH



## DEVELOPMENT SITE DATA

Parcel Numbers of the subject property:  
 22-28-102-005 22-28-102-018  
 Size of Subject Property in square feet and acres:  
 24,344.25 S.F. / 0.558 Acres  
 Square footage and acreage of Proposed Right-of-Way:  
 2,625.00 S.F. / 0.060 Acres  
 Square footage and acreage of Proposed Easement (Storm Management):  
 00,000 S.F. / 0.000 Acres  
 Square footage and acreage of Proposed Easement (Conservation):  
 00,000 S.F. / 0.000 Acres  
 Square footage and acreage of Proposed Easement (Storm Sewer):  
 00,000 S.F. / 0.000 Acres

REVISIONS:		DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
03-24-15	D.J.			PER REVIEW			
04-28-18	D.J.			REVISED LOTS			

DRAWN BY:	DJ	DATE:	03-24-15
CHECKED BY:	WDJ	DATE:	03-24-15
APPROVED BY:	WDJ	DATE:	3-24-15

**DJA CIVIL ENGINEERS & SURVEYORS**  
 DAVE JOHNSON and ASSOCIATES, Ltd.  
 312 S. Hale Street Wheaton, IL 60187  
 Ph: 630 752 8600 fax: 630 752 9556  
 e-mail: DJA@DJAonline.net

CLIENT:  
 TITLE:

EIRE'S RESUBDIVISION  
 2 LOT SUBDIVISION  
 5TH STREET  
 LEMONT, ILLINOIS

SCALE: 1" = 20'  
 DATE: 02-09-16  
 JOB NO: 1586  
 SHEET 1 OF 3



**LEMONT FIRE PROTECTION DISTRICT**



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**BUREAU OF FIRE PREVENTION**

15900 New Avenue  
Lemont, IL 60439  
Business: (630) 257-0191  
Fax: (630) 257-5318  
fpb@lemontfire.com  
[lemontfire.com](http://lemontfire.com)

October 2, 2018

Building Department  
Village of Lemont  
418 Main Street  
Lemont, IL. 60439

Re: Eire's Resubdivision  
Lemont, IL, 60439

Dear Building Department;

This Department is in receipt of the site plans for the above mentioned project. The 2015 edition of the International Fire Code along with local amendments were used for this review. These plans are APPROVED AS NOTED subject to the following comments:

1. The address for the properties shall be permanently displayed, either on a sign or on the building. The type and size of the address a minimum four inches (4") - shall be in compliance with Lemont Fire Protection District Ordinance #16-01, and International Fire Code, 2015 Edition (Section 505).

The review of these drawings does not relieve the contractor or building owner from designing and installing and completing this project per all code and standard requirements. Fire code and standard requirements not necessarily noted on these plans, in the plan review letter, or noted during inspections are still required to be provided and installed in full compliance with all adopted codes standards and ordinances. I will recommend approval of these plans with the stipulation that the above items are addressed and complied with. This APPROVAL with noted requirements of the Codes and Standards for the submitted project is not to be construed as final approval. This can only be granted after construction and occupancy inspections. If you should have any further questions please don't hesitate to contact me.

Sincerely,

Benjamin DeAnda, MPA, MS, CFO, FM  
Fire Marshal

cc: Village of Lemont Building Department



Urban Forest Management, Inc.

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October 7, 2018

Mr. Mark Herman  
Community Development Manager  
Village of Lemont  
418 Main Street  
Lemont, IL 60439

RE: 480 5<sup>th</sup> Street – Two-Lot Subdivision Review #1

Dear Mark:

As requested, I have visited the site and I have reviewed the Plat and the Geometric Exhibit. The following comments summarize my review:

1. I was not able to find the I.P.'s that the surveyor found.
2. I have attached a portion of the Geometric Exhibit that show the general location of 9 trees and a group of dead or dying elm trees and buckthorn. These trees should be located by the surveyor and evaluated by a certified arborist as to the species, size, form, and condition of each tree.
3. If this project moves forward the trees to be removed or saved have to be shown on the engineering plans.
4. A landscape plan by a certified landscape architect shall be provided. The landscape plan will include street tree plantings and landscaping on each lot per Village ordinances.

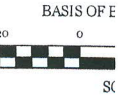
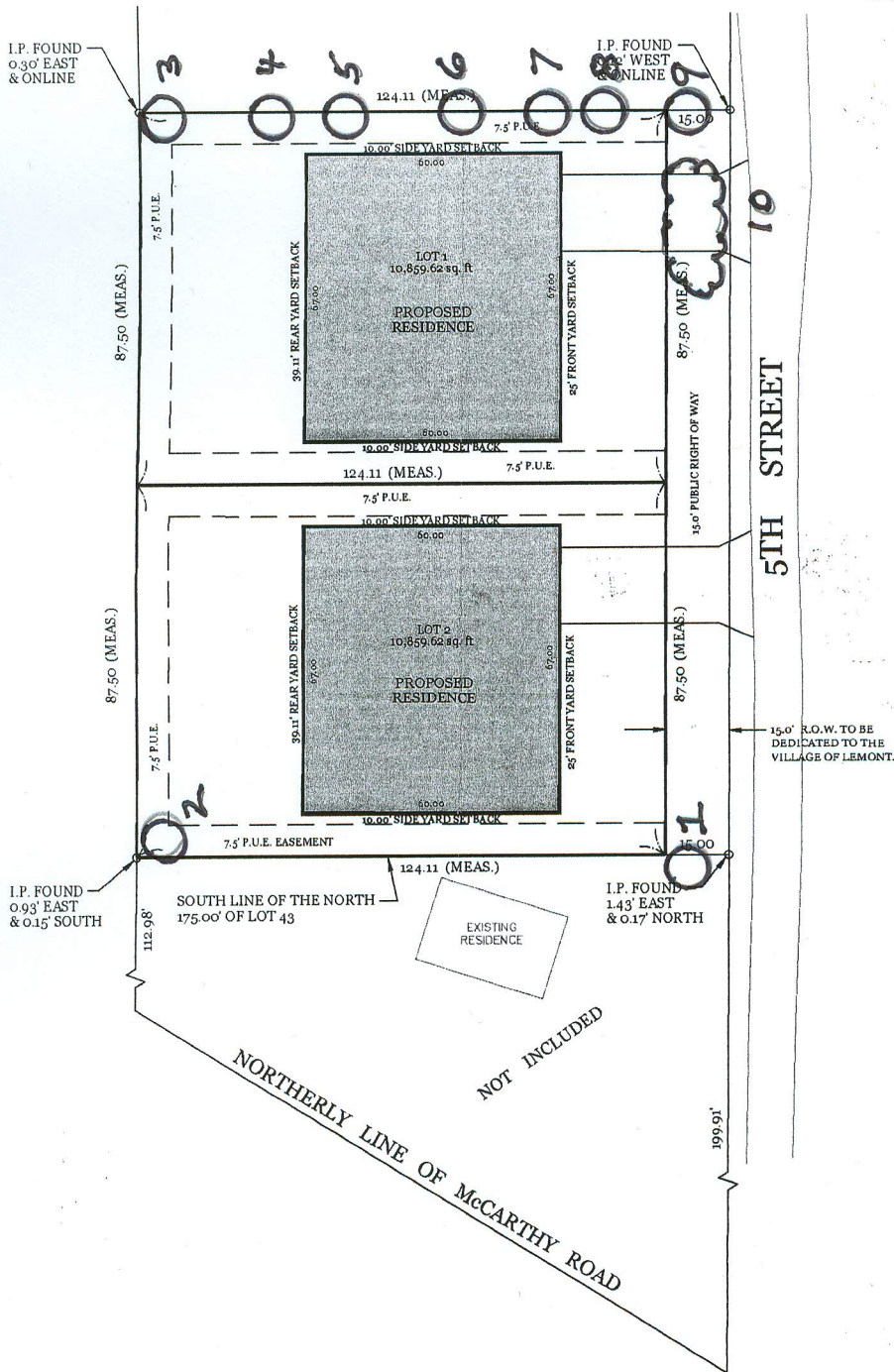
Sincerely,  
URBAN FOREST MANAGEMENT, INC.

Charles A. Stewart  
Vice-President



# GEOMETRIC EXHIBIT EIRE'S RESUBDIVISION

OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 37  
NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
LEMONT, ILLINOIS



DRAWN BY:	DJ	DATE:	09-28-18
CHECKED BY:	WDJ	DATE:	09-28-18
APPROVED BY:	WDJ	DATE:	09-28-18

**DJA** CIVIL ENGINEERS & SURVEYORS  
DAVE JOHNSON and ASSOCIATES, Ltd.  
312 S. Hale Street Wheaton, IL 60187  
ph. 630 752 8600 fax. 630 752 9556  
e-mail: DJA@DJAonline.net

CLIENT:

TITLE:

GEOMETRI  
EIRE'S RESUI  
5TH STRE  
LEMONT, ILL

October 9, 2018

Mr. Mark Herman  
Community Development Manager  
Village of Lemont  
418 Main Street  
Lemont, IL 60439

Re: **480 5<sup>th</sup> Street**  
**Eire's Resubdivision**  
**Final Plat Review**  
**PIN #22-28-102-018**

Dear Mark:

I have reviewed the proposed Resubdivision Plat for the above-captioned project, dated September 28, 2018, and have the following comments. (No engineering plan was submitted for review.)

1. The front setback line needs to be shown on the Plat and should not extend further east than the average of other houses on the block, or as zoning originally allowed when the area was originally subdivided (whichever is furthest west). Note: Changes in property rezoning cannot overrule originally established building setback lines to be less restrictive.
2. Please verify that a Mortgagee Certificate is not required.
3. The legal description of the property to be subdivided needs to be listed in the Surveyor's Certificate and/or the Owner's Certificate.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

**NOVOTNY ENGINEERING**



James L. Cainkar, P.E., P.L.S.

JLC/ce

cc: Mr. Jason Berry, Comm. Dev. Director  
File No. 16034





# *Frank Novotny & Associates, Inc.*

545 Plainfield Road, Suite A • Willowbrook, IL • 60527 • Telephone: (630)887-8640 • Fax: (630) 887-0132

*Civil Engineers/  
Municipal Consultants*

January 14, 2016

Ms. Heather Milway-Valone  
Planner  
Village of Lemont  
418 Main Street  
Lemont, IL 60439

Re: **480 5<sup>th</sup> Street  
Proposed Subdivision  
PIN #22-28-102-018**

Dear Heather:

I have reviewed the proposed Site Development Plan for the above-captioned project, dated 01/04/2016, and have the following comments:

1. The proposed development is a Subdivision/Resubdivision; therefore, it is no longer a lot of record.
2. The width and location of the existing east side pavement easement needs to be shown. It scales at 25 feet wide from the Sidwell map; however, no dimension is provided by Sidwell.

The proposed 15 foot dedication would appear to provide for a total of 40 feet of usable road and utility width on 5<sup>th</sup> Street.

3. A copy of the water atlas is attached. The nearest water main is 12-inches in diameter and is located at 4<sup>th</sup> Street and McCarthy Road. The distance to this main to the nearest part of the property is 550 feet. The closest fire hydrant, via private property on 4<sup>th</sup> Street, is approximately 275 feet away. Ideally, the property should be serviced by a Village water main in front of the property.
4. There is a sanitary sewer in front of the property.
5. The proposed wells must be located 75 feet from the existing sanitary sewer, unless the existing sanitary sewer is made of water main quality pipe. This is easily accommodated. The Cook County Dept. of Public Health would need to issue these well permits.

Ms. Heather Milway-Valone  
Village of Lemont  
January 14, 2016  
Page Two

6. Technically, any new Subdivision needs to provide for full street and sidewalk improvements, unless such requirement is waived.
7. The drainage ditch in front of the property is very flat, at 0.33% grade. Normal ditch grade is 2.0% minimum. It appears that there is nothing that can be done to solve this problem, since there is no storm sewer on McCarthy Road.
8. Since the residential Subdivision is less than 1 acre in area, an MWRDGC WMO Permit is not required.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

**FRANK NOVOTNY & ASSOCIATES, INC.**



James L. Cainkar, P.E., P.L.S.

JLC/dn

cc: Mr. George J. Schafer, Asst. Village Administrator  
Ms. Charity Jones, Director of Planning & Econ Devel.  
File No. 16034  
16034\_Preliminary Review

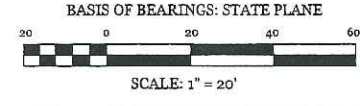




THIS PLAT OR MAP HAS BEEN SUBMITTED FOR RECORDING BY AND RETURN TO:  
 VILLAGE CLERK  
 VILLAGE OF LEMONT  
 418 MAIN STREET  
 LEMONT, ILLINOIS 60439

# EIRE'S RESUBDIVISION

OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
 LEMONT, ILLINOIS



**LEGAL DESCRIPTION:**

THE NORTH 175 FEET OF LOT 43 (AS MEASURED AT RIGHT ANGLES FROM THE NORTHEAST AND NORTHWEST CORNERS OF SAID LOT 43) IN GEORGE L. BECKER'S SUBDIVISION, A SUBDIVISION IN SECTION 28, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**OWNER'S CERTIFICATE**

STATE OF ILLINOIS SS  
 COUNTY OF COOK

We, Marquette Bank, Trust #5251, do hereby certify that we are the Owner of the property described in the caption to the plat hereon drawn and as such owner, we have caused said property to be surveyed and subdivided hereon shown, as our own free and voluntary act and deed.

We hereby dedicate for public use the lands shown on this plat, including but not limited to, thoroughfares, streets, alleys, walkways and public services; grant the telephone, gas, electric and any other public or private utility easements as stated and shown on this plat; and grant and declare the Storm Water Drainage and Detention Easements as stated and shown on this plat.

We further certify that there are no unpaid deferred installments of outstanding unpaid special assessments affecting the land described and shown on this planned development plat or, if any of said installments are not paid, then such installments have been divided in accordance with the planned development and approved by the court which confirmed the special assessment and the proper collector of any such special assessment has so certified such division on the face of this subdivision plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner(s): \_\_\_\_\_  
 (Name / Names)

STATE OF ILLINOIS SS  
 COUNTY OF COOK

I, \_\_\_\_\_, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Marquette Bank, Trust #5251 respectively, the Managing Partners of Marquette Bank, Trust #5251, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as owners, as such Managing Partners, respectively, appeared before me this day in person and acknowledged that they signed the said instrument as the free and voluntary act, and as the free and voluntary act of said Marquette Bank, Trust #5251, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal:

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
 Notary Public

**VILLAGE NOTARY CERTIFICATE**

STATE OF ILLINOIS SS  
 COUNTY OF COOK

I, \_\_\_\_\_, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Marquette Bank, Trust #5251 respectively, the Managing Partners of Marquette Bank, Trust #5251, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as owners, as such Managing Partners, respectively, appeared before me this day in person and acknowledged that they signed the said instrument as the free and voluntary act, and as the free and voluntary act of said Marquette Bank, Trust #5251, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal:

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
 Notary Public

**SCHOOL DISTRICT CERTIFICATE**

STATE OF ILLINOIS SS  
 COUNTY OF COOK

This is to certify that to the best of our knowledge, we the undersigned as Owner of the property, which will be known as Marquette Bank, Trust #5251 is located within the boundaries of:

Elementary School District: \_\_\_\_\_  
 High School District: \_\_\_\_\_  
 Junior College District: \_\_\_\_\_

in Cook County, Illinois.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
 Owner

**VILLAGE TREASURER'S CERTIFICATE**

STATE OF ILLINOIS SS  
 COUNTY OF COOK

I, \_\_\_\_\_, Village Treasurer of the Village of Lemont, Cook, Will and DuPage Counties, Illinois, do hereby certify that there are no delinquent or unpaid current or deferred special assessments, or any deferred installments of any outstanding unpaid special assessments which have not been divided in accordance with the proposed subdivision and duly approved by the court that confirmed the special assessment.

Dated at Lemont, Cook County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

VILLAGE TREASURER

**PRESIDENT & BOARD OF TRUSTEES CERTIFICATE**

STATE OF ILLINOIS SS  
 COUNTY OF COOK

Approved and accepted by the President and Board of Trustees of the Village of Lemont, Cook County, Illinois at a Public Meeting held:

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
 President

Attest: \_\_\_\_\_  
 Village Clerk

**SURFACE WATER DRAINAGE CERTIFICATE**

STATE OF ILLINOIS SS  
 COUNTY OF COOK

To the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of such planned development or any part thereof, or that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the planned development.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
 Owner(s); Trustee / or Duty Authorized Attorney

**SURVEYOR'S CERTIFICATE**

STATE OF ILLINOIS SS  
 COUNTY OF COOK

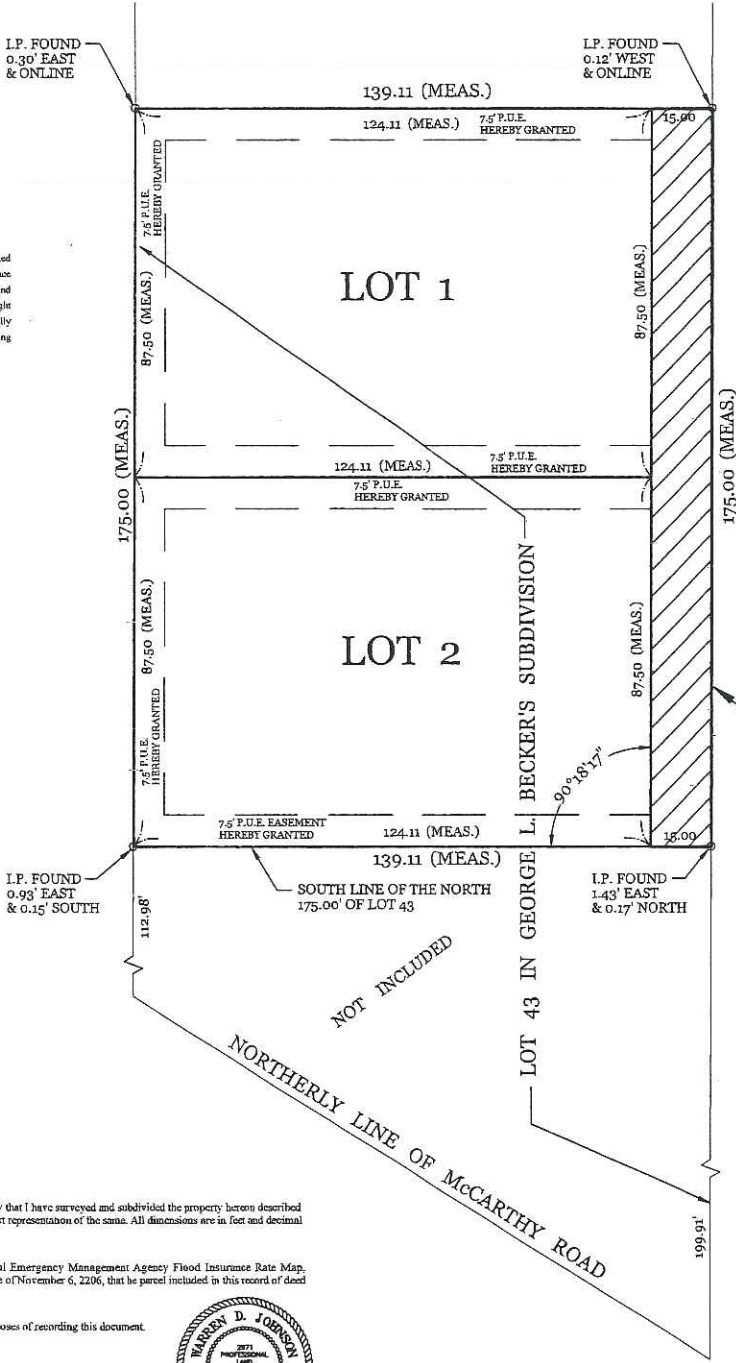
I, Warren D. Johnson, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed and subdivided the property herein described in the caption to the plat hereon drawn and that the said plat is a true and correct representation of the same. All dimensions are in feet and decimal parts of a foot and are correct at a temperature of 68 degrees Fahrenheit.

I, Warren D. Johnson, further certify that based on examination of the Federal Emergency Management Agency Flood Insurance Rate Map, Panel Number 587 of 832, Map Number 17031C0557F with an effective date of November 6, 2206, that he parcel included in this record of deed is not located in a special flood hazard area.

Furthermore, I designate the Village of Lemont to act as my agent, for the purposes of recording this document.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
 Warren D. Johnson  
 Illinois Professional Land Surveyor  
 License No.: 2978



**DEVELOPMENT SITE DATA**

Parcel Numbers of the subject property:  
 22-28-102-018  
 Size of Subject Property in square feet and acres  
 24,344.25 S.F. / 0.558 Acres  
 Square footage and acreage of Proposed Right-of-way  
 2,625.00 S.F. / 0.060 Acres

**VILLAGE ENGINEER CERTIFICATE**

STATE OF ILLINOIS SS  
 COUNTY OF COOK

I, \_\_\_\_\_, Village Engineer of the Village of Lemont, Cook, Will and DuPage Counties, Illinois, hereby certify that the land improvements in this planned development, as shown by the plans and specifications thereon, meet the minimum requirements of said Village and have been approved by all public authorities having jurisdiction thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
 Village Engineer

**Public Utility and Drainage Easement Provisions**

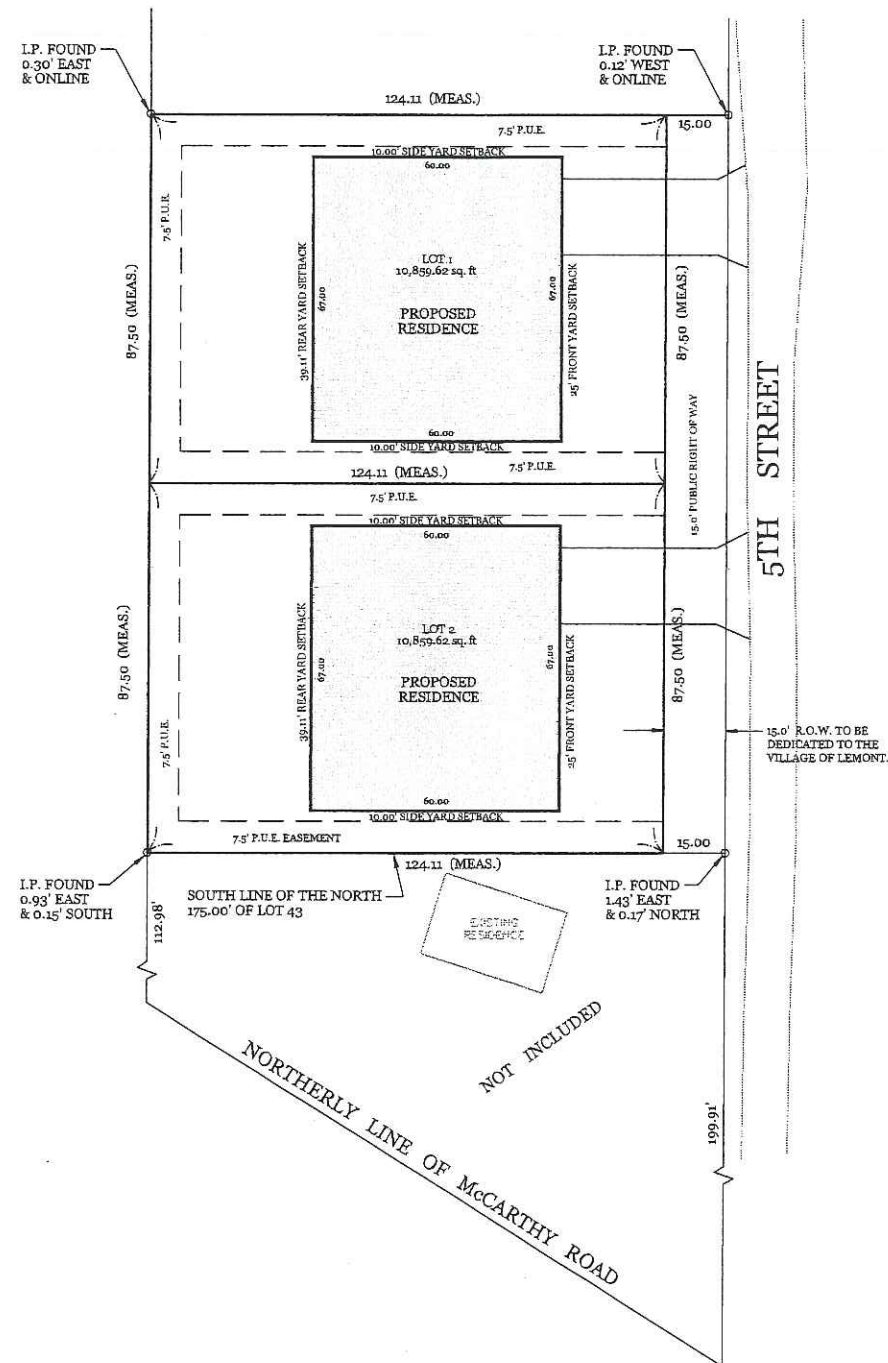
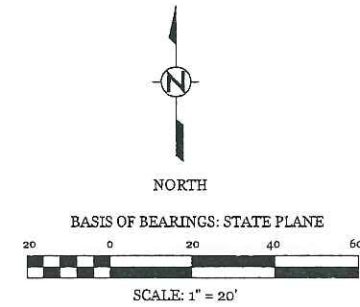
A non-exclusive perpetual easement is hereby reserved and granted to the Village of Lemont, and their successors and assigns over all areas designated "Public Utility and Drainage Easement" and those areas designated "PU & DE" on the plat, to construct, reconstruct, repair, inspect, maintain and operate various transmissions, distribution, and collection systems, including but not limited to water lines, sanitary sewers and storm sewers, together with any and all necessary valve vaults, fire hydrants, manholes, catch basins, connections, appliances and other structures and appurtenances as may be deemed necessary by said Village, over, upon, along, under and through the surface of the property shown on the plat, together with the right of access for necessary labor, materials and equipment to do any of the above work. The right is also granted to cut down, trim or remove, without obligation to restore or replace any obstruction, including but not limited to trees, shrubs, other plants, structures or improvements on the easement that interfere with the operation of such lines and sewers. No permanent buildings or structures shall be placed on said easement, but same may be used for gardens, landscape areas, and other purposes that do not then or later interfere with the aforesaid uses or rights. Where an easement is used for both sewer and other utilities, the other utility installation shall be subject to the ordinance of the Village of Lemont and to Village approval as to design and location.

Perpetual easements are hereby reserved for and granted to the Village of Lemont and other governmental authorities having jurisdiction of the land, over the entire easement area for ingress, egress, and the performance of municipal and other governmental services including water, storm and sanitary sewer service and maintenance and emergency and routine police, fire, and other public safety related services.

<b>REVISIONS:</b> DATE BY DESCRIPTION 09-28-18 D.J. PER REVIEW		<b>DRAWN BY:</b> DJ DATE: 09-26-18 <b>CHECKED BY:</b> WDJ DATE: 09-26-18 <b>APPROVED BY:</b> WDJ DATE: 09-26-18		<b>DJA CIVIL ENGINEERS &amp; SURVEYORS</b> DAVE JOHNSON and ASSOCIATES, Ltd. 312 S. Main Street Wheaton, IL 60157 ph. 630 752 8600 fax 630 752 5338 e-mail: DJA@DJAonline.net		<b>CLIENT:</b> EIRE'S RESUBDIVISION 2 LOT SUBDIVISION 5TH STREET LEMONT, ILLINOIS		<b>SCALE:</b> 1" = 20' <b>DATE:</b> 09-28-18 <b>JOB NO:</b> 1586 <b>SHEET 1 OF 1</b>	
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# GEOMETRIC EXHIBIT EIRE'S RESUBDIVISION

OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 37  
NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
LEMONT, ILLINOIS



REVISIONS:		DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
		09-28-18	D.J.	PER REVIEW			

DRAWN BY:	DJ	DATE:	09-28-18
CHECKED BY:	WDJ	DATE:	09-28-18
APPROVED BY:	WDJ	DATE:	09-28-18

**DJA** CIVIL ENGINEERS & SURVEYORS  
DAVE JOHNSON and ASSOCIATES, Ltd.  
312 E. Hale Street Wheaton, IL 60187  
ph. 630 752 8600 fax. 630 752 9556  
e-mail: DJA@DJAonline.net

CLIENT:

TITLE:  
GEOMETRIC PLAN  
EIRE'S RESUBDIVISION  
5TH STREET  
LEMONT, ILLINOIS

SCALE: 1" = 20'  
DATE: 09-28-18  
JOB NO: 1586  
SHEET 1 OF 1



TO: Mayor and Village Board  
FROM: George J. Schafer, Village Administrator  
  
SUBJECT: Fifth Street Variation Request Discussion  
DATE: August 16, 2018

### **SUMMARY/BACKGROUND**

This agenda item involves a variation request on 580 5<sup>th</sup> Street for the construction of two homes. The owner and proposed developer of property on 5<sup>th</sup> Street is wanting to subdivide his lot into two and is requesting a variation from the UDO to build the two homes on private wells along with other variations on lot size. This same request went through the entitlement process back in 2016 where the motions to approve the variations failed at the Planning & Zoning Commission level. After discussion with the Village Board at a Committee of the Whole in March of 2016, the project was put on hold due several factors.

One of the major factors for the initial request being put on hold has been the status of 5<sup>th</sup> street. Over the years there has been much speculation and debate as to the ability of the developer to subdivide and access his property due to the status of 5<sup>th</sup> Street as a private road. Soon after the request made it through Planning & Zoning and a Committee of the Whole discussion, the Village indicated (via a letter from the Village attorney at the time, which is attached to this memo) that the variations would likely be approved if the issue of the road being public was addressed. The issue of the road has been determined through the court system and now the developer may proceed with the development of his lots, subject to approval of variations, should they be granted. The other major concern through the process from the Village Board, Fire District and others was the absence of water utility lines on 5<sup>th</sup> Street. While the Village has a proposed route for the utilities (attached to this memo), the developer is not in agreement to bring the utilities to the sites. As a result, the concern of not having potable water service to the site still has not been addressed and is subject to one of the variations the developer is seeking.

The developer is looking for direction from the board on whether the indications from the previous Village attorney and Board will be honored to approve the variations and allow him to construct two lots. Regardless of the board's direction, the item may have to go through the process again anyway due to the time lapse of the initial request.

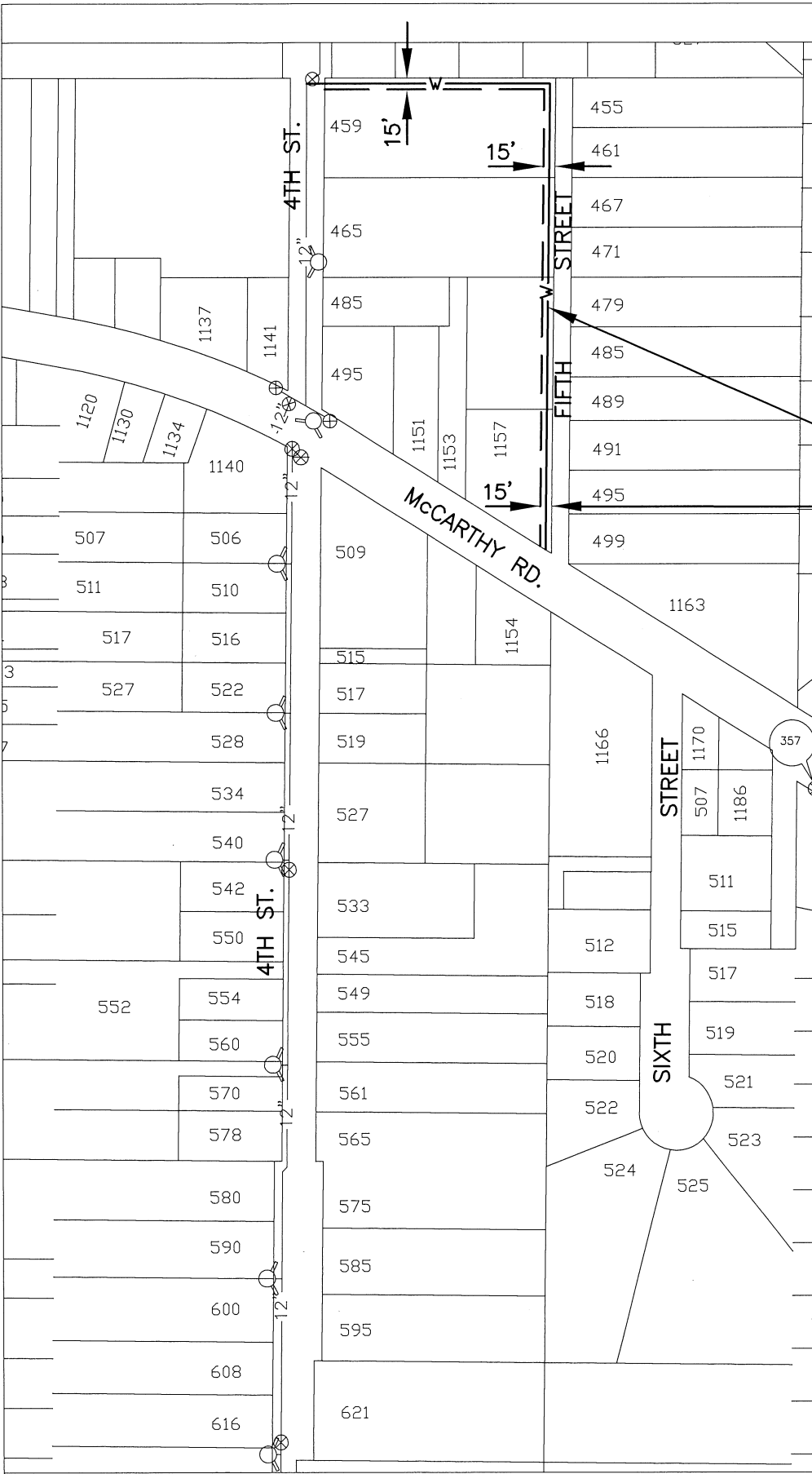
### **ATTACHMENTS**

1. Letter from Village Attorney
2. Aerial Map of Properties
3. Proposed Utility Route Map

### **SPECIFIC VILLAGE BOARD ACTION REQUIRED**

The item is being presented for discussion purposes only.

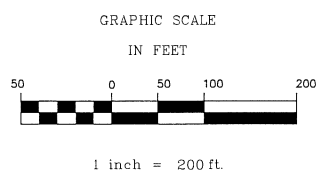




PROPOSED 8" DUCTILE IRON WATER MAIN  
 PROPOSED 15' WIDE DRAINAGE AND UTILITY EASEMENT



VILLAGE OF LEMONT



REVISIONS						
NOL	BY	DATE	DESCRIPTION	NO.	BY	DATE
1	J.C.	12/16/15				
2	J.C.	4/22/16				

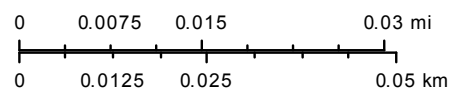
**NOVOTNY ENGINEERING**  
 545 Plainfield Road, Suite A  
 Willowbrook, IL 60527  
 T: (630) 887-8640  
 F: (630) 887-0132  
Illinois Professional Design Firm No. 042-088711

# 480 5th Street



May 11, 2018

1:1,000



Cook County GIS Dept - Imagery from 2016





[www.lemont.il.us](http://www.lemont.il.us)

October 6, 2016

Via Email

Desmond Patrick Curran

Sullivan Hincks & Conway

E-mail: [desmondcurran@shlawfirm.com](mailto:desmondcurran@shlawfirm.com)

Dear Mr. Curran:

As we discussed, I am the Corporation Counsel for the Village of Lemont. Pursuant to our recent conversations, you have requested a letter from the Village indicating the Village's willingness to entertain your client's variation requests. As I am sure you are aware, only the Village Board, through passage of an ordinance, can grant your client the applied for variations. Therefore, while this letter is not binding, it should give you and your client an insight and understanding as to the actions the Village Board will likely take regarding your client's application.

On March, 26, 2016 your client proceeded before the Village's Planning and Zoning Commission ("PZC") upon his application for three variations:

1. Variation for a waiver requiring connection to the Village's water system and thereby allowing the proposed lots to remain on well water.
2. Variation for a reduction lot size and width.
3. Variation for a waiver to construct sidewalks.

As a matter of course and procedure, the Village Board informally discussed this matter at its Committee of the Whole meeting, which was held on April 18, 2016. At that meeting, the Village Board did indicate it would grant these variations with conditions.

The first condition is one of importance and the reasoning for the request of this letter. Your client's property only has access from 5<sup>th</sup> Street, which is (for purposes of this letter) a private non-dedicated road.<sup>1</sup> The owners of the road have expressed concerns and objections to the proposed development. As such the Village Board will not grant the variations until access from 5<sup>th</sup> Street to the subject property is secured by your client from those owners. The Village will accept a court order or agreement (or any other lawful method) as proof of right of access. The Village cannot and will not

<sup>1</sup> At this time, 5<sup>th</sup> Street appears to be a private road, owned by each of the individual lot owners. However, despite ownership, the Village makes no admission regarding the right of anyone, including the Village, to use 5<sup>th</sup> Street.

make any declaration regarding any potential easement by necessity or prescriptive easement, as that is not the Village's role, but rather a court of competent jurisdiction's function.

With that being said, the Village Board is willing to grant the variations with conditions when access to 5<sup>th</sup> Street is lawfully gained. While this letter does not authorize the variation or conditions, it was discussed:

1. That a waiver from connection to the Village's water system will be temporarily granted. Connection will be required upon one of two trigger points, whichever one is first:
  - a. water is constructed and installed down 5<sup>th</sup> street;
  - b. water can be provided, via an easement from the neighboring properties to the west.The Village will still allow the wells to be used for watering lawn and other exterior uses.
2. The variation for lot size and width will be approved as applied for and without condition.
3. The waiver for the installation of a sidewalk will be temporarily granted. Prior to a Temporary Certificate of Occupancy being granted, the installation of a sidewalk must be completed.

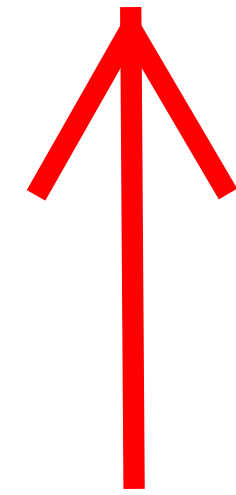
Again, while this letter is not binding, nor is it the official action of the Village Board which may or may not be altered at the time it comes to a vote, we believe that this letter does give you an understanding and some foresight into the Village Board's willingness to grant your client's variation requests.

Should you need anything further from me, please contact me at 630-243-2790 or [jstein@lemont.il.us](mailto:jstein@lemont.il.us).

Sincerely,

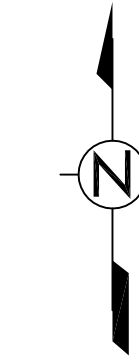
/s/ Jeffrey Stein  
Jeffrey Stein  
Corporation Counsel /  
Deputy Village Administrator

Plan reviewed with 2016 proposal

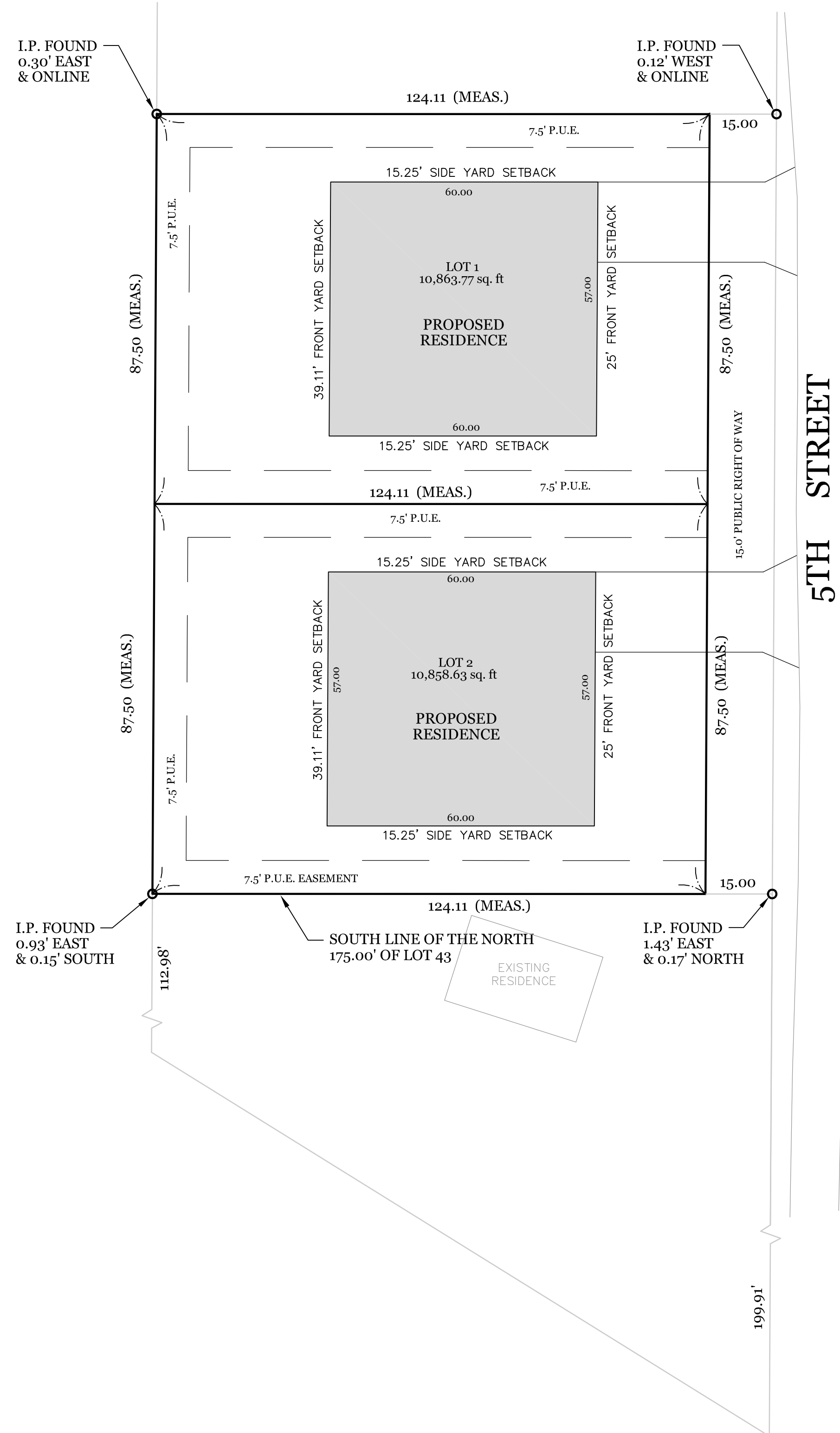
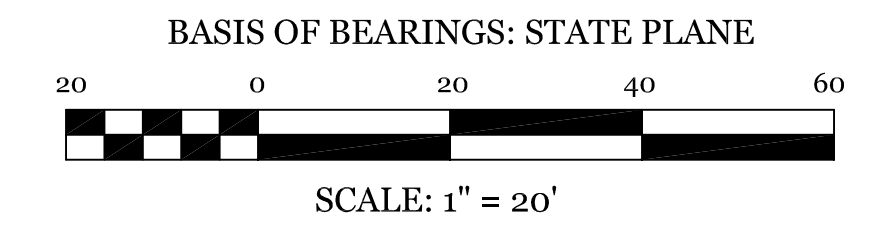


# GEOMETRIC EXHIBIT EIRE'S RESUBDIVISION

OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 37  
NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
LEMONT, ILLINOIS



NORTH



REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
03-24-15	D.J.	PER REVIEW			

DRAWN BY:	DJ	DATE:	03-24-15
CHECKED BY:	WDJ	DATE:	03-24-15
APPROVED BY:	WDJ	DATE:	3-24-15

**DJA** CIVIL ENGINEERS & SURVEYORS  
DAVE JOHNSON and ASSOCIATES, Ltd.  
312 S. Hale Street Wheaton, IL 60187  
ph. 630 752 8600 fax. 630 752 9556  
e-mail: DJA@DJAonline.net

CLIENT: \_\_\_\_\_  
TITLE: \_\_\_\_\_

GEOMETRIC PLAN  
EIRE'S RESUBDIVISION  
5TH STREET  
LEMONT, ILLINOIS

SCALE: 1" = 20'  
DATE: 02-09-16  
JOB NO: 1586  
SHEET 1 OF 1

## **D. 18-07 480 5<sup>TH</sup> STREET VARIATIONS AND SUBDIVISION**

Chairman Spinelli called for a motion to open the public hearing for Case 18-16.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 18-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Jamie Tate, Village Planner, said William Brennan, owner of the subject property is requesting approval of variations from the Lemont UDO for the purpose to allow a subdivision of an existing property into two single-family lots. Staff is recommending approval with conditions.

This property is part of the Becker's subdivision and it is zoned R-4 Single-Family Residential Detached District. There is much history with the property regarding access rights, easements and other miscellaneous discrepancies between Mr. Brennan and the neighbors on 5<sup>th</sup> Street. There have been multiple public hearings and applications to the Village to subdivide this property over the years. In 2003, the applicant applied to develop the lot but was denied by the Village Board, which raised concerns over the proposed size of the lots without a road right-of-way (ROW) dedication to the Village. At that time access concerns were brought up and brought forward.

Mrs. Tate stated in 2016, the applicant applied to subdivide the lot with variations in another similar proposal. At that time, the two-lot subdivision with the requested variation went to TRC, PZC, and COW. There was much discussion regarding access to the lot and if the applicant was able to use 5<sup>th</sup> Street. At this time, it has been determined through the court system that the applicant has access to the subject property through 5<sup>th</sup> Street. The Village has accepted the application to proceed with Mr. Brennan's two-lot subdivision and requested variations.

On May 16, 2018 the TRC did look at this proposal prior to submitting a formal application. The TRC noted potential deviations from the Village standards in the proposed lot sizes, lot width, setbacks, and the use of well water. The proposal has changed in size from a three-lot subdivision down to a two-lot subdivision. The full comments are provided in staff's packet.

Mrs. Tate said the proposed lot does not meet all required lot and dimensional standards. The lot size is smaller than the required 12,500 square feet. This is a 15% variation from the UDO. The applicant is proposing to dedicate 15 feet of the proposed lot to the Village for public right-of-way. Staff finds this acceptable due to



the dedication and constraints of the property. The lot width is proposed at 87.5 feet and 90 is the minimum required width. This is a 3% variation from the UDO and staff finds this deviation acceptable as well. The side yard setbacks are shown as 10 feet instead of the required 15 feet. Staff does not find this acceptable as the lots are able to support 15 feet. The proposal from 2016 shows the setbacks as being met. There is seven feet of rear yard setback that can be used to gain back the square footage lost in the side yard.

Another request is to not construct the sidewalk in the parkway. While the adjacent properties do not have a sidewalk, there is the potential for the lots to the north to develop. Staff is suggesting that the applicant provide escrow for a future sidewalk or to construct the sidewalks. There is a request to not use curb and gutter on the property. None of the adjacent homes utilized curb and gutter so staff finds this deviation acceptable. Last is the request for a well instead of connecting to the Village water system. Staff finds this acceptable with the assurance that the subject property will connect to Village water if and when it was ever adjacent to the lots.

Mrs. Tate said the Comprehensive Plan designates this area as Infill Residential, which does further the goals of the Plan. She then read through the Standards for Variations which the application substantially meets, so staff is recommending approval with the following conditions:

1. The lots should meet the required 15 feet side yard setbacks.
2. Provide an escrow for the public sidewalk in front of both proposed lots.
3. When Village water is adjacent to either lot in the subdivision, the property owner will be required to connect to Village water.

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

Commissioner Cunningham asked if any of the surrounding properties had Village water. He is mostly looking at the property on the north side due to condition number three.

Mr. Herman said the homes on 4<sup>th</sup> Street may have Village water because there was the possibility of taken the water much further north, however it would require substantial easements.

Commissioner Cunningham stated then they will have to reword condition number three because currently it is stating when water is adjacent to either lot and it currently is.

Mr. Herman said the intention was for when it becomes available on 5<sup>th</sup> Street. That condition can be amended.

Commissioner McGleam asked if staff can talk further in regards to the court standing.



Mrs. Tate stated from her understanding there were issues in regards to access because of the way the lot was subdivided. At one point the lot was a flag lot. There was a lawsuit that was brought on with this property and neighboring property and the court decided that there is access on 5<sup>th</sup> Street. There is documentation that has been provided to the Village.

Chairman Spinelli asked if it was determined by the court that the properties to the north of the subject property also had access to 5<sup>th</sup> Street.

Mrs. Tate said she would assume that they would have access, but she has not read the court ruling.

Commissioner McGleam asked what the basis was for the recommendation on meeting the 15 foot side yard setback.

Mrs. Tate stated it was shown before that it could be met so she is not sure why today they could not. It could be one less variance that they have to request for. The applicant can explain as to why they need the decreased setback.

Commissioner McGleam asked if it had anything to do with the massing of the home.

Mrs. Tate said it would shrink the size of the width and look more to scale.

Commissioner McGleam stated they approve variances for 10 foot setbacks a lot. The decreased setback could possible allow for a side load garage.

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

### **Applicant Presentation**

William Brennan, applicant, said staff did a great job covering everything. Fifth Street is now a public street which is owned by the Village of Lemont.

Chairman Spinelli asked if there was an ingress/egress easement across those lots that became a public ROW.

Mr. Brennan stated it is all a public ROW.

Chairman Spinelli asked if the lots north of him also had access to 5<sup>th</sup> Street.

Mr. Brennan said yes they do.

Commissioner McGleam asked if there was a Plat of Dedication.

Mrs. Tate stated there is an attorney representing other property owners on that street and they are working things out.

Chairman Spinelli said there has been recent history of reducing side yard setbacks to 10 feet. A lot of times that happens with narrower lots. He is hesitant to accept the reduction right away only because these are 87.5 feet wide lots. He is concerned about the massing of the house. With the south lot, he would be willing to go to 10 feet on the north side of the lot, but have 20 feet on the south side. This is because of the neighbor to the south has a garage close to the property line.

Mr. Brennan asked if 15 feet would work on that side.

Chairman Spinelli stated he would like to keep it at 30 feet total. Fifteen feet would work, but he would like to do 10 on the north side and 20 on the south side.

Mr. Brennan said that would work.

Chairman Spinelli asked if he would object to a similar shift on the north lot so that would still have 30 foot totals.

Mr. Brennan stated that would be okay.

Chairman Spinelli asked if he had any objections about the escrow for a future sidewalk.

Mr. Brennan said he does not.

Chairman Spinelli stated in regards to the court case, he would be dedicating 15 feet for the ROW. He asked what was the width that the court determined existed.

Mr. Brennan said 20 feet.

Chairman Spinelli asked if there was any discussion about an additional easement for utilities.

Mr. Herman stated he thinks it was the intent with the additional 15 feet ROW. That is where a water main can be installed.

Chairman Spinelli asked where was the public sewer for this area.

Mrs. Tate said it is in the middle of 5<sup>th</sup> Street.

Chairman Spinelli stated if the Village Engineer did not comment on it, then he would request that staff checks to make sure there is enough horizontal separation from the sanitary sewer.

Commissioner McGleam said the Plat of Dedication will show where the sanitary sewer exists.

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

### **Public Comment**

Lori Barnett, 471 5<sup>th</sup> Street, said she was one of the defendants in the court case and the judge did decide the street can be used for public access. However, it did not take away the ownership that they have. She is on the east side of the street and she owns about 3 to 4 feet of the opposite side of the street. Even though Mr. Brennan has a right to use the street, he does not necessarily have the right to go over their property to access his property, nor do the 2 properties north of this property.

Chairman Spinelli stated he has not read the court case, but if the courts have ruled that the road is public access then the Plat of Dedication is going to be the west 20 to 25 feet of all those lots. Even though you are saying that you own grass on the west side of the street, it is all going to be within the Plat of Dedication.

Ms. Barnett asked when is someone going to purchase the property from her so she does not have to pay property taxes on it.

Chairman Spinelli said the only way he is aware of not having to paying property taxes on it, would be to formally dedicate it.

Ms. Barnett stated she is not sure how to do that. The property is hers and the only thing that has changed is that it is a public access road.

Chairman Spinelli said staff has indicated that the Plat of Dedication is still being prepared. If it is, then that square footage of her property will come off of her tax bill.

Ms. Barnett asked if she will be notified of this.

Chairman Spinelli stated she will have to sign off on the Plat of Dedication based on the court order.

Ms. Barnett said it was her understanding that he was supposed to tie into Village water. If he decides that he wants well water then it will take away from the water of the neighboring properties. She already had to drill down in her well once and does not want to have to do that again. She does not want to have to tie into city water.

Chairman Spinelli stated the well permit is under the jurisdiction of Cook County Department of Health. If it is determined by them that it creates a negative impact to

adjacent wells and he can't have wells on his property then he will have to make different provisions.

Ms. Barnett asked if they will make sure that there is enough water in the well before they would allow it.

Chairman Spinelli said until they submit all the information to the Cook County of Public Health he cannot speak on their review process.

Todd Gierman, 1157 McCarthy Street, stated he is adjacent and south of the subject property. He would like the Planning and Zoning Commission to consider the following points regarding the standards of determining whether this variance should or should not be granted to the applicant.

\*Whether granting the variance would be contrary to the public safety, morals, purpose or the intent behind the ordinance.

\*Whether strict adherence to the ordinance would cause an undue hardship or impracticality.

\*Whether strict adherence to the ordinance is impractical and does not outweigh the benefit of allowing the ordinance variation.

\*Whether the variation would be in-line with the overall purpose of the Planning Commission.

It is noted that the applicant is petitioning the Commission to install private wells on the property. He has concerns about how this will impact him as well as Ms. Barnett. His primary concern is the depletion of their water supply. Although, Mr. Brennan's request for variance currently does not have an impact on his property, he is concerned that if the variance should be granted this will lead to future requests made by Mr. Brennan that may have an impact on his property and the fair market value. In closing, he would like to point out that the notice that was sent out to owners within 250 feet of the subject property consisted of two errors. The first was that the meeting was supposed to be held on September 19<sup>th</sup> at 6:30 p.m. The second was that there was an error in the address of Mr. Brennan's own property. There may be residents that don't know that this meeting is taking place tonight that might have wanted to speak in regards to this public hearing. There could also be people that were part of the lawsuit that might have wanted to be here this evening also. He thanked the Commission for their time.

Mr. Herman said after Mr. Brennan provided staff an original copy of the notice, he was the one who identified the errors. Mr. Brennan did send out a revised notice.

Commissioner McGleam asked if it was within the required timeframe.

Mr. Herman stated it was within the required timeframe.

Chairman Spinelli asked if the public notice sign on the property have the correct date.

Mr. Herman said he believes so and he can verify that the public notice in the paper was correct.

Gerald Johnson, 455 5<sup>th</sup> Street, stated as far as the court order there is no dedication but rather just an easement. It does not state how much land but rather that he has right-of-way to the current road. So whatever is paved he has access in and out. If this is approved he would like for Mr. Brennan to provide parking for his workers. He asked when McCarthy Road is redone, is it the Village's responsibility to make sure of proper drainage, especially if the drainage ditch needs to widen or moved. His concern is how this will affect the drainage on 5<sup>th</sup> Street.

Chairman Spinelli said if the drainage is coming to McCarthy Road then the Village will have to accommodate it.

Mr. Johnson stated for their information, the public sewer is east of Mr. Brennan's property line and is currently under the pavement. The Village never received an easement but rather just put it in.

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

Commissioner O'Connor made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 18-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Commissioner Cunningham asked for further clarification on the court order.

Chairman Spinelli said he has not read the court order, but it appears it is more of ingress/egress easement granting access.

Commissioner Cunningham asked if they need to wait to see the Plat of Dedication.

Commissioner McGleam said the court order does not say easement but rather public way.

Chairman Spinelli then read the court order. He stated it does not make reference to the actual pavement.

Commissioner McGleam stated he is not sure how you define this without a Plat of Dedication.



Chairman Spinelli asked if the Village Attorney was involved with this case at all.

Mrs. Tate said the Village Attorney said it was okay to go forward and there was access off of 5<sup>th</sup> Street.

Chairman Spinelli stated the court did not make a determination that there had to be a Plat of Dedication. There needs to be a formal verbal communication from the Village Attorney.

Mr. Herman said staff can follow-up with the Village Attorney who will be at the subsequent Village Board meeting and he can comment at that time.

Mr. Brennan asked if he could make a comment.

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

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to reopen the public hearing for Case 18-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mr. Brennan stated the court order states that it is a public right-of-way. This easement was created in 1890 which dedicated 20 feet for a road which is on public record. So all the court did was state that it is a public road instead of a private road.

Commissioner McGleam asked if his property abuts the 1890 easement.

Mr. Brennan said yes it abuts the easement. The reason why they went to court was to get clarification and the court made it a public street.

Mr. Johnson stated in 1890 there was an easement for the homeowners. It was like a private driveway for the homeowners. The court is now saying it is accessible for his property. The court did not dedicate anything so it is still owned by the residents. The residents and attorneys are still talking about dedicating which will be determined in the future.

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

Commissioner McGleam made a motion, seconded by Commissioner Plahm to close the public hearing for Case 18-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

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

### **Plan Commission Recommendation**

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 18-07 480 5<sup>th</sup> Street Variations and Erie Preliminary Subdivision with the following conditions:

1. Maintain a 30 foot total side yard setbacks by having the interior side yard setbacks to the lots at 10 feet and exterior side yard setbacks to the lots at 20 feet.
2. Provide an escrow for the public sidewalk in front of both proposed lots.
3. When Village water is adjacent to either lot on 5<sup>th</sup> Street within the subdivision, the property owner will be required to connect to Village water.
4. The applicant must provide parking within his lots for workers during construction.

A roll call vote was taken:

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

*Nays: None*

*Motion passed*

### **Findings of Fact**

Commissioner Cunningham made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 18-07 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

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

~~None~~

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

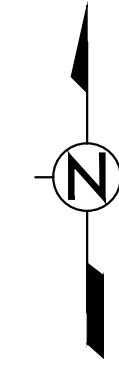
~~Mr. Herman said the 16622 W. 127<sup>TH</sup> Street Rezoning and Preliminary Plat and 508 6<sup>th</sup> Street Variances were received favorably and should be on the agenda for the regular Village Board meeting. Also, the Archer Avenue gas station should be on the agenda as well.~~

~~Chairman Spinelli asked if the boundary agreements with adjacent communities have been recorded.~~

~~Mr. Herman stated he would have to look into that.~~

# GEOMETRIC EXHIBIT EIRE'S RESUBDIVISION

OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 37  
NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
LEMONT, ILLINOIS

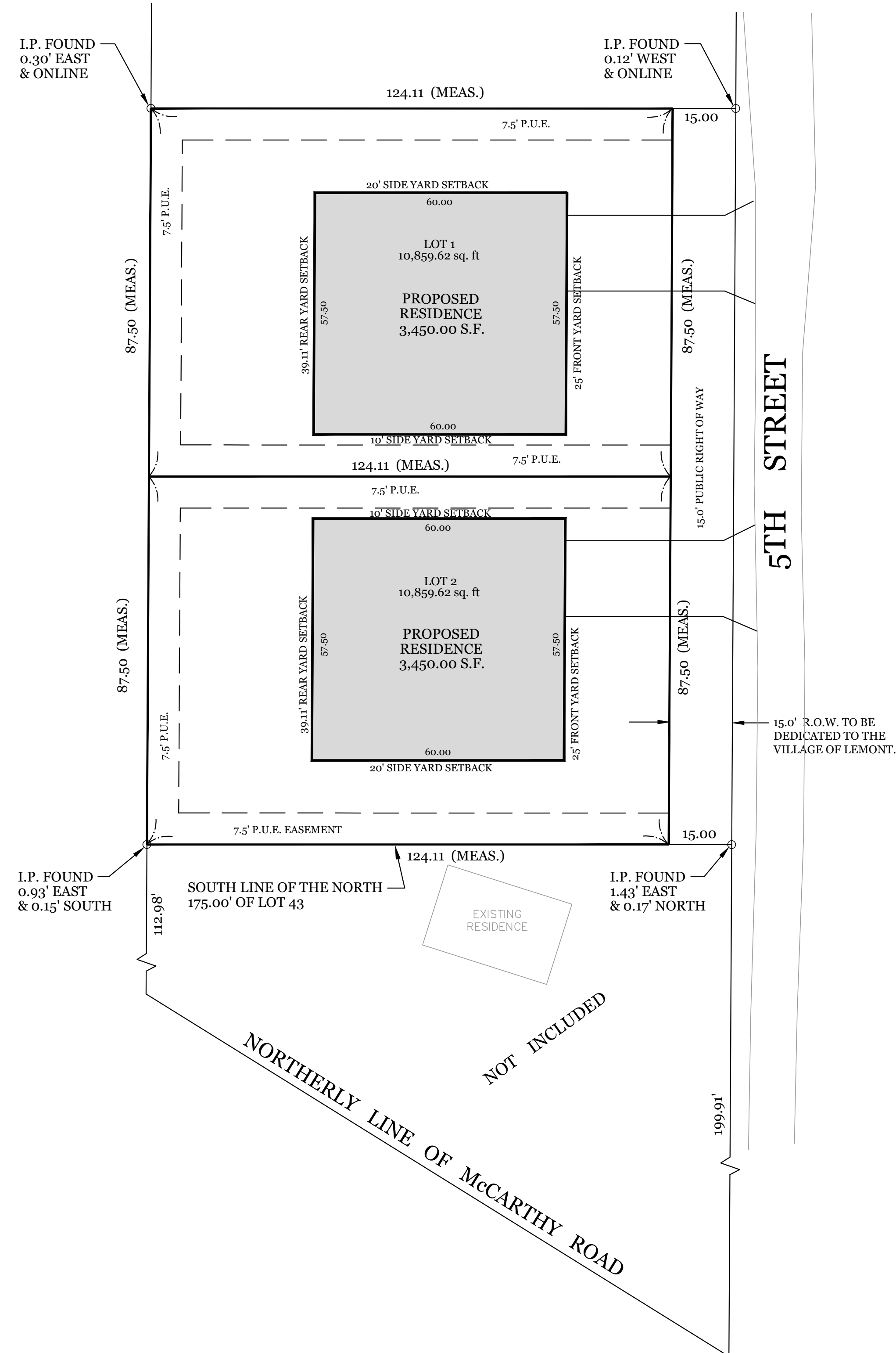


NORTH

BASIS OF BEARINGS: STATE PLANE



SCALE: 1" = 20'



REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
09-28-18	D.J.	PER REVIEW			
11-14-18	D.J.	PER REVIEW			

DRAWN BY:	DJ	DATE:	09-28-18
CHECKED BY:	WDJ	DATE:	09-28-18
APPROVED BY:	WDJ	DATE:	09-28-18

**DJA** CIVIL ENGINEERS & SURVEYORS  
DAVE JOHNSON and ASSOCIATES, Ltd.  
312 S. Hale Street Wheaton, IL 60187  
ph. 630.752.8600 fax. 630.752.9556  
e-mail: DJA@DJAonline.net

CLIENT:	
TITLE:	

GEOMETRIC PLAN  
EIRE'S RESUBDIVISION  
5TH STREET  
LEMONT, ILLINOIS

SCALE:	1" = 20'
DATE:	09-28-18
JOB NO:	1586
SHEET	1 OF 1

TO: Village Board  
FROM: Chris Smith, Finance Director  
THROUGH: George Schafer, Village Administrator  
SUBJECT: State Street Cell Tower

DATE: November 26, 2018

### **SUMMARY/ BACKGROUND**

In August and October 2018 staff discussed with the Village Board cell tower leases. The Board approved two lease extensions on the Houston Water Tower. Additionally, the Board directed staff to seek a cell tower lease for State Street. In October and November staff met with two firms that would assist with marketing the Water Tower with hopes of procuring a lease.

The first firm, Crown Castle, presented their marketing plan and cost sharing agreement. Should we choose them then we would share revenue up to 50% for the life of the contract and could only auction the lease with Crown Castle.

The second firm, Cell at Auction, is a firm that can seek a lease and auction the lease off for a lump sum payment would require a revenue sharing of 100% 6 month lease revenue. The lump sum could result in approximately \$400k. Additionally, Bud Blinick suggested we cell the T-mobile lease. He anticipates approximately \$400k and would seek a 6% buyers premium.

### **STAFF RECOMMENDATION**

The recommendation would be that the Village would enter into a contract with Cell at Auction. Staff believes that Cell at Auction provides the best revenue opportunities and the least cost sharing. The next step would be to enter into an agreement with Cell at Auction. This agreement will be presented to the Board on December 10, 2018.





TO: Village Board  
FROM: Chris Smith, Finance Director  
THROUGH: George Schafer, Village Administrator  
SUBJECT: Clean Up Bonds Project

DATE: November 26, 2018

### **SUMMARY/ BACKGROUND**

Title 15- Buildings and Construction code outlines many aspects of building permit procedures and fees. Under the Additional Requirements section of the code (15.00.070), the Village collects a clean up bond, or escrow, of \$1,000 or \$500 (prior to 1997). The clean up bond is only returned to the payee at time of final occupancy.

#### **15.00.070. - Additional requirements**

*Cleanup bond.* Prior to the issuance of a building permit for a new structure (other than a fence, deck, porch, aboveground swimming pool, or the reshingling of a roof), the remodeling of an existing structure, or where any excavation or dirt removal will be conducted in excess of \$25,000.00 in construction value, a cash deposit in the amount established in the annual fee ordinance shall be deposited with the village treasurer for the following purposes:

- (1) To ensure the prompt removal of any dirt, mud, stone or debris deposited on any street, sidewalk or alley within the village by a general contractor or any of his subcontractors;
- (2) To ensure the completion of all final exterior items including, but not limited to, air conditioner foundation, downspouts effectively discharged, public sidewalks and driveway approaches are free of cracks, and any other items to comply with this Code.
  - a. It shall be the obligation of the general contractor and owner to remove any dirt, mud, stone or debris that the general or subcontractor may have deposited upon a roadway, sidewalk or alley and the removal shall be completed as quickly as it is deposited, but not later than 4:00 p.m. at the end of each day. In the event of a violation of any of the terms of this section, the village building inspector shall have the right to revoke the building permit, issue a stop work order and levy a fine in the amount established in the annual fee ordinance. Each day of violation shall constitute a separate offense.
  - b. The completion and cleanup bond shall be released upon the issuance of a final occupancy permit.

During an internal review of the Village's bond / escrow account it was brought to my attention that we have many clean up bonds that are over 20 years old. The bonds are from a previous system. A

dollar amount of the account was brought forward into the new system; however, specific information was not. Staff has spent the last year reviewing old permits to determine the amount of the bond, the contractor, permit, and person paying the deposit. Additionally, we have requested opinions on the financial liability from three attorneys. All attorneys agree that the funds should be returned to the payee; however, the permit will not be closed since they did not seek final occupancy. Please note that the township assessor receives information regarding the permit three times during the process: 1) initial permit 2) temporary occupancy and 3) final occupancy, therefore, the homeowner has been assessed accordingly.

### **STAFF RECOMMENDATION**

Staff's recommendation is to send letters to all payees, which could be the contractor or homeowner, indicating that the Village has these funds earmarked. The Village is requesting a response and at that time a refund check will be cut. If the Village does not receive a response the funds will be reverted to the state as unclaimed property. There are 180 bonds from 1996-2013 totaling \$172,000. Please note this is a liability on the Village's books, thus it will not affect our fund balance.





TO: Mayor and Village Board  
FROM: George J. Schafer, Village Administrator

SUBJECT: Discussion of Quarryman Challenge IGA with Lemont Park District

DATE: November 19, 2018

### **SUMMARY/BACKGROUND**

The Quarryman Challenge, a 10 mile and 5k race in/near downtown Lemont, has been an important event to the Village's economic development efforts for nearly a decade. The race has been very successful bringing thousands of visitors to the community annually and has created a nominal surplus to further invest in recreation for the community. For the 2018 event the race had its greatest registration totals ever and after paying costs, the 2018 race has produced a true profit of over \$3,000 which will be utilized to further recreation initiatives in the Heritage Quarry Recreation Area.

Over the life of the event the Village has primarily owned and administered the race with the utilization of community volunteers and/or paid race directors. It has been recognized that the Village has limited resources to continue to administer this event and that a longer-term solution should be evaluated to ensure the event sustains itself. As a result, the Village has partnered with the Lemont Park District over the last two years where the LPD has overseen many of the administrative duties for the race. During the two-year period, the race has been jointly administered by the Village and Lemont Park District with the assistance of paid race directors for the course management, operations, and marketing of the event.

For the 2019 race and going forward, the Lemont Park District is confident it can absorb the administrative tasks along with the course management, operations and marketing of the event. The Lemont Park District would continue to rely on the Village's public safety and public works personnel as in year's past, with the race proceeds going to compensate the Village for its services. Absorbing all the administrative, marketing, course management tasks within the existing Park District structure should produce a greater profit to invest in the quarry area and related initiatives. The Lemont Park District has been in touch with the race directors from years past and are confident that the transition will run smoothly for the running of the 2019 Quarryman Challenge and beyond. Attached to this memo is the Park District's memo along with a rough draft IGA between the parties, with insurance and other provisions still to be worked out between the parties.

### **ATTACHMENTS**

1. Lemont Park District Memo on operation of the 2019 Quarryman Challenge
2. Draft Intergovernmental Agreement between Village and Lemont Park District

### **SPECIFIC VILLAGE BOARD ACTION REQUIRED**

The item is being presented for discussion purposes only. If acceptable, the item will be presented for formal approval at a future Board meeting.

# Memo

**To:** George Schafer, Village of Lemont Village Administrator

**CC:** Lemont Park District Board of Commissioners;  
Louise Egofske, Executive Director, Lemont Park District

**From:** Carrie Dellamano, Director of Recreation and Communications, Lemont Park District

**Date:** 11/14/2018

**Re:** 2019 Quarryman Challenge 5K and 10-Mile Race

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## Summary

Over the last two years, the Lemont Park District has been assisting with the implementation of the Lemont Quarryman Challenge 5k and 10-mile Race. In working with the founding race committee, the District has been trained in all the various event areas. Additionally, the Lemont Park District has a positive track record in executing large-scale, premium community events such as the Independence Day Extravaganza and Sunset Soiree Summer Concert Series. With that said, District staff is pleased to step up to the “challenge” and fully take over the operational coordination of this premiere event. The Lemont Park District is requesting the assistance of Lemont Public Works, Lemont Police and LEMA to coordinate “day-of” implementation of this race as they have in years past. Below you will find a new proposed event mission; new key elements of the event; a brief description of the Lemont Park District race committee highlighting each area of responsibility; and a detailed draft timeline.

## Quarryman Challenge Race Mission Proposed Update

It is suggested that the current event mission be slightly adjusted to communicate where the proceeds of the race will designated. Please see below for a modified race mission:

### **Current Mission –**

*The mission of the Quarryman is to offer a safe, fun, unique and challenging event for runners in the Chicago area. Our goal is to: promote the Village of Lemont and the businesses in the community and to create greater awareness of the many outdoor activities available in Lemont such as running, cycling and paddling and to improve the quality of the outdoor recreation areas.*

### **Proposed Updated Mission –**

*The mission of Lemont's Quarryman Challenge Race is to offer a safe, fun, challenging and premium race event in the Chicago area with a goal of creating greater awareness of Lemont as well as raising funds dedicated to benefitting recreational opportunities in downtown Lemont.*

## **NEW Race Elements**

The 2019 Quarryman Challenge Race will primarily be executed in the same format as years past. The course; race start/finish; food, pre- and post-event activities; and the overall organization implementation will be the same as last year. A few elements that will be enhanced are as follows:

- Race Headquarters Tent – The District is researching the possibility in adding a large tent with walls that will be placed in the Village Hall Parking lot to accommodate Race Registration, Gear Check-in and other appropriate Race Day activities. Freemont Street, located to the west of Village Hall, between Main Street and Illinois Street will accommodate vendors and sponsor booths. Registration will no longer take place inside Village Hall and will take place at the designated Race Headquarters.
- January 1<sup>st</sup> Registration Launch – In years past Race Registration has taken place sometime in December. The new marketing strategy will include a January 1<sup>st</sup> registration launch coinciding with New Year's resolution, various fitness promotions in the industry, etc.

## **Lemont Park District Race Committee**

### **Administrative Lead** *(Overall Race Logistics)*

Carrie Dellamano, [cdellamano@lemontparks.org](mailto:cdellamano@lemontparks.org), 630-327-2496

### **Event Director and Sponsorships** *(Event Logistics, Sponsorships, Social Media)*

Lauren Hanson, [lhanson@lemontparks.org](mailto:lhanson@lemontparks.org), 630-327-8393

### **Assistant Event Director** *(Assist Administrative Lead and Event Director)*

Zach Price, [zprice@lemontparks.org](mailto:zprice@lemontparks.org), 630-328-6018

### **Safety/Risk Management** *(Develop Safety Procedures and Protocol)*

Christine Aguirre, [caguirre@lemontparks.org](mailto:caguirre@lemontparks.org), 630-327-8301

### **Course Director** *(Course Set-Up and Race Start)*

Jason Khuen, [jkhuen@lemontparks.org](mailto:jkhuen@lemontparks.org), 630-669-2719

### **Course/Race Logistics** *(Pre/Post-Race Activities Set-up and Course Supplies – water/cups)*

Anthony Morelli, [amorelli@lemontparks.org](mailto:amorelli@lemontparks.org), 630-392-1100

Del Halter, [dhalter@lemontparks.org](mailto:dhalter@lemontparks.org), 630-201-1765

### **Volunteers & Foundation** *(Recruitment and Coordination of Volunteers/Park Foundation Liaison)*

Pam Carter, [pcarter@lemontparks.org](mailto:pcarter@lemontparks.org), 630-330-0725

### **Marketing** *(Website Updates, Marketing Materials)*

Carlene Dickman, [cdickman@lemontparks.org](mailto:cdickman@lemontparks.org), 630-292-2558

### **Registration**

Marybeth Nunzio, [mnunzio@lemontparks.org](mailto:mnunzio@lemontparks.org), 630-201-2158

Karen Perkey, [kperkey@lemontparks.org](mailto:kperkey@lemontparks.org), 630-917-0790

Liz Pacyga, [lpacyga@lemontparks.org](mailto:lpacyga@lemontparks.org), 630-415-9038

### **Gear Check, Food and Post-Race Party Activities** *(Refreshments, pizza, etc.)*

Toni Paolini, [tpaolini@lemontparks.org](mailto:tpaolini@lemontparks.org), 630-630-669-2435

Colleen Ganzer, [cganzer@lemontparks.org](mailto:cganzer@lemontparks.org), 630-564-8563

### **Part-time Race Support**

TBD

**Additional Race Support** – Village of Lemont (Public Works, LEMA, Police)



## **2019 Quarryman Timeline**

### **2018**

- 11/16 Preliminary Quarryman Logistical Updates – Transfer of responsibilities to the Park District. Update all contacts. Sponsorship Materials updated.
- 11/27 Marketing Strategy Created  
Send Sponsorship Packets  
Update Website/Facebook Page  
“Get Me Registered” and CARA Certification processed
- 12/3 Update Marketing Materials and Secure Sponsorships
- 12/10 Finalizes Sponsorships  
All Marketing Materials Updated to include Sponsors
- 12/11 Initial Email Blast Recruiting Runners and Volunteers
- 12/14 Quarryman Committee Meeting – Internal Only
- 12/18 Email Blast Recruiting Runners and Volunteers – two weeks to registration!

### **2019**

- 1/1 Race Registration Opens and Email Blast!
- 1/11 Quarryman Committee Meeting – Internal Only
- 2/1 Quarryman Meeting with Village of Lemont Support Team
- 2/8 Quarryman Committee Meeting – Internal Only
- 2/28 Early Bird Registration Pricing Ends
- 3/1 Regular Registration Pricing Begins
- 3/8 Quarryman Committee Meeting – Internal Only
- 4/12 Quarryman Committee Meeting – Internal Only
- 5/11 RACE DAY!

### **MEETINGS TBD**

- **ONGOING – Please note various Marketing, Recruitment, Sponsorship and planning Activities will be ongoing through 2019.**
- **Village of Lemont – LEMA, Fire and police coordination**
- **Pre-Race Training Run Activities and other recruitment activities.**

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN LEMONT PARK DISTRICT AND THE VILLAGE OF LEMONT**

This Intergovernmental Agreement made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the **LEMONT PARK DISTRICT** and the **VILLAGE OF LEMONT**.

**WHEREAS**, the Village of Lemont (the “Village”) and the Lemont Park District (the “Park District”) are units of local government within the meaning of Article VII, Section 1, of the Constitution of the State of Illinois of 1970 and public agencies as that term is used in Section 2 of the Intergovernmental Cooperation Act, 5 ILCS 220/2; and

**WHEREAS**, the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., provides that any power or powers, privileges, or authority exercised or which may be exercised by a public agency of this State may be exercised and enjoyed jointly with any other public agency of this State; and

**WHEREAS**, for many years, whenever necessary and possible, the Park District and the Village have committed themselves to work cooperatively for the benefit of the taxpayers; and

**WHEREAS**, the Village and the Park District (collectively the “Parties”) have had a long history of cooperation and believe that further cooperation will result in financial economies and enhanced benefits to their respective constituents; and

**WHEREAS**, the Parties are interested in providing assistance to the Quarryman Race for the purpose of benefiting Lemont quarries; and

**WHEREAS**, the Park District will conduct all administration and marketing of the race as well as day of race operations; and

**WHEREAS**, the Village will provide volunteers, public works, police, and emergency personnel on the day of the race; and

**WHEREAS**, the Parties believe that it is in their best interests and in the best interests of their constituents to enter into this Intergovernmental Agreement (“Agreement”); and

**WHEREAS**, the Park District shall not be responsible for any costs for the Quarryman Race, as well as for any costs that exceed the revenues of the Quarryman Race; and

**WHEREAS**, it is in the best interests of the residents, the Village and the Park District will be enhanced by entering into this Intergovernmental Agreement.

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, and undertakings each has made herein, the Parties hereby agree as follows:

**Section One:** The above recitals are hereby incorporated by reference as if set forth

verbatim herein into this Agreement.

**Section Two:** This Agreement shall become effective on the date it is last executed by one of the Parties, each of which is to obtain proper authority from their respective authorizing bodies to enter into this Agreement. This Agreement shall be evaluated on an annual basis by both parties.

**Section Three:** The Park District shall conduct all race day operations of the Quarryman Race, as well as all administration and marketing of the race including handling revenue, receipts, and payments, marketing and sponsorships, packet pick-up, oversight, registrations, first aid, water/aid stations, volunteer organization, course layout, and handling all vendors.

**Section Four:** The Village shall be responsible for all costs and expenses of the Quarryman Race and shall provide all necessary public works, police, volunteers, and emergency personnel on the day of the race.

**Section Five.** The Village shall be responsible for all proceeds which shall be used for the benefit of the Lemont quarry area for recreational improvements, with the consent of the Village and the Park District.

**Section Six:** The Village shall defend, indemnify and hold harmless the Park District, its officials, agents and employees against all injuries, deaths, loss, damages, claims, suits, liabilities, judgments, costs and expenses, including reasonable attorneys' fees, which may in anywise accrue against the Park District, its officials, agents, and employees, arising in whole or in part in consequence of this Agreement, the Park District's role in the Quarryman Race. In the event of litigation, the Park District shall tender the defense to the Village, and the Village shall, at its own expense, appear, defend, and pay all charges of attorneys and all costs and other expenses arising therefore or incurred in connection therewith, and, if any judgment shall be rendered against the Park District, its officials, agents or employees in any such action, the Village shall, at its own expense, satisfy and discharge the same.

**Section Seven:** The Village shall carry public liability insurance, insurance specific to the Quarryman Race, or general comprehensive liability insurance and to name the Park District, its board members, agents and employees, as additional insureds in relation to the Quarryman Race for injury or death to any person or persons in the amount of \$1,000,000.00 for each occurrence, \$1,000,000.00 in the aggregate. Further, the Village shall include language in its project contracts used for the Quarryman Race that requires those entities to name the Park District, its board members, agents and employees, as additional insureds in relation to the Quarryman Race for injury or death to any person or persons in the amount of \$1,000,000.00 for each occurrence, \$1,000,000.00 in the aggregate.

**Section Eight:** The various rights and remedies herein granted to the Park District and the Village shall be cumulative and in addition to any other remedies the Park District and the Village may be entitled to by law, and the exercise of one or more rights or remedies shall not impair the Park District's or the Village's right to exercise any other right or remedy.

**Section Nine:** If any part of this Agreement is found by any court of competent jurisdiction to be unlawful, unconstitutional or ultra vires, all other parts of the Intergovernmental Agreement shall remain in force.

**Section Ten:** All notices, demands, or writings in this Intergovernmental Agreement provided to be given, made, or sent by either party hereto to the other shall be in writing and shall be deemed to have been fully given by either: (i) facsimile transmission or via electronic email; (ii) delivering or causing to be hand-delivered a written copy thereof; or (iii) by sending a written copy thereof by depositing the same in the United States mail, certified or registered mail, postage prepaid, return requested, and addressed to the Park District or the Village as follows:

If to Lemont Park District:  
Executive Director  
Lemont Park District  
16028 127<sup>th</sup> Street  
Lemont, Illinois 60439

With a copy to:  
Carl R. Buck  
Rathbun, Cservenyak & Kozol, LLC  
3260 Executive Drive  
Joliet, IL 60431

If to the Village of Lemont:

With a copy to:

**Section Eleven:** This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and no prior agreement or understanding with regard to any such matter shall be effective for any purpose. No provision of this Intergovernmental Agreement may be amended or added to except by an agreement in writing signed by the parties hereto.

LEMONT PARK DISTRICT

By: \_\_\_\_\_  
President

Attest:  
\_\_\_\_\_  
Secretary

VILLAGE OF LEMONT

By: \_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
Village Clerk

Signed copies are to be given to each party and filed with each party's legal counsel.

TO: Mayor John Egofske  
Village Board of Trustees

FROM: Linda Molitor, Executive Assistant / CRM

SUBJECT: Farmers Market Survey

DATE: November 26, 2018

#### SUMMARY/ BACKGROUND

In an effort to alleviate some of the events from the Village due to time restraints, in 2016 the Lemont Chamber of Commerce agreed to take over the Farmers Market. The Chamber discussed a different location for the market and created an Artisan Market at the Township Community Center on Alba Street; partly to draw attention to the location, and it allowed ample parking and vending space.

The Artisan Market at the Township Community Center ran from June 6 – September 26, 2017. It consisted of farmers, consumables, and crafted items, personal gifts and wellness booths. The time was changed to 4-7 p.m., to accommodate residents wishing to attend the market after work hours. Attendance at the market started out satisfactory and slowed during the month of July and September. Although vendors turnout was well received, they desired more foot traffic.

For the 2018 market, after much consideration on a different location, and feedback from the Village Board, it was decided to relocate the farmers market on the same day as the car show. The first day of the Artisan Market was on June 13, from 4-7 p.m., and consisted of a farmer and a few vendors at Legion Park. The farmer backed out of the market after that first night, and the decision was then made to cancel the market for 2018.

Through Polco, a Farmers Market survey was published, and the results will be presented at the November 26 COW Meeting to discuss the market for 2019.

#### BOARD ACTION REQUESTED

Discussion only for the 2019 Farmers Market.

#### ATTACHMENTS

None.



TO: Village Board  
FROM: George J. Schafer, Village Administrator  
SUBJECT: Discussion on Potential New Revenues  
DATE: November 19, 2019

### **SUMMARY/ BACKGROUND**

With the utilization of home rule authority no longer an option, the Village will once again be challenged to raise revenues needed to fund the capital and operating budget. During the budget cycle that is set to begin in December, staff will be able to provide more detail on the amount of revenue needed for operations and capital improvement and also discuss changes in the existing fee structure. In reviewing the current trends now, it is safe to say that the Village will be once again short and thus capital improvement will be limited. As a result, post referendum discussions on raising revenue utilizing non-home rule authority should be discussed.

For today's discussion staff is focusing on larger scale revenue streams to discuss with the board and receive further direction. Staff has focused on revenue streams that rely more so on non-residents to support. One of the ways to raise revenue to capture from non-residents is by raising the Village's portion of the sales tax. Lemont's combined Sales Tax Rate is 9%. The breakdown by jurisdiction includes the following: State of Illinois (6.25%); Cook County (1.75%); RTA (1%); Lemont (0%). The Village Lemont receives 1% out of the State of Illinois's allocation but does not have a local sales tax.

**Business Development District Tax** – A business development district tax is one in which is imposed locally and collected by the state for purposes of financing improvements to blighted business districts. The Village can impose up to 1% in sales tax for this purpose. This option acts like a TIF District but captures sales tax instead of property tax for the district. The districts must be designated as blighted and a full study needs to be conducted to prove blight. The funds from the tax can only be utilized in the district for approved purposes. This option can be imposed locally by a non-home rule community and would include most of goods sold in town other than groceries and medical. Estimates of funds varies by district chosen for the tax.

**Non-Home Rule Places to Eat Tax** – A tax of 1% can be imposed on food and beverages sold at restaurants and may be imposed by a non-home rule entity. The tax is imposed and collected locally. Estimated revenue Village wide would be approximately \$200k per year.

**Non-Home Rule Sales Tax Increase** – An across of up to 1% sales can be placed on the Village's portion of the sales tax imposed on most goods sold within the Village except for groceries and medical. This tax can be imposed over the entire town and requires a referendum passage by most residents of the Village. Estimated revenue from the full 1% option are \$1.3 million. The Village may present the question in quarter increments up 1%.

**Vehicle Stickers**- The Village requires a biannual vehicle sticker that is due for purchase this summer. The Village has the option to move to an annual sticker program or adjust the required fee to realize additional revenues. The vehicle sticker rate for seniors is \$32 and non-senior is \$96, thus a 66% reduction for seniors. Currently, the rule of thumb for other senior discounts is 50% off. If we were to increase the vehicle sticker for seniors to \$48, half of non-senior rate we would gain an additional revenue of \$48k.

**Water/Wastewater Fund**- A Capital Improvement charge of \$5 could be imposed on water bills. Estimate revenue would be \$180,000 that can be devoted to water and sewer infrastructure. Additionally, we have had proposals to sell the water tower T-Mobile revenue for around \$400K. This is a one-time revenue and would give up the \$30K for 20 years.

The only revenue noted above that needs a referendum and the largest revenue source is the Non-Home Rule Sales Tax. Each quarter percent will result in an estimated \$325K of sales tax revenue. The Board should begin discussing this revenue source as a resolution certifying question needs to be approved by January 14, 2019 for the April Election. If the non-home rule sales tax were approved, the revenue would begin in July 2019.

### **BOARD ACTION REQUESTED**

The item is up for discussion purposes only. Further discussion on the topic can take place at the December Committee of the Whole.

### **ATTACHMENTS**

None.

