

VILLAGE BOARD
Committee of the Whole Meeting

November 21, 2016 – 6:30 PM
Lemont Village Hall – Village Board Room
418 Main St., Lemont, IL 60439

AGENDA

- I. Call to Order
- II. Roll Call
- III. Discussion Items
 - A. Rolling Meadows Berm Concept Plan Discussion
(Planning &ED)(Stapleton)(Stein/Valone)
 - B. Money Manager RFP Discussion
(Admin/Finance)(Reaves/Sniegowski)(Schafer/Smith)
 - C. 645 4th St. Variations and Resubdivision Division
(Planning &ED)(Stapleton)(Stein/Valone)
 - D. Heritage Fest and Other Village Special Events Discussion
(Admin.)(Virgilio)(Schafer)
 - E. MWRDGC Infiltration / Inflow Control Program Discussion
(Admin./Public Works)(Reaves/Blatzer)(Schafer/Pukula)
 - F. Local Government Travel Expense Control Act
(Admin.)(Reaves)(Schafer/Stein)
- IV. Unfinished Business
- V. New Business
- VI. Audience Participation
- VIII. Adjourn



TO: Committee of the Whole
FROM: Heather Valone, Village Planner
THRU: Jeffrey Stein, Deputy Village Administrator
SUBJECT: Rolling Meadows Berm Concept Plan
DATE: November 15, 2016

SUMMARY

Pat and John Jurinek – the developers of the Rolling Meadows Subdivision desire to discuss a possible alteration to the Annexation Agreement that controls a portion of the Subdivision, specially a change to a berm that is located in the rear yards of the single family homes on lots 29-38. Currently the Annexation Agreement for the subject property requires a berm along the rear of these lots which are directly connected to the commercial property north of these lots. The Annexation Agreement requires the berm to be six (6) feet at the highest point and located on half on the single-family lots and half on the commercial site.

Rolling Meadows was annexed to the Village and rezoned in 1996. In 2002 the Jurineks were granted an amendment to rezone 18 acres of a portion of commercially zoned property to single-family zoning allowing for an increase to the number of residential lots for the entire subdivision. A condition imposed in the 2002 amendment was a six foot berm with evergreens planted every 20 feet was to be located as a separation between the current eight and a half acre commercially zoned property along 127th St. and the rear of the single family lots 29-36 (shown in Attachment 2).

The developers are proposing that the requirements of the berm along the rear lots be removed from the Annexation Agreement and the transition yard requirements, per the UDO, be placed solely on the commercially zoned property to be constructed at the time the commercial property develops. The UDO section on Transition Yards 17.20.060.B would require the commercial property to provide one of the following along the boundary line of the single-family zoned lots at the time of development:

1. A wood fence with a minimum of 95% opacity and with a minimum height of five feet plus at least two plant units per 100 linear feet; or

2. An earthen berm at least three feet in height plus at least one plant unit per 100 linear feet along the rear lot line and side lot lines; or
3. Four plant units per 100 linear feet plus an additional two evergreen trees per 100 linear feet along the rear lot line and side lot lines.

The Jurineks are seeking preliminary feedback from the Committee of the Whole prior to a submission of their formal application. The main issues presented by the developers at this time are:

1. Whether the proposed six foot berm being eliminated is acceptable.
2. Whether the UDO required transition yard requirements will be enough to screen the future commercial use from the single-family lots when the commercially zoned property is developed.
3. Whether the six foot berm should not be eliminated, but instead shifted in its entirety to the commercially zoned property and be constructed at the time of development.

ATTACHMENTS

1. O-31-2002 “An Ordinance Amending the Rolling Meadows annexation Agreement...”
2. Concept plan.

Attachment 1

0021026824

2002-09-19 11:35:41
Unit: Cook County

VILLAGE OF LEMONT

ORDINANCE NO. 0-31-02

**AN ORDINANCE AMENDING THE ROLLING MEADOWS ANNEXATION
AGREEMENT (ORD. 988), TO REZONE 18.09 ACRES TO R-4
SINGLE-FAMILY DETACHED RESIDENCE DISTRICT FROM B-3
ARTERIAL COMMERCIAL DISTRICT**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT**

This 10th day of June, 2002

Published in pamphlet form by
authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will, and
DuPage, Illinois this 10th day
of June, 2002.

ORDINANCE NO. 0-31-02

AN ORDINANCE AMENDING THE ROLLING MEADOWS ANNEXATION AGREEMENT (ORD# 988), APPROVED THE 10TH DAY OF JUNE, 1996, TO REZONE 18.09 ACRES TO R-4 (SINGLE FAMILY DETACHED RESIDENCE DISTRICT) FROM B-3 (ARTERIAL COMMERCIAL DISTRICT)

WHEREAS, John and Pat Jurinek, of New Horizon Homes, Inc. are the contract owners of the territory which is the subject of the Amendment to the Rolling Meadows Annexation Agreement, are ready, willing, and able to enter into said Agreement and perform the obligations as required therein, and:

WHEREAS, Ordinance #988, an ordinance authorizing the annexation of territory known today as Rolling Meadows Subdivision, was approved by the Lemont Village Board on the 10th day of June, 1996; and

WHEREAS, said Agreement approved the development of a residential subdivision with 114 single family lots; and

WHEREAS, owner desires to rezone 18.09 acres, legally described in attached Exhibit A, to R-4 zoning (Single -Family Detached Residence District) from the B-3 zoning (Arterial Commercial Zoning) designated by said Annexation Agreement for the purpose of developing a single-family residential development to be known as Rolling Meadows.

WHEREAS, the statutory procedures provided for in the Illinois Municipal Code for the execution of said agreement have been fully complied with.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Lemont, Counties of Cook, DuPage, and Will, State of Illinois, as follows:

Section 1: All terms and conditions of said Annexation Agreement, approved by the Lemont Village Board on the 10th day of June, 1996 as Ordinance #988 are applicable to the rezoned 18.09-acre territory except the following:

- A. Article 3.A - "Zoning and Land Use Regulations". Total acreage listed as residential shall increase to approximately 60.09 acres and the total acreage listed as commercial shall decrease to approximately 8.5 acres.
- B. Article 3.C - "Zoning and Land Use Regulations". The remaining acreage zoned B-3 is subject to all requirements and restrictions as specified by Village ordinances at the time of its development.
- C. Article 4.B - "On-Site Improvements" and Article 6.A-D "Bonds and Execution" . Amount and reduction of the Letter of Credit shall follow the Standard Specifications for the Design and Construction of Public Improvements and Private Site Improvements (January 2002).

D. Article 7.A-E - "Fees and Contributions". Land Cash Donations for the territory are as follows:

a. Library	0.27 acre	\$ 27,049.40
b. Park District	(1.35 acres)	(\$135,247.00)
	1.15 acres	\$ 20,000.00
c. Elementary School	0.34 acre	\$ 34,266.83
d. Junior High School	0.22 acre	\$ 21,531.22
e. High School	0.25 acre	\$ 25,243.83
TOTAL	2.23 acres	\$128,091.28

The donation to the Lemont Park District shall be made in both land and cash, in the amounts specified above. The 1.03 acre park shall be conveyed to the Lemont Park District upon completion, which includes grading to Park District specification, seeding, sidewalk installation, and parkway trees per the Village requirements. The developers acknowledge that the park site is part of a larger park, of which the owner of the adjacent property shall dedicate approximately 1.3 acres. The developer shall be responsible for a pro-rata share of the costs to design, grade and seed the park. The developers shall also provide Title Insurance in the amount of the current market value, pay all real estate taxes, and provide escrow sufficient to pay the taxes on the open space areas until a government exemption has been granted to the Park District.

- E. Article 8.H - "Building Ordinances, Permits and General Matters". Developer may locate one temporary sales trailer and construction trailer on the territory following review by the Village staff of the location, landscaping, lighting and improvement of a parking area. The trailer shall be removed not later than the completion of construction of the development.
- F. All development fees, including but not limited to service tap-on, Village review, and building permit fees, shall be charged at the rate specified in current Village ordinances.

Section 2. The attached plans shall be considered additional attachments to said agreement and should be labeled as follows:

- A. Exhibit H - Preliminary Plat
- B. Exhibit I - Preliminary Engineering Plan
- C. Exhibit J - Preliminary Landscape Plan Detail

Section 3. The owner shall construct a landscaped berm on the rear of lots 29-38 along then northern property line prior to the issuance of the first occupancy permit among these lots. Said berm shall be a minimum of six feet in height and shall be planted with evergreen trees six feet in height and located at an average spacing of one tree each twenty (20) feet, or an equivalent density of plant material, as approved by the Community Development Director. Owner shall provide documentation of permission to build the berm on the adjacent parcel (zoned B-3) prior to final plat approval.

Section 4. The zoning classifications of the 18.09 acres legally described on the attached Exhibit A is hereby amended to R-4 Single Family Residence District from B-3 Arterial Commercial.

Section 5. That this ordinance shall be in force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DU PAGE, ILLINOIS, on this 10th day of June, 2002.

	<u>AYES</u>	<u>NAYS</u>	<u>PASSED</u>	<u>ABSENT</u>
John Benik	✓			
Debby Blatzer	✓			
Peter Coules	✓			
Connie Markiewicz	✓			
Steven Rosendahl	✓			
Jeanette Virgilio	✓			

APPROVED by me this 10th day of June, 2002.



JOHN F. PIAZZA, Village President

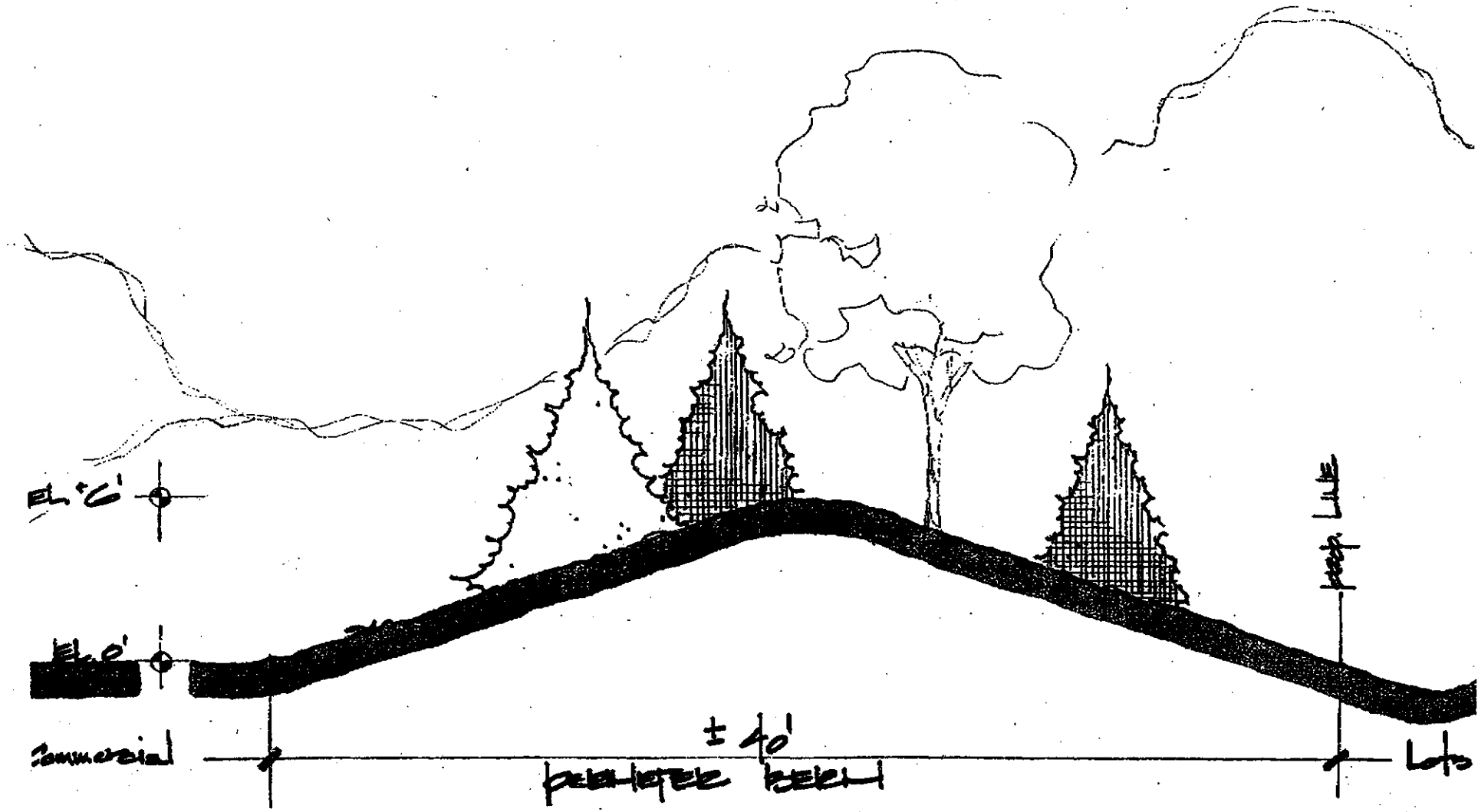
ATTEST:



CHARLENE M. SMOLLEN, Village Clerk

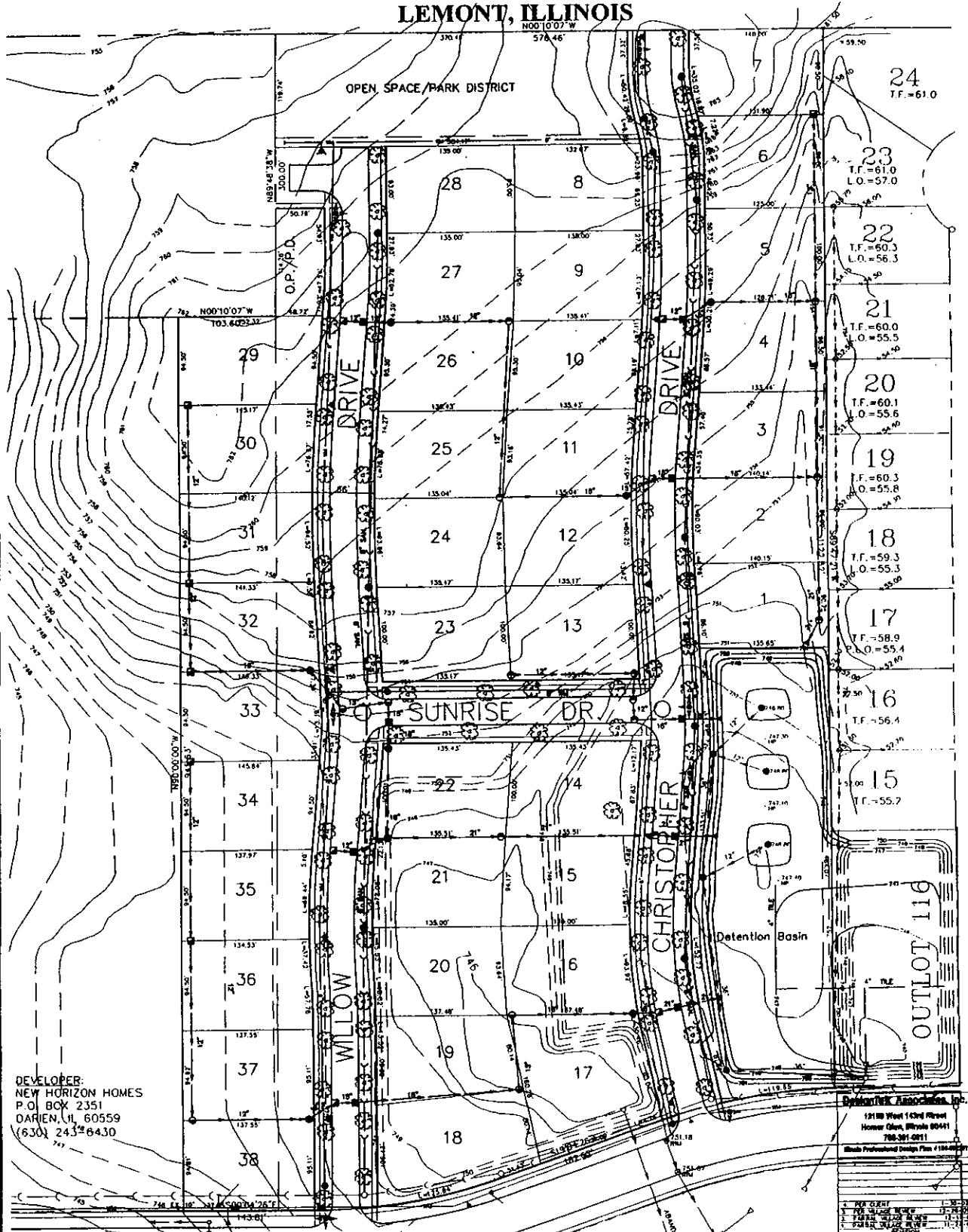
LEGAL DESCRIPTION FOR THE 18.09 ACRE JOHN JURINEK PARCEL:

THAT PART OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 24 OF ROLLING MEADOWS OF LEMONT, A SUBDIVISION OF PART OF THE EAST 1/2 OF SAID NORTHWEST 1/4, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 17, 1998 AS DOCUMENT 98207421 AND RUNNING THENCE NORTH 0°10'07" WEST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4, 576.46 FEET, TO SOUTH LINE OF THE NORTHERLY 726.00 FEET OF SAID NORTHWEST 1/4; THENCE NORTH 89°48'38" WEST, ALONG SAID SOUTH LINE 300.00 FEET; THENCE NORTH 0°10'07" WEST ALONG A LINE 300.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF THE NORTHWEST 1/4, 103.60 FEET; THENCE NORTH 89°48'38" WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST 1/4, 945.16 FEET TO THE EAST LINE OF ROLLING MEADOWS DRIVE, AS DEDICATED BY AFORESAID ROLLING MEADOW OF LEMONT; THENCE SOUTH 0°04'26" EAST, ALONG SAID EAST LINE 146.94 FEET, TO A POINT OF CURVE ON SAID EAST LINE; THENCE SOUTHERLY ALONG SAID EAST LINE, ALONG A CURVE WHOSE CENTER LIES EASTERLY AND HAS A RADIUS OF 560.00 FEET, 185.70 FEET, ARC, (CHORD BEARING SOUTH 9°34'26" EAST, 184.85 FEET, CHORD), TO A POINT OF TANGENCY ON SAID EAST LINE; THENCE SOUTH 19°04'26" EAST, ALONG SAID EAST LINE, 182.50 FEET, TO A POINT OF CURVE ON SAID EAST LINE; THENCE SOUTHERLY, ALONG SAID EAST LINE, ALONG A CURVE WHOSE CENTER LIES WESTERLY AND HAS A RADIUS OF 640.00 FEET, 190.49 FEET, ARC, (CHORD BEARING SOUTH 17°03'14" EAST, 190.49 FEET, CHORD), TO THE NORTHWEST CORNER OF OUTLOT 116 OF AFORESAID ROLLING MEADOWS OF LEMONT; THENCE NORTH 89°47'21" EAST, ALONG A NORTH LINE OF AFORESAID ROLLING MEADOWS OF LEMONT, 1122.32 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.



PRELIMINARY ENGINEERING OLDE QUARRY ESTATES LEMONT, ILLINOIS

SCALE: 1" = N.T.S.



DEVELOPER:
NEW HORIZON HOMES
P.O. BOX 2351
DARIEN, IL 60559
(630) 243-6430

Dynamiter Associates, Inc.
12118 West 143rd Street
Homer Glen, Illinois 60441
708-381-2011
Illinois Professional Design Firm #158449

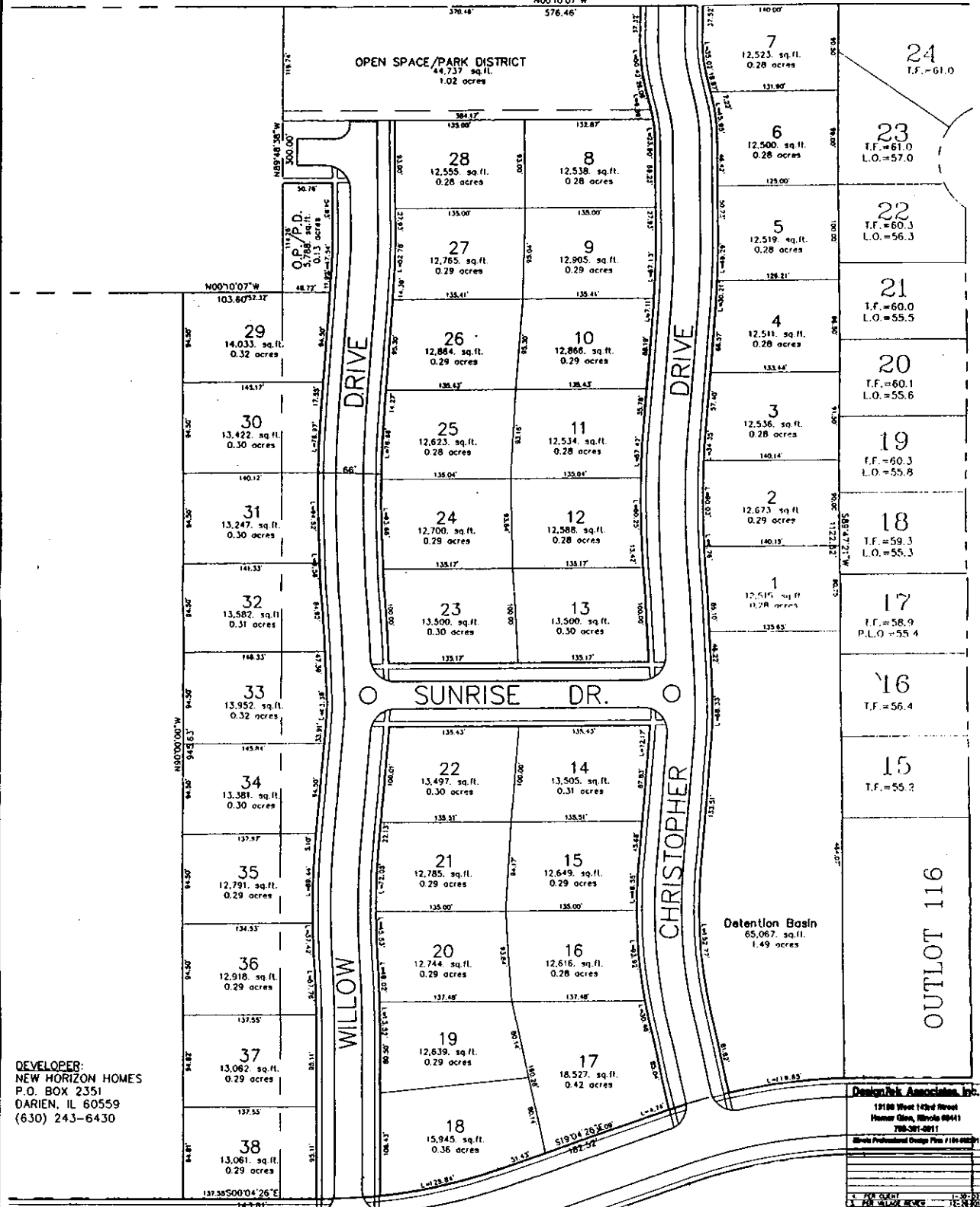
DATE	BY	REVISION
11-07-01	RSM	1

OLDE QUARRY ESTATES
LEMONT, ILLINOIS
PRELIMINARY ENGINEERING

PROJECT NO.	01-211
SHEET	1
DATE	11-07-01
SCALE	1" = N.T.S.

PRELIMINARY PLAT OLDE QUARRY ESTATES LEMONT, ILLINOIS

SCALE: 1" = N.T.S.



DEVELOPER:
NEW HORIZON HOMES
P.O. BOX 2351
DARIEN, IL 60559
(630) 243-6430

DesignTek Associates, Inc.
19100 West 143rd Street
Homer Glen, Illinois 60441
708-301-0911
Illinois Professional Geoplot #104-000291

DATE	BY	CHECKED	PROJECT NO.
11-07-01	SDS	SDS	01-211
DRAWN			SHEET 1
SCALE 1" = N.T.S.			OF 1

ROLLING MEADOW DRIVE

OUTLOT 117

BERM GRADING EXHIBIT LOTS 29 THROUGH 38 EXISTING, ORIGINAL PR AND NEW PR CONTOURS

LEGAL DESCRIPTION:
LOTS 36, 37 & 38 IN ROLLING MEADOWS PHASE 3, BEING A SUBDIVISION OF PART OF THE EAST
1/2 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

NOTES:
EXISTING TOPOGRAPHY ELEVATIONS
OBTAINED BY DESIGNTEK SURVEYING,
LLC. ON DECEMBER 2ND, 2015.
(708) 326-4961

OWNER:
NEW HORIZON HOMES
P.O. BOX 2351
DARIEN, IL. 60559
(630)886-3927

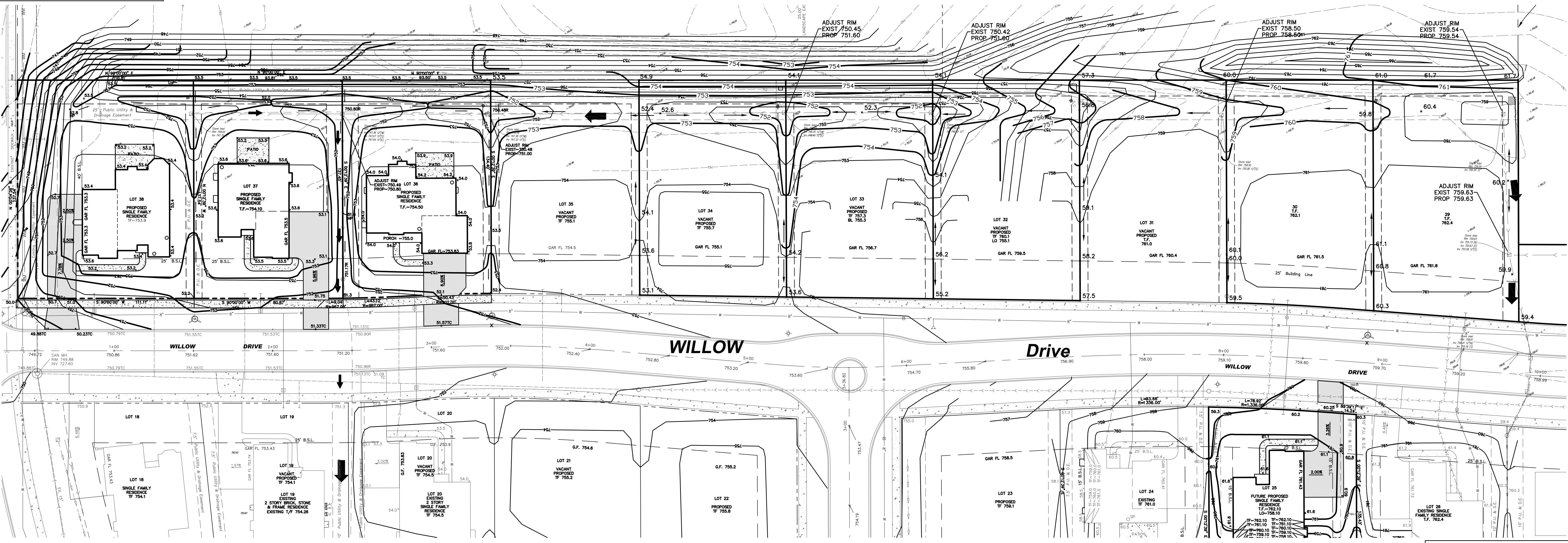
LEGEND

EXISTING	PROPOSED
—○— SANITARY SEWER	—○— SANITARY SEWER
—○— STORM SEWER	—○— STORM SEWER
□ CATCH BASIN	□ CATCH BASIN
○ OPEN LID MANHOLE	○ OPEN LID MANHOLE
○ CLOSED LID MANHOLE	○ CLOSED LID MANHOLE
□ INLET	□ INLET
— W WATER MAIN	— W WATER MAIN
○ VALVE	○ VALVE
○ HYDRANT	○ HYDRANT
— HEADWALL	— HEADWALL
— FLARED END	— FLARED END
— STREET LIGHT	— STREET LIGHT
— UTILITY POLE	— UTILITY POLE
— B-BOX	— B-BOX
— RETAINING WALL	— RETAINING WALL
— SILT FENCE	— SILT FENCE
— 701 CONTOUR	— 701 CONTOUR
— FM FORCE MAIN	— FM FORCE MAIN
XXX.XX+ SPOT GRADES	XXX.XX+ SPOT GRADES
— OVERFLOW ARROWS	— OVERFLOW ARROWS
TF~XXXXXX TOP OF FOUNDATION	TF~XXXXXX TOP OF FOUNDATION
FG~XXXXXX FINISH GRADE	FG~XXXXXX FINISH GRADE
FF~XXXXXX FINISH FLOOR	FF~XXXXXX FINISH FLOOR

BENCHMARK:

GRADE RING OF FIRE HYDRANT LOCATED
BETWEEN LOTS 37/38 ON THE N. SIDE OF WILLOW.
GRADE RING ELEVATION = 752.22

GRADE RING OF FIRE HYDRANT LOCATED
BETWEEN LOTS 35/36 ON THE N. SIDE OF WILLOW.
GRADE RING ELEVATION = 752.41



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LEGEND

---xxx---	EXISTING CONTOUR AND ELEVATION
---xxx---	PREVIOUSLY PROPOSED CONTOUR & ELEVATION (BERM)
---xxx---	PROPOSED CONTOUR & ELEVATION (ELIMINATION OF BERM)

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		
BERM GRADING: LOTS 29-38 ROLLING MEADOWS LEMONT, ILLINOIS		
ALTERNATE GRADING EXHIBIT		
DRAWN LD	CHECKED SDS	PROJECT NO. 16-0044
DATE: 10-28-16		SHEET 1
SCALE: 1" = 30'		OF 1

BERM GRADING EXHIBIT LOTS 29 THROUGH 38

ORIGINAL PROPOSED VS NEW PROPOSED CONTOURS

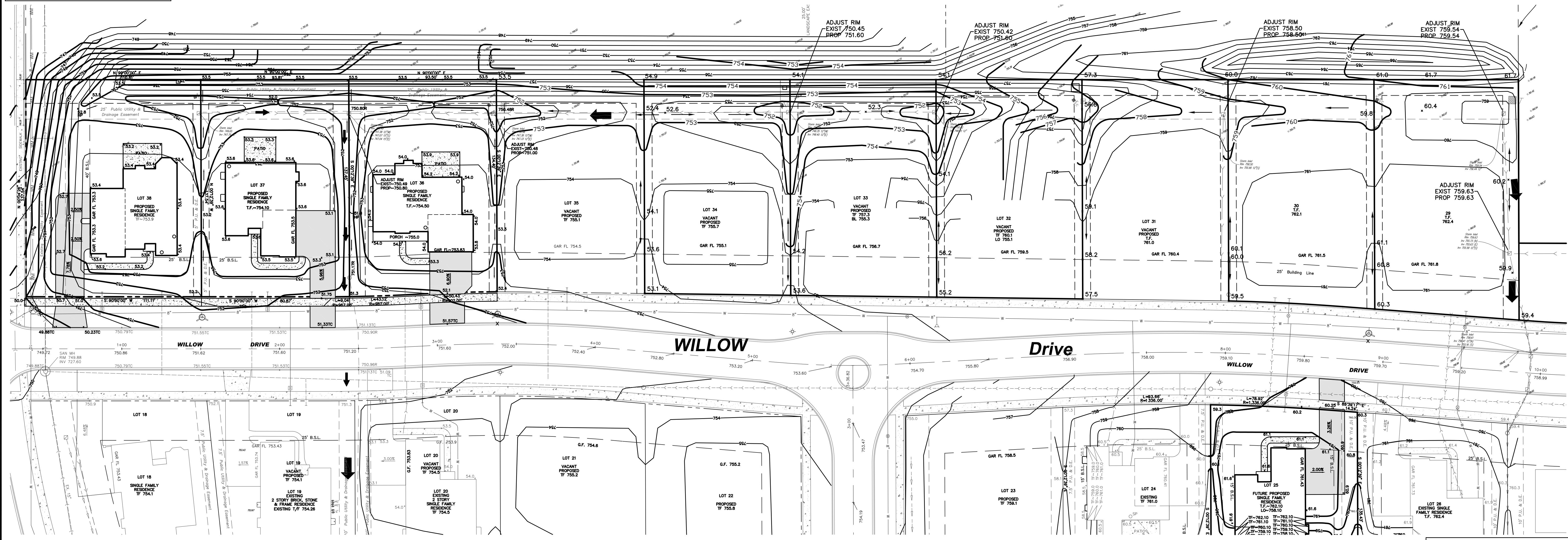
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 LOTS 36, 37 & 38 IN ROLLING MEADOWS PHASE 3, BEING A SUBDIVISION OF PART OF THE EAST
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 (708) 326-4961
 OWNER:
 NEW HORIZON HOMES
 P.O. BOX 2351
 DARIEN, IL. 60559
 (630)886-3927

LEGEND

EXISTING	PROPOSED
—○— SANITARY SEWER	—○— SANITARY SEWER
—○— STORM SEWER	—○— STORM SEWER
□ CATCH BASIN	□ CATCH BASIN
○ OPEN LID MANHOLE	○ OPEN LID MANHOLE
○ CLOSED LID MANHOLE	○ CLOSED LID MANHOLE
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□ B-BOX	□ B-BOX
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— SILT FENCE	— SILT FENCE
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XXX.XX+ SPOT GRADES	XXX.XX+ SPOT GRADES
→ OVERFLOW ARROWS	→ OVERFLOW ARROWS
TF~XXXXXX TOP OF FOUNDATION	TF~XXXXXX TOP OF FOUNDATION
FG~XXXXXX FINISH GRADE	FG~XXXXXX FINISH GRADE
FF~XXXXXX FINISH FLOOR	FF~XXXXXX FINISH FLOOR

BENCHMARK:
 GRADE RING OF FIRE HYDRANT LOCATED
 BETWEEN LOTS 37/38 ON THE N. SIDE OF WILLOW.
 GRADE RING ELEVATION = 752.22
 GRADE RING OF FIRE HYDRANT LOCATED
 BETWEEN LOTS 35/36 ON THE N. SIDE OF WILLOW.
 GRADE RING ELEVATION = 752.41



LEGEND

---xxx---	EXISTING CONTOUR AND ELEVATION
---xxx---	PREVIOUSLY PROPOSED CONTOUR & ELEVATION (BERM)
—xxx—	PROPOSED CONTOUR & ELEVATION (ELIMINATION OF BERM)

DEI DESIGNTek ENGINEERING, INC.
 CONSULTING AND SITE DESIGN ENGINEERS
 9930 W. 180TH STREET, SUITE L
 MOKENA, ILLINOIS 60448
 (708) 326-4961
 ILLINOIS PROFESSIONAL LICENSE NO: 184-003740

REVISION		
BERM GRADING: LOTS 29-38 ROLLING MEADOWS LEMONT, ILLINOIS		
ALTERNATE GRADING EXHIBIT		
DRAWN LD	CHECKED SDS	PROJECT NO. 16-0044
DATE: 10-28-16		SHEET 1
SCALE: 1" = 30'		OF 1

L:\Engineering\2016 Projects\16-0044\DWG\Berm Exhibit 29-38.dwg - New P. By: mchaberek Date: 11/17/2016 8:45 PM Layout: Berm Exhibit 29-38.dwg - New P. By: mchaberek

TO: Village Board

FROM: Chris Smith, Finance Director

THROUGH: George Schafer, Village Administrator

SUBJECT: Money Manager RFP

DATE: November 21, 2016

SUMMARY/ BACKGROUND

Historically the Village of Lemont held its cash reserves in Illinois Funds and Illinois Metropolitan Investment Funds (IMET). The average annualized returns were less than 1% and many times less than .5% with IMET beginning significantly higher than Illinois Funds. For many years IMET was the preferred investment for many smaller communities, due to the fact that it provided the liquidity needed as well as federally backed investments. However, in October 2014 one of the IMET investments experienced fraud causing many communities to seek other type of State Statute allowable investments.

The Village of Lemont issued a Money Manager RFP on August 15, 2016. The RFP was evaluated based upon qualifications, experience, success and fees. Fourteen investment firms responded to the RFP. The attached outline provides a high level overview of the responses as well as the overall return the Village could receive based upon a three year historical return.

On October 17, 2016 staff presented to the Board an overview of the responding firms. The Board requested information regarding additional costs by Bernardi. The \$12 per ticket that Bernardi is quoting is a pass through cost associated with the purchase of bonds. Bernardi agrees to cap the amount of tickets to 85- it is anticipated that the first year the cap will be reached; however, in an established portfolio this cap will not be reached. Staff updated the chart to reflect the cap.

ANALYSIS

Consistency with Village Policy

2014 Strategic Plan. This process is consistent with the Financial Stability Strategic Priority. Higher returns on investments provides for added income to the Village.

Budget. During the budget process, staff reviews and adjusts all revenues and expenditures forecasts, this will be added revenue for the Village.

STAFF RECOMMENDATION

Staff recommends awarding the Money Manager contract to Bernardi Securities, Inc.

BOARD ACTION REQUESTED

Accept staff's recommendation and direct staff to begin the process of awarding the contract.

ATTACHMENTS

Overview of the RFP responses.



Village of Lemont
Money Manager RFP

11/9/2016

Company	Qualifications Met	Fees	Additional Fees	Historical 3 year	\$5 million		
					Cost	Return	Net
MB Financial	Yes SEC no ADV forms	0.25%	none	1.35%	\$12,500	\$ 67,500	\$55,000
PFMAM	yes	0.15%	none	1.06%	\$7,500	\$ 53,000	\$45,500
MPI Investments	yes	0.35%	none	2.08%	\$17,500	\$ 104,000	\$86,500
BMO Harris	Yes SEC no ADV forms	0.40%	none	0.75%	\$20,000	\$ 37,500	\$17,500
Capital Gains	yes	0.17%	none	1.17%	\$8,500	\$ 58,500	\$50,000
Quest Investment Management LLC	yes	0.50%	none	1.41%	\$25,000	\$ 70,500	\$45,500
CS McKee	yes	0.22%	none	1.54%	\$11,000	\$ 77,000	\$66,000
Great Lakes	yes	0.20%	none	1.22%	\$10,000	\$ 61,000	\$51,000
Garcia Hamilton	yes	0.15%	none	1.80%	\$7,500	\$ 90,000	\$82,500
Bernardi Securities	Yes	0.25%	yes \$12 per ticket	2.06%	\$13,520	\$ 103,000	\$89,480
Dana Investment Advisor	Yes	0.15%	yes	0.80%	\$7,500	\$ 40,000	\$32,500
First Midwest	Yes SEC no ADV forms	0.20%	yes	0.75%	\$10,000	\$ 37,500	\$27,500
Sawyer Falduto	Yes	0.10%	none	1.21%	\$5,000	\$ 60,500	\$55,500
Smith Affiliated Capital	Yes	0.15%	none	1.25%	\$7,500	\$ 62,500	\$55,000
IMET- convenience fund- *current				0.36%	\$0	\$ 18,000	\$18,000

* additional fees for Bernardi- cost is 85 tickets- first year it will be 85 tickets however following years could be less. Cap is 85 tickets

TO: Committee of the Whole
FROM: Heather Valone, Village Planner
THRU: Jeffrey Stein, Deputy Village Administrator
SUBJECT: Case 16-08 645 4th St. Variations and Resubdivision
DATE: November 15, 2016

SUMMARY

Phil Cullen, the contract purchaser of the subject property located at 645 4th St. requests variations from the Lemont Unified Development Ordinance (UDO) Table 17-07-01. The purpose of the requested variations is to allow for a subdivision of an existing property into two 61 foot wide and 8,113 square foot single-family lots. The Planning and Zoning Commission (PZC) recommended denial of the request. Staff recommends approval with conditions.



PROPOSAL INFORMATION

Case No. 16-08
Project Name 645 4th St. Variations and Resubdivision

General Information	
Applicant	Phil Cullen
Status of Application	Contract Purchaser
Requested Actions:	Variations to allow for two lots with reduced widths of 61 and lot areas of 8,1113 sf.
Site Location	645 4th St. (PIN 22-28-105-076-0000)
Existing Zoning	R-4 (Detached Single-Family Residential District)
Size	.32 acres
Existing Land Use	Single-family residence (not currently occupied)
Surrounding Land Use/Zoning	North: R-4 (Detached single-family residence)
	South: R-4 (Detached single-family residence)
	East: R-4 (Detached single-family residence)
	West: R-4 (Detached single-family residence)
Comprehensive Plan 2030	The Comprehensive Plan classifies this site infill Residential (INF)

BACKGROUND

The subject property is currently zoned R-4. The UDO requires a minimum lot size of 12,500 sf and minimum lot width of 90 ft for all R-4 zoned lots. The applicant is proposing two lots with lot widths of 61 ft and lot sizes of 8,113 sf. The subject property is currently improved with a single-family home. The house is currently in a state of disrepair and is a visual nuisance for the neighboring properties. The existing setback of the closest portion of the house is roughly nine feet from the curb. To create 4th St. as a public road, the Village purchased the right-of-way (ROW) area from the property owners along the street in 2002. The majority of the ROW along the subject property is 66 ft, meaning that 33 ft was purchased from the subject property and 33 ft was purchased from the neighbor on the west side of 4th St. However, a portion of the existing home prevented the ROW area from being a consistent width of 33 feet across the entire property (Figure 1). The existing home sits 40 feet closer to the road than the neighboring properties to the north and south. Thus a portion of the home would have had to be demolished to allow the 4th St. ROW to remain a

Figure 1



consistent 33ft width. The majority of the ROW purchased from the subject property is 33 ft; a portion is only 22 ft (Figure 1). The applicant is purposing to dedicate the additional 17 ft by 27 ft area which would allow the ROW to be consistent across the entire subject property.

PZC Hearing. The PZC conducted a public hearing on October 19, 2016. The PZC raised concerns about the proposed interior side yard setbacks and size of the proposed lots being consistent with the character of the neighborhood. Concerns were also raised about the incorrect items shown on the plat and the site plan. The PZC discussed the surrounding properties that were developed prior to the current R-4 standards and their characteristics. Additionally, the PZC they did not find that the standards for granting variations were met, due to the fact that even without the variations, the applicant could still redevelop the lot with one single-family home.

Ten residents testified during the hearings. Those residents also raised concerns about the potential of a deviation from the consistency with the surrounding neighborhood. The residents were also concerned with the proposed density when compared to the existing density. The residents discussed the history of the lot as a three unit dwelling and preferred the current single lot to be redeveloped with only one single-family home. Nine of ten residents spoke against the variation. One resident, who desired to subdivide her own nearby property, supported the application. The PZC voted in a failed motion (0-7) to recommend approval.

Since the hearing, the applicant revised the plans to incorporate staff's recommendation by indicating that the sidewalk and parkway trees be installed prior to completing the building permits. Additionally, the incorrect items discussed by the PZC on the site plan and plat were corrected.

GENERAL ANALYSIS

Zoning History. The primary structure was a non-conforming three unit rental building. The building has been vacant for more than six months. Per the UDO the non-conforming use was not permitted to continue if the use has been vacated for more than six months; accordingly, the subject property can now only be used for a single-family home.

In 2002, a previous property owner subdivided a 1.2 acre property to create three lots, the lot north of the subject property (641 4th St.), the subject property, and the lot to the south of the subject property (649 4th St.). The lots to the north and south were subdivided into two 80 ft wide and 10,640 sf single-family lots. The subject property was subdivided into a 122 ft wide and 16,685 sf lot.

REQUESTED VARIATIONS

Unified Development Ordinance. The applicant is requesting the following deviations from the UDO:

UDO Section	UDO Standard	Proposed	Staff Comments
17.07.01 (Table)	Minimum lot size is 12,500 sf for R-4.	Minimum lot size is 8,113 sf.	The proposed lot size is a 35% variation from the UDO defined minimum lot size. The applicant is proposing dedicating a 27 ft by 17 ft (459 sf) area to the Village for public right-of-way. Staff finds this deviation acceptable due to the dedication and constraints of the property.
	Minimum lot width is 90 ft for R-4 lots.	Minimum lot width is 61 ft.	The proposed lot width is a request for a 30% variation from the minimum of 90 ft per the UDO, staff finds this deviation acceptable, as the smallest neighboring lot width is 70 ft. The proposed lot width is only 13% variation from the neighboring properties to the south, northwest, and east.
	Minimum interior side yard setback for lots that have a width less than 80 ft and greater than 55ft shall be 16.5% of the lot width.	Minimum interior side yard setback of 8.5 ft.	Staff finds this deviation unacceptable. The UDO allows existing lots that are zoned R-4 that have a lot width less than 80 ft and greater than 55 ft to have interior side yard setbacks of 16.5% of the lot width. Per the UDO the subject property should have setbacks of 10.1 ft. Staff is recommending the proposed setbacks remain consistent with the UDO standards and remain at 10ft.

STANDARDS FOR VARIATIONS

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

1. The variation is in harmony with the general purpose and intent of the UDO;

Analysis. Of the eight components listed as the general purpose of the UDO found in Section 17.01.050, five are either inapplicable to or unaffected by the Petitioner's request.

- ***Ensuring adequate natural light, air, privacy, and access to property.***
The proposed variation 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 surrounding residential area. The surrounding properties are improved with single family homes with large building separation and large private open spaces (yard). The majority of the existing lots to the southwest and north are considerably larger lots in size, width, and setbacks. The neighboring properties northwest, east and south of the subject property are similar in size and width to the proposed lots of the subject property. As the neighborhood lot sizes, widths, and setbacks vary, the requested variations are consistent with a portion of neighborhood.
 - ***Accommodating development and growth that is consistent with the preceding purposes.*** The subject property is classified in the Lemont 2030 Plan as Infill Residential (IFR). The goal of the IFR classification is to advance the construction of new home sites on the remaining vacant lots in the area. Such vacant lots are not consistent with the established character of not only the immediate area but also the entire neighborhood. The proposal would redevelop the lot, which does not fully meet R-4 standards, but is consistent with a portion of the neighboring properties. Furthermore, while not vacant, the subject property does contain a larger, dilapidated structure that would be removed and replaced with more aesthetically pleasing structures.
2. The plight of the owner is due to unique circumstances, and thus strict enforcement of the UDO 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;

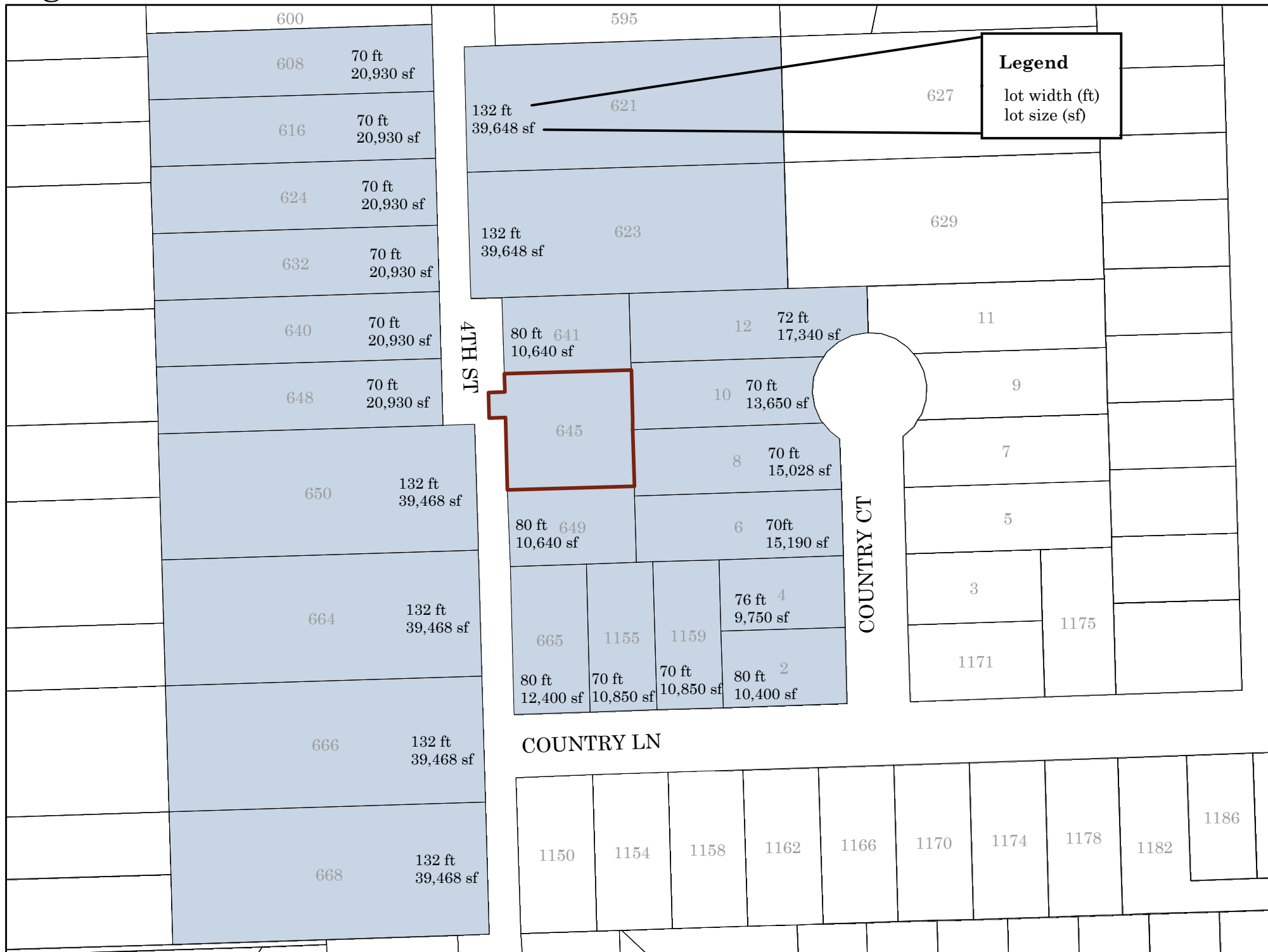
Analysis. The UDO states that in making a determination whether there are unique circumstances, practical difficulties, or particular hardships in a variation petition, the PZC shall take into consideration the factors listed in UDO §17.04.150.D.2.

- ***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 to the southwest and north that exceed the standards defined in the UDO for R-4 properties. The neighboring properties to the south, northwest, and east do not meet the UDO standards. The neighboring lots have an average lot area of 21,950 sf and a minimum lot area of 9,750 sf. The proposed lots are smaller than

the established surrounding lots (Figure 2). The neighboring lots have an average lot width of 89 ft and minimum lot width of 70 ft. The proposed lots have a width of 61 ft which is consistent with the widths of the neighboring properties to the south, northwest, and east. The neighboring properties have a minimum interior setback of 15 ft; however, the majority of the surrounding lots have even larger building separations. The proposed setbacks are significantly smaller than the surrounding lots. Thus the proposed lots are not consistent with the existing neighboring properties to the north and southwest, but are marginally consistent with the neighboring properties to the south, northwest, and east. The majority of the lots that already developed do not meet the UDO standards. The remaining properties are lots that exceed the UDO standards, but could not subdivide and meet UDO standards. Thus the proposed lots are consistent with a majority of the neighborhood.

- ***The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district.*** The surrounding properties are established single-family homes. It is possible that the larger surrounding properties to the southwest and north (which are an acre in size) may petition for subdivision in the future. If subdivided into two lots, these properties would still be similarly sized lots that match the character and nature of the neighborhood –albeit those lots may be, with variation, smaller, but not significantly so, than the standards found in the UDO.
- ***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** The hardship is not created by anyone 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 project is located.*** The request will not be detrimental to public welfare or injurious to other properties or improvements. The applicant is proposing single-family homes in an established single-family neighborhood. The applicant is proposing to dedicate a 459 sf area for a public right-of-way increasing the width of ROW along 4th St. to a standard 66 ft ROW. Furthermore, the application is proposing to remove the existing, vacant structure.
- ***The variation 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

Figure 2



danger of fire or congestion. The variation will result in an increase in 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 proposed homes. 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 of incoming and outgoing traffic by pushing the home back 42 ft from the street.

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; however, the proposed lot sizes are similar to a portion of surrounding lots widths of the neighborhood. Additionally the proposal will achieve the goals of the Lemont 2030 Comprehensive Plan as stated previously.

Village Engineer Comments. The Village Engineer had no objections to the requested variations or the plat subdivision, full comments are attached.

Fire District Comments. The Fire Marshal had no objections to the proposed variations and subdivision.

RECOMMENDATIONS

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. 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 IFR. The PZC did not find that the variances meet the standards for granting variations or of the 2030 Plan. The PZC recommended denial of the variations. Staff recommends approval of the variations with the following conditions:

1. The interior side setbacks are increased to 10 ft.

2. The homes are constructed with masonry on all first floor elevations.

ATTACHMENTS

1. Site photographs
2. Village Engineer comments
3. Draft meeting minutes from the October 19, 2016 PZC meeting
4. Applicant submissions

Attachment 1 Site photographs



Photo 1



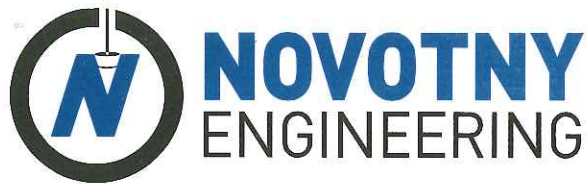
Photo 2 The view of the existing three-unit building looking south.



Photo 3 The existing home's entrance sits 9 ft from the street. The stairs to the front entrance sit only 5 ft from the street.



Photo 4 The neighboring homes are setback roughly 40 ft back from the street curb, which is significantly further setback than the three-unit building.



October 6, 2016

Ms. Heather Valone
Planner
Village of Lemont
418 Main Street
Lemont, Illinois 60439

Re: **Case 16-08**
645 4th Street

Dear Heather:

I have reviewed the Cullen Resubdivision case materials and have the following comments.

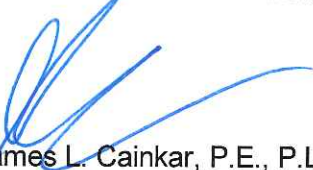
- 1) There is an existing 8-inch sanitary sewer on the west side of 4th Street that is available for hook-up.
- 2) There is an existing 8-inch water main under the east half of the street pavement that is available for hook-up.
- 3) The existing house is hooked up to both sanitary sewer and water main.
- 4) The project would be exempt from the MWRD-WMO Ordinance, since the site is less than 1 acre in area.

I have attached the original water main plan and street paving plan for your use.

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

Very truly yours,

NOVOTNY ENGINEERING



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

JLC/dn

Enclosures

cc: Mr. George Schafer, Administrator
Mr. Jeff Stein, Esq., Attorney
Mr. Mark LaChappell, Building Inspector
Mr. Ralph Pukula, Director of Public Works
File No. 16489

16489_Review Ltr 1.doc



November 9, 2016

Ms. Heather Valone
Planner
Village of Lemont
418 Main Street
Lemont, Illinois 60439

Re: **Case 16-08**
645 4th Street

Dear Heather:

I have reviewed the Cullen Resubdivision case materials and have the following comments.

- 1) There is an existing 8-inch sanitary sewer on the west side of 4th Street that is available for hook-up.
- 2) There is an existing 8-inch water main under the east half of the street pavement that is available for hook-up.
- 3) The existing house is hooked up to both sanitary sewer and water main.
- 4) The project would be exempt from the MWRD-WMO Ordinance, since the site is less than 1 acre in area.
- 5) The Plat needs to indicate a 15-foot width front yard drainage and utility easement, per Code.
- 6) The Plat needs to indicate 7.5-foot width side yard easements, per Code.

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

Very truly yours,

NOVOTNY ENGINEERING

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

JLC/dn

Enclosures

cc: Mr. George Schafer, Administrator
Mr. Jeff Stein, Esq., Attorney
Mr. Mark LaChappell, Building Inspector
Mr. Ralph Pukula, Director of Public Works
File No. 16489

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Attachment 3

Village of Lemont
Planning and Zoning Commission
Regular Meeting of October 19, 2016

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, October 19, 2016 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Spinelli called the meeting to order at 6:33 p.m. He then led the Pledge of Allegiance. He asked everyone to continue to stand and raise his/her right hand. He then administered the oath.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Cunningham, McGleam, Sanderson, Zolecki, Spinelli

Absent: Maher

Village Planner Heather Valone, Village Trustee Ron Stapleton, and Deputy Village Administrator Jeff Stein were also present.

C. Approval of Minutes from the September 21, 2016 Meeting

Commissioner Sanderson made a motion, seconded by Commissioner Kwasneski to approve the minutes from the September 21, 2016 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Abstain: Cunningham

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli welcomed Sean Cunningham to the Planning and Zoning Commission.

III. PUBLIC HEARINGS

A. 16-08 645 4th Street Variations and Resubdivision

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

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 16-08. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Heather Valone, Planner, stated Phil Cullen, the contract purchaser of the subject property, is requesting variations from the UDO. The purpose is to subdivide an existing property into two 61 feet wide and 8,113 square foot single-family lots with 8 ½ feet side yard setback. Staff is recommending approval with conditions.

The subject property is currently zoned R-4. The UDO requires a minimum lot size of 12,500 square feet and a minimum lot width of 90 feet. The subject property is currently improved with a single-family home. To create 4th Street the Village purchased the right-of-way (ROW) from the property owners along the street. The majority of the ROW as picture on the overhead is 66 feet wide, which is the standard requirement per the UDO. However, a portion of this property was not purchased at the standard ROW requirement. She showed on the overhead the portion. A section approximately 17 x 27 feet could not be purchased because the existing single family home sits on that portion of the subject property. The primary structure is a nonconforming three unit building. The building has been vacant for more than six months thus the UDO no longer allows it to continue its nonconforming use.

In 2002, the previous owner had subdivided a 1.2 acre property to create three lots. She showed on the overhead the existing lot in 2002 and how it was subdivided. The applicant is requesting variations from the UDO. The UDO requires three standards are met to grant a variation. The first is that the variation is in harmony with the general purpose and intent of the UDO. The proposed variations do not alter the character of the neighborhood and additionally the proposed lots are consistent with the Lemont 2030 Comprehensive Plan which designates this area as infill. The second requirement is that the plight of the owner is due to unique circumstances, and thus strict enforcement of the UDO creates practical difficulties or hardships. The existing home that sits on the property is roughly 40 feet closer to the street than the neighboring property. The subject property is surrounded by existing lots that do not conform to the UDO standards or they exceed them. The proposed lots are consistent with the majority of the neighborhood. Lots in the neighborhood range from 70 to 75 feet in width and anywhere from 9,000 to about 10,000 square feet. There are some outer lot areas that are significantly larger lot sizes of a half acre and lot width of 132 feet.

Mrs. Valone said the last standard for the variation is that it will not alter the essential character of the neighborhood and will not be detrimental to the adjacent properties. The variations do not alter the essential character of the local area as it is proposed to have two single-family homes. The surrounding lots either do not conform to

standard R-4 lot requirements. The proposed lot sizes are smaller than the surrounding properties and the UDO requirements. However, the proposed lots are generally more consistent with the existing lots that are deficient in UDO standards. Additionally, the lots will achieve the goals of the Lemont 2030 Comprehensive Plan. Staff finds that the applicant is demonstrating consistency with all three standards. Although the property will vary slightly from the standard R-4 requirements the proposed variations are more consistent with the surrounding single-family homes that currently do not meet minimum lot widths or standards in the UDO.

Staff is recommending approval with the following three conditions. That the interior side setback are increased to 10 feet. The homes must be constructed with masonry on all first floor elevations. The site plans must be updated to show that the sidewalks and parkway trees will be installed prior to occupancy permits being issued for the proposed homes.

Chairman Spinelli asked if the condition for interior side yard setback applies to all side yards or just between these two new lots.

Mrs. Valone said all side yard setbacks. The existing homes that sit on these properties are generally medium size homes that are surrounded by large private yards. The idea behind the increase side yard setback is that it will shrink the size of the home and have additional yard space and will mimic the surrounding properties.

Chairman Spinelli stated the existing structures that were part of the 2002 subdivision appears that they met the zoning code at that time with 80 foot lots and 15 feet side yards.

Mrs. Valone said that is correct.

Commissioner McGleam asked what the side yard setbacks are on the properties across the street to the west where they lots are 70 feet.

Mrs. Valone stated the majority of the homes have a minimum of 15 feet. However, some of the lots have homes that were constructed prior to the current UDO standards. This is another reason why staff recommended larger interior side yard setbacks.

Chairman Spinelli said the majority of the lots on the west and the other lots which are also 75 feet wide came when 75 feet wide lots were permitted.

Mrs. Valone stated they were platted as part of the subdivision and were recorded lots.

Chairman Spinelli said they are conforming to the zoning code when they were recorded. They don't meet the current code for R-4.

Mrs. Valone stated that is correct.

Chairman Spinelli asked if any of the Commissioners had any questions for staff at this time. None responded. He then asked if the applicant wanted to make a presentation.

Applicant Presentation

Phil Cullen, 12995 Parker Road, stated the subdivision they are talking about at that time there was a 70 foot wide minimum lot size with setbacks at 10 feet. He showed on the overhead the subject property. Some time ago the owner had split the property. He showed pictures on the overhead of all the impervious area on the property. His proposal is to split the property right down the middle at 61 feet. He said he is showing that there is 7,200 square feet of impervious area and it's a 16,200 foot lot so the lot coverage area is at 45%.

Mr. Cullen said he has looked at the properties from McCarthy Road all the way down to the gate at Covington. There are 48 properties along that street with seven properties that are less than 61 feet wide. Another 13 properties are between 62 and 67. So there are about 15% of properties there that have widths less than 61 feet. He stated this information is in their packet. Originally he came in asking for 7 foot side yards but he was not sure what other conditions there were going to be. He has no issue putting brick on the first floor.

He then showed pictures of a house that he recently tore down on Warner Avenue in Lemont. He understands the importance of the side yard setbacks. At the house on Warner, the eave of the neighbor's house is on the lot line. It made it more difficult to take the house down when there are four feet side yard setbacks. It was zoned R-4A which is a little different but he is sensitive to people's needs. With the proposed property the house to the north there is 16 foot side yard setback and the house to the south is about 15 feet so with the 8 foot side yard setbacks he would be close to 25 feet between houses.

Mr. Cullen then showed two conceptual plans for the properties. The footprint he showed is 44 feet wide and 55 feet deep. The impervious area of the house is 3,200 square feet which is 40% of the lot. With both lots the impervious coverage would be less with the two houses. In 2007, they did a subdivision and created a 10 foot easement with a flag lot. There are four flag lots on the street and there are two homes where he does not see a recorded easement. He is planning on dedicating that 27 foot area in the front, tear down the house and move it back. With his conceptual plan his homes will be deeper than 641 4th Street but not as deep as 649 4th Street. He stated this would conclude his presentation.

Chairman Spinelli said on the two lot exhibit and the four lot exhibit it indicates a concrete pad that is 44 feet by 67 feet. He asked if the petitioner could explain this.

Mr. Cullen stated it is 44 feet from the front, the building setback is the dotted line.

Chairman Spinelli asked if that was intended to be his potential building envelope or just an actual concrete pad like the drawings indicate.

Mr. Cullen said it is not the intent. It is just the box, it is the 61 feet minus the side yard setbacks. The actual buildable area went back a little bit further. Both conceptual plans are 2,400 square feet and he doesn't plan on building anything bigger. The house to the north is 44 feet wide and it has a three car garage with just a door to get in. The difference with going to 10 foot side yards is it will shrink him down to 41 feet. He would never put a house right on the buildable area because if the concrete guy is off then there is going to be some problems. It would be a much better product being built at 44 feet.

Commissioner Sanderson stated they are not approving a PUD, so he does not understand where the hardship is at. He understands the concept and likes it. What it comes down to is that they are granting a variance based on the UDO and based on a hardship.

Mr. Cullen said there isn't any hardships. The UDO states if you didn't create the issue then you have every right to come here for a public hearing.

Commissioner Sanderson stated this is a lot that you can build a house on. The lot can be subdivided, but he is asking for something that is not allowed. He wants to know what the reason that he is asking for this variance.

Mr. Cullen said he is not trying to go in there and fill up that footprint. You build a narrower house with smaller side yards in, then it will look good. If you can't split this then it is not financially feasible to do this.

Commissioner Sanderson asked if staff could repeat the standards for approving a variance.

Mrs. Valone read the standards again.

Chairman Spinelli asked if the Plat of Subdivision could be pulled up. He asked if they could zoom in on the school certificate. He said the certificate there indicates townhomes. He wants to clarify that this is not a townhome development.

Mr. Cullen stated that this is not a townhome development.

Commissioner Zolecki asked if he would do anything different to the first floor if he wasn't asked to put masonry there.

Mr. Cullen said the houses that are next to this property have brick so that is what he was planning. These are conceptual plans but the architect that did one of his houses on Freehauf and the one on Warner will be doing this project.

Chairman Spinelli asked if there were any further questions for the applicant. None responded. He then asked if there were any Village Officials that had any questions or comments. None responded. He then asked if there was anyone in the audience that wanted to come up and speak.

Public Comment

Mrs. Valone stated there is a letter that is in front of each of the Commissioners that was received today via email from a Dave and Laurie Forkel. This letter will become part of the record and asked for the Commissioners to take a moment to read the letter.

Dennis Schubert, 608 4th Street, said the Wohead subdivision started in the early 80's. At that time the standards for building was 70 foot lots as far as frontage. At the time, Mr. Wohead had 12 lots, six are 70 feet, one is 76 feet, one is 80 feet, one is 84 feet and three are 88 feet. He not only met the standard but exceeded it. He increased the size of the lot to make it nicer for the area. In 2002 they came before the Commission and they had the opportunity at that particular time to make this four lots at 70 feet a piece and could have been conforming to what was set back in the 80's. It most likely would have gone through with no troubles at all but he choose not to do that. Instead he went with 120 feet and two 80 feet lots. There are two lots to the north of the subject property that are 132 feet wide. There are four lots on the west side of the street that are 132 feet wide. To do this would be setting a precedence that would hinder this whole area. There are other lots that could come in and say they would like to do the same thing. In the past they have had issues with cars coming down Fourth Street from McCarthy Road. There is a gate at the end of the street to prevent extra traffic from coming up. If this goes through there is a potential of adding seven additional homes to the street. He feels that this would be way out-of-line.

Mr. Schubert stated he feels that he lives on the smallest lot on the street and his lot is 21,000 square feet. To go down to 8,133 square feet would be way to small of a variation. The lot size per width would be a 33% variation, 35% for the total lot. Even if you went by the standard that was set in 1986 it would still be 35% less on total size of lot and 13% less on lot width. This is not consistent and would set precedence. He would not like to see any variances. He understands that we would all like to know that we could build on properties and Mr. Cullen does build nice homes. He just feels that building two homes on this size lot is something that he would not like. He asks the Commission to please deny this request by voting no.

Victor Fischer, 664 4th Street, said he lives one house south and across the street from the subject property. His property is an acre and he purchased it back in 1969. He agrees with Mr. Schubert that the lot is too small for two homes. A little history on

the house, is that the house used to be a farm house on a gravel and pitch road. The house had an addition put on and it was built over a well. He stated before he could do anything to that property he is going to have to cap a well under that house. If two homes are put on that lot it will completely change the neighborhood. He does not know any 62 foot lots in this area or any flag lots.

Mr. Schubert stated in regards to the flag lot, the home was owned by a couple and it was a flag lot to begin with. The owners were going to build a house in the back for their parent who was ill at the time. There is a curb cut on the south end of the property which would be the access to go back to that flag lot.

Carl Unnerstall, 595 4th Street, said he is just north of the 132 feet wide lots. His property is 88 feet wide. Most of the people who moved into the Wohead subdivision were friends. The reason why they moved there were for the large lots. Now because it is profitable for someone they are trying to split a lot. They tried it on a 132 foot lot and the reason why it failed besides everyone voting against it was the Fire Department. They would not be able to get their equipment in the back behind another house. If you have homes that are so close together it can become a fire hazard. Lemont is unique and they don't follow what other towns do and we do what is right for the character of Lemont. The character of Lemont would be to continue to offer its citizens what they originally planned and promised when they moved here. He has lived in Lemont the majority of his life and does not plan on moving. This lot can make money with one home on it. There is a reason why people buy large lots. They like that it gives them their privacy. He understands that money can be made by building two houses but he feels that a profit can be made by just putting one home on the property. People like the exclusivity of the property. There is another house for sale one house away that a woman was interested in it and she was also asking if it could be subdivided. If we allow this one lot to be cut in size then there will be more asking. That is not what they want started here but rather to just maintain what they were promised.

Mr. Schubert stated the property that is two lots north of the subject property did come in for a lot division and was denied. He does not remember what the case number was but does remember the case and that it was denied.

Jane Holt, 632 4th Street, said as a mother, that is a blind hill directly in front of the subject property. If a child is riding a bike on the street the driver will not see that child. This was the argument they had when they were trying to put the street through. If we are putting more houses on the block then she feels it is only for the money. She feels that the houses Mr. Cullen is building are beautiful, however there is no need for two of them. She feels there is no need for additional traffic on the street. There are no sidewalks for the kids to ride their bikes and this would create more danger for them. She moved to this area for the bigger lot. She asked to please think of the kid's safety.

Rich Mueggenborg, 12 Country Court, stated he is kiddie corner to the subject property.

Chairman Spinelli said Mr. Mueggenborg arrived after everyone was sworn in. He then asked for him to raise his right hand and sworn him in.

Mr. Mueggenborg stated when he moved into the area, one of the things that sold him on the house was the large lots. His concern is that if a variance is allowed here then there will be more to follow.

Chairman Spinelli asked if there was anyone else who wanted to speak. None responded. He then asked if the applicant wanted to respond to some of the comments made.

Mr. Cullen said he understands people's concerns. It was stated that it is all about money and this is how he makes a living. You buy property in nice areas and it is hard because nobody likes change. This area is designated as Infill in the Comprehensive Plan. He did not write the Comprehensive Plan and when it was written there were public hearings that people could have come to give input. In regards to the Fire Department, they were approved by them and there is a fire hydrant right in front of the property. He appreciated the information on the capped well. When demolition a house you have to apply for permits so if there are any wells on the property he will find them and make sure they are capped.

Mr. Fischer stated he knows for a fact that it was not done because he has lived there since 1969. When the well went, his neighbor next door had worked for the Village and they were hooking up water at night. He had questioned if there was permit and he was told not to worry about it. There is no reason for them to put water in at night. He built the addition on top of that well.

Chairman Spinelli said Mr. Cullen will have to investigate that if this case does move forward.

Mr. Cullen stated there is an objection from Mr. Forkel. He showed on the overhead where Mr. Forkel's property is located. He said he is not sure how he gets to his property when there is no frontage to the street. There are four flag lots out there. He showed a summary of lots that he received from the Lemont Township that shows 15% of the lots are less than 61 feet and another 13% are 62 to 67 feet. He looks at all this information before he makes a decision

Chairman Spinelli asked if he had any objections to staff's recommendation of a 10 foot side yard.

Mr. Cullen said he would prefer to discuss that. If there was a concern about the separation between the existing homes then he would do something different. He

wants the 44 foot house so he would make the side yards up against the existing homes 7 feet and then shrink the inside, then the risk is with him.

Chairman Spinelli stated so the response to his question is that he is objecting to the 10 foot side yards.

Mr. Cullen said yes.

Chairman Spinelli stated if this proceeds he would like 15 foot side yards on the south of lot 2 and the north of lot 1 which are adjacent to the existing homes that have a 15 foot side yard. He would then recommend a 10 foot on the interior which is worse than what staff recommended.

Mr. Cullen said at that point he would walk away from the project. He stated they could make their recommendation and the next step would be to take it to the Committee of the Whole.

Chairman Spinelli stated some other recommendations that might be included in a motion is that the drawings must be corrected showing the concrete pad reference removed. Also, the School District Certificate corrected to remove the townhouse reference. Another is that he would like the homes to be constructed as garage right to maximize potential spacing between driveways. The existing home north of this development is garage right and the existing home south is garage right.

Mr. Cullen said that will work with the garage right driveways. He said he has no problem with those conditions.

Chairman Spinelli asked if any of the Commissioners had any further questions for Mr. Cullen. None responded.

Mr. Schubert stated in regards to the flag lots there is a driveway that goes back that is dedicated as a private road that is connecting to Fourth Street. They have Fourth Street addresses and there are two one acre lots.

Mr. Fischer said where he is talking about building these two smaller homes, there is what he would estimate, larger \$700,000 homes on either side. He is planning on having these two brick homes and putting two smaller houses between them. If it was him he would sell and get out of there.

Mr. Cullen stated the house to the north is a rental. It was a foreclosure that was purchased by Invitation Homes and it is 2,400 square feet. The one to the south has a three-car garage and if you look at the footprint it is 2,700 square feet. His houses will be right in the range.

Commissioner McGleam wanted to confirm that the existing house was a 3 unit rental and that variance to allow that has expired because it has been vacant.

Mrs. Valone said that is correct. It was a non-conforming three unit rental building that was vacant for more than six months prior to this application. So it now no longer has that non-conforming use. The only use allowed now would be a single-family home.

Ms. Takarski, 650 4th Street, stated she was co-owner of the property and her property is 132 feet wide. She had applied a couple of years ago wanting to subdivide her property into two lots. Their proposal however was denied. She said she is in favor of the applicant. Her house is not in good condition and she would like to do the same thing as the applicant is requesting. She would like to knock down her house and bring something nicer. She is willing to meet all the requirements in regards to side yards setbacks. They are not looking to build huge houses but are looking to remove the old house which is in bad condition and build something nicer. She understands the concerns about having more traffic. She also has two children. She wanted to state that she is in favor of the owner at 645 4th Street.

Chairman Spinelli asked if there was anyone else who wanted to speak in regards to this public hearing. None responded. He then asked if any of the Commissioners had any further questions for the applicant. None responded. He then called for a motion to close the public hearing.

Commissioner Kwasneski made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 16-08. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Spinelli said his biggest concern is the 32% variation on the lot widths. He is not as concerned about the square footage of the lots because this lot is shorter than all of the adjacent properties so that is not controllable. It is still a 35% variation from the current code. The lot width reduction from a 90 to a 61 is a 32% variation which is too much in his opinion. He understands staff's report and Mr. Cullen's presentation. It is only a 13% variation from the majority of the lots in the area which are 70 feet wide but they can't base their decision on the majority of those lots. His opinion is a 32% is a significant change and not a minor change. What happened in the past when this lot was subdivided into three lots, he is not sure if the owner didn't have information, but the property could have been divided into 70 foot lots. Or if the zoning code was 80 feet he could have asked for a variance to 70 feet. At least then we would have lots that matched other lots and it would have been closer to the zoning code. The 32% is an unprecedented change or variation to the zoning code.

Commissioner Sanderson asked if someone can buy the property and make it into a house the way that it is.

Mrs. Valone stated yes they could either remodel it or knock it down and make it into one single-family home.

Commissioner Sanderson said either you can go up or down 4,000 square feet. He does not see how you can grant the variance other than it will spur the redevelopment of this house in disrepair. It could bring two houses now or they could wait and ultimately one day someone will put a new house on there.

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

Plan Commissioner Recommendation

Commissioner Sanderson made a motion, seconded by Commissioner Kwasneski to recommend to the Mayor and Board of Trustees approval of Case 16-08, 645 4th Street Variations and Resubdivision, with staff recommendations. A roll call vote was taken:

Ayes: None

Nays: Sanderson, Kwasneski, McGleam, Zolecki, Cunningham, Spinelli

Motion denied

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 16-08 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

A. Update from Village Board

Mrs. Valone said in regards to the UDO Amendments, the Committee of the Whole reviewed them the same week as the PZC continuance. They will go before the Village Board for approval on October 24th. She did discuss with the Village Ecologist the increased grading control standards and the standards for acceptance.

Chairman Spinelli asked if there were any updates in regards to the fence permit at Walter and Wend.

Attachment 4

Village of Lemont

Planning & Economic Development Department

418 Main Street Lemont, Illinois 60439

phone (630) 257-1595

fax (630) 257-1598

Variation Application Form

APPLICANT INFORMATION

PHILIP CULLEN

Applicant Name

Company/Organization

12995 PARKER ROAD, LEMONT, IL 60439

Applicant Address

630-605-3049

Telephone & Fax

Philj CULLEN @ 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

645 4TH STREET, LEMONT, IL

Address of Subject Property/Properties

22-28-105-076

Parcel Identification Number of Subject Property/Properties

16,695 SF

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Brief description of the proposed variation

LOT WIDTH, LOT SIZE + SIDE YARD SETBACKS

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.

<u>Phillip J. Cook</u>	<u>8/24/2016 9/22/2016</u>
Signature of Applicant	Date
<u>ILLINOIS</u>	<u>COOK</u>
State	County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that Phillip Cook 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.

Claudia C Rocio
Notary Signature

Given under my hand and notary seal this 23rd day of September A.D. 20 16.

My commission expires this 04 day of 27 A.D. 20 18.



Final Plat Application Form

APPLICANT INFORMATION

PHILIP CULLEN

Applicant Name

Company/Organization

12995 PARKER ROAD, LEMONT, IL 60439

Applicant Address

630-605-3049

Telephone & Fax

PhiljculLEN @ 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

Address of Subject Property/Properties

465 4TH STREET

Parcel Identification Number of Subject Property/Properties

14,695 SF.

Size of Subject Property/Properties

REQUIRED DOCUMENTS

See Form 505-A, *Final Plat 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: _____

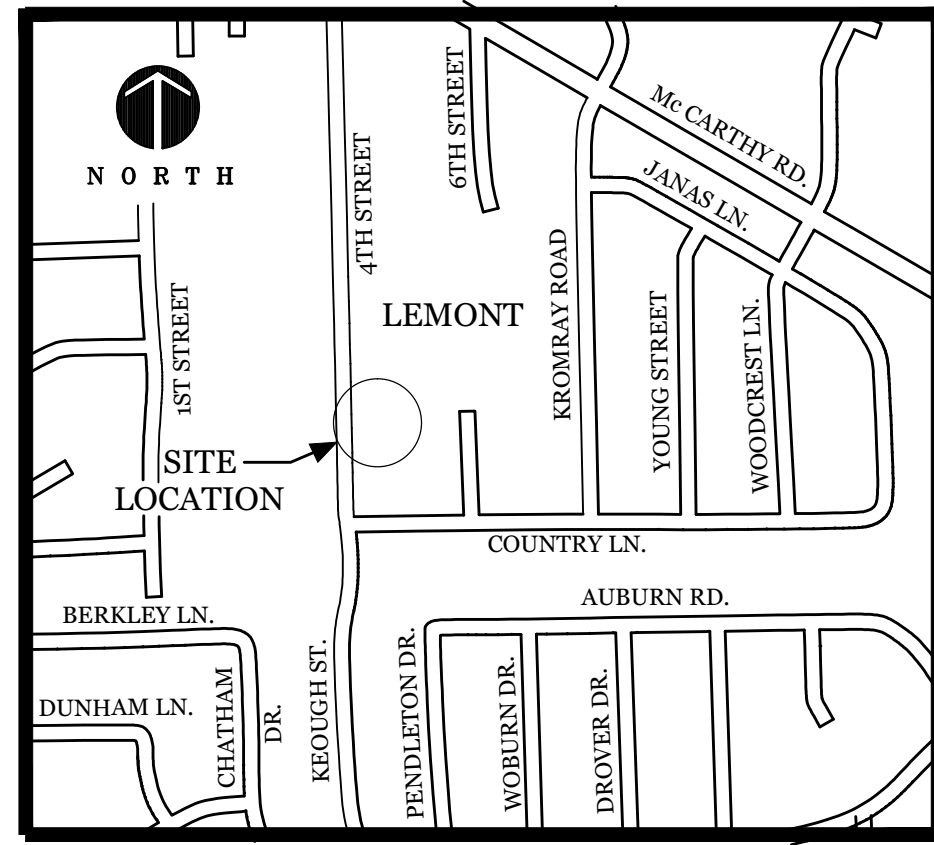
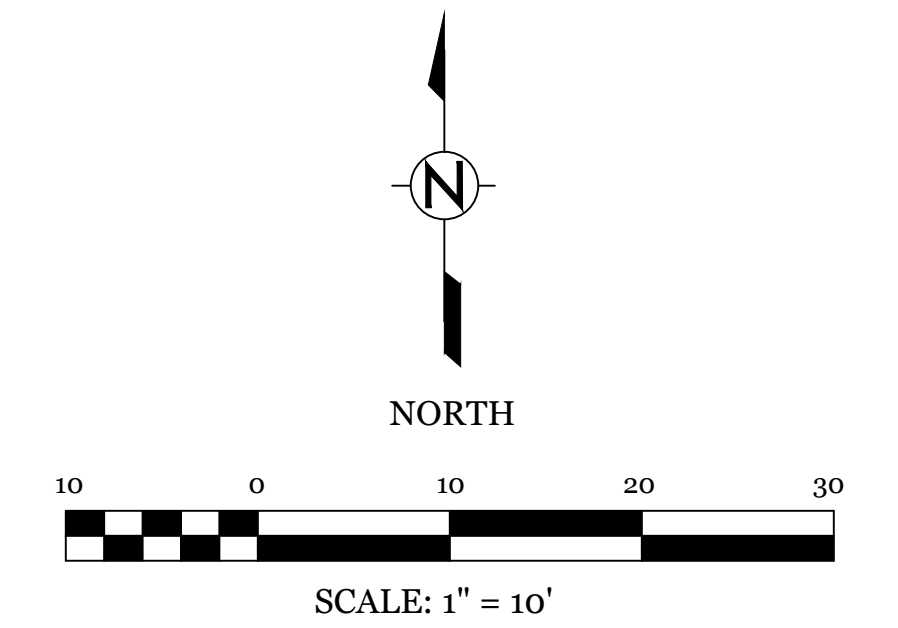
Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

CULLEN RESUBDIVISION GEOMETRIC SITE PLAN - 2 LOT EXHIBIT

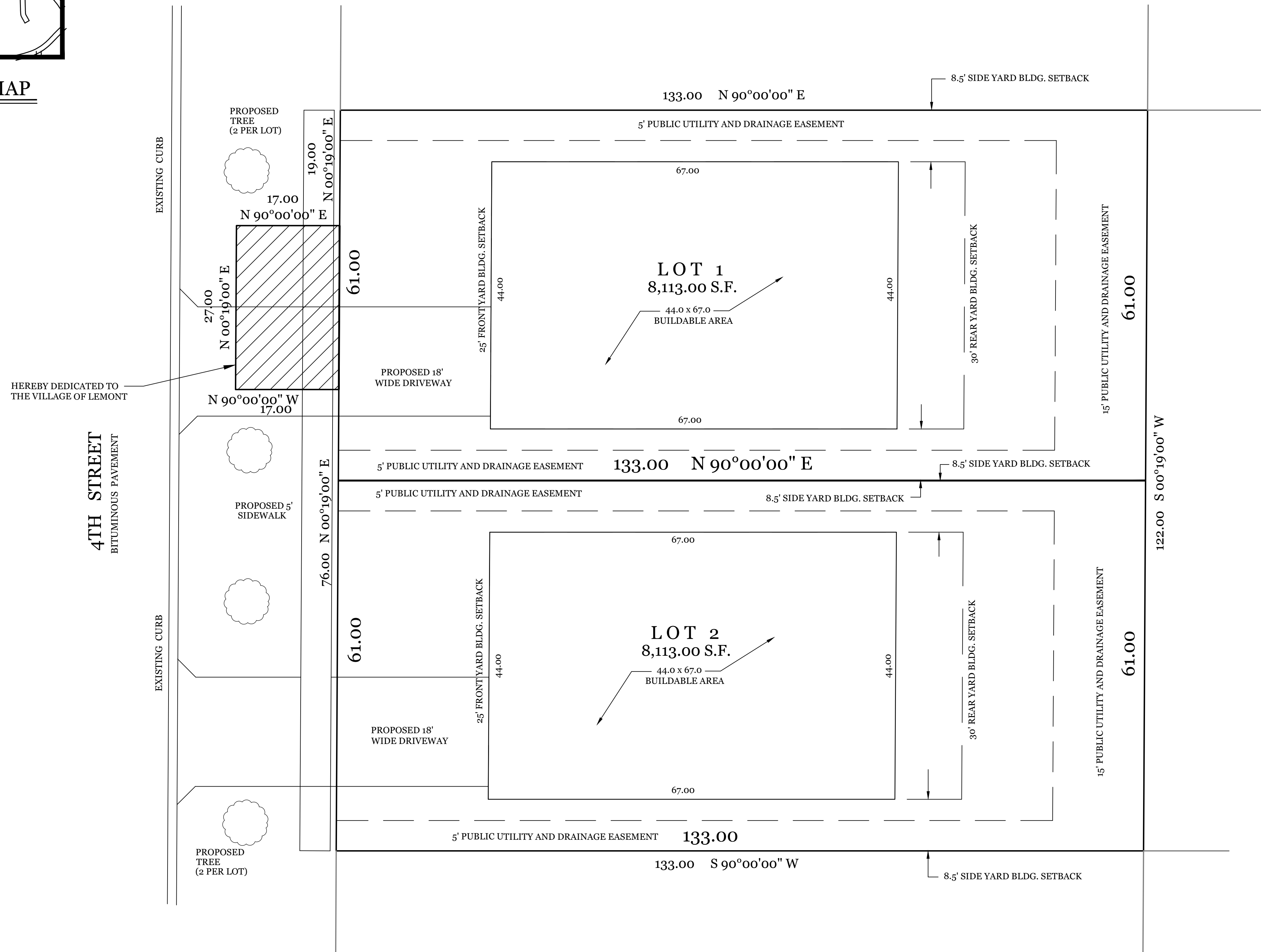
LOT 2 IN IMHOFF SUBDIVISION, BEING A RE-SUBDIVISION OF THE NORTH 282 FEET OF THE WEST 166 FEET MEASURED FROM THE OLD CENTERLINE OF THE STREET, OF PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, FORMERLY KNOWN AS LOTS 54, 55, 56, 57, 58, 60, 61, 62 AND 63, NOW VACATED, IN BECKER'S SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28 AFORESAID: SITUATED ON COOK COUNTY, STATE OF ILLINOIS.

ADDRESS COMMONLY KNOWN AS: 645 4TH STREET, LEMONT, ILLINOIS



SITE LOCATION MAP

NO SCALE



STATE OF ILLINOIS
COUNTY OF DuPAGE) S.S.

I, WARREN D. JOHNSON, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED AT WHEATON, IL THIS 26TH DAY OF AUGUST, A.D. 2016.

Warren D. Johnson
ILLINOIS REGISTERED LAND SURVEYOR NO. 2971



TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF THE SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF THIS RESIDENCE OR ANY PART THEREOF, OF THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OF SUCH WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO NOT DAMAGE THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE RESIDENCE.

DATED THIS 26TH DAY OF AUGUST, A.D. 2016.

Warren D. Johnson
ILLINOIS PROFESSIONAL ENGINEER NUMBER 40472

REVISIONS:		DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
09-15-16	D.J.		PER REVIEW				

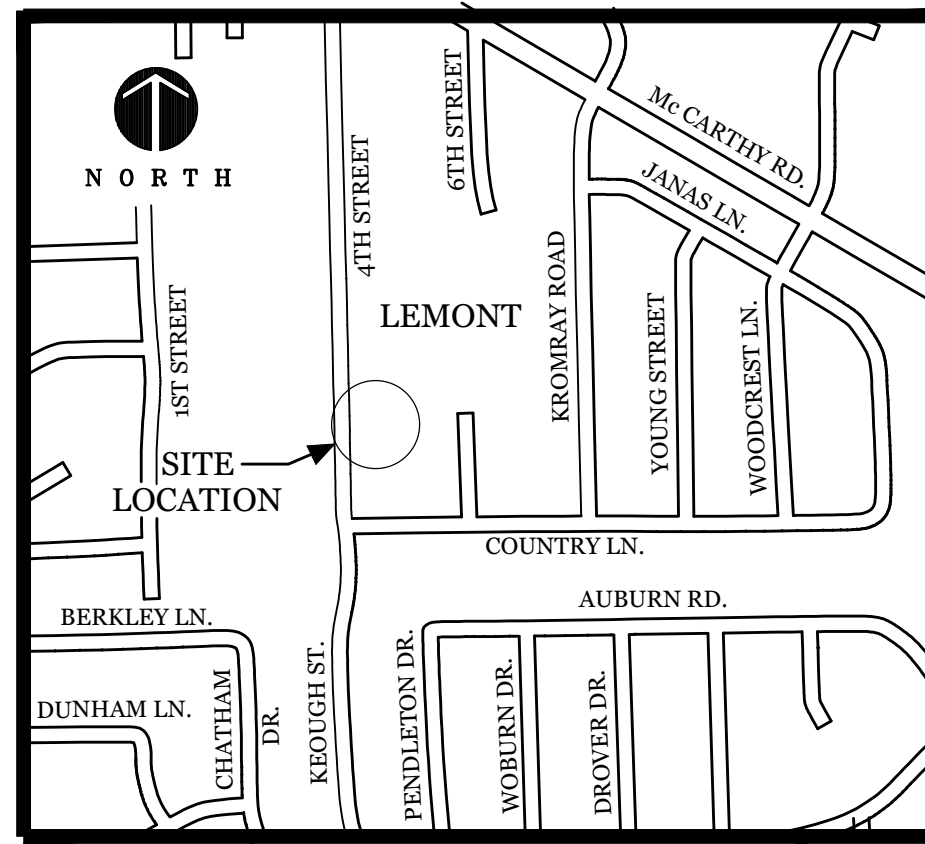
DRAWN BY:	DJ	DATE:	08-25-16
CHECKED BY:	WJM	DATE:	08-25-16
APPROVED BY:	WJM	DATE:	08-25-16

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: SEVEN OAKS DEVELOPERS, LLC.
440 NORTH WABASH #1406
CHICAGO, IL. 60611

TITLE: CULLEN RESUBDIVISION
GEOMETRIC SITE PLAN - 2 LOT EXHIBIT
645 4TH STREET
LEMONT, ILLINOIS

SCALE: 1" = 10'
DATE: 09-15-16
JOB NO: 0000
SHEET 1 OF 1



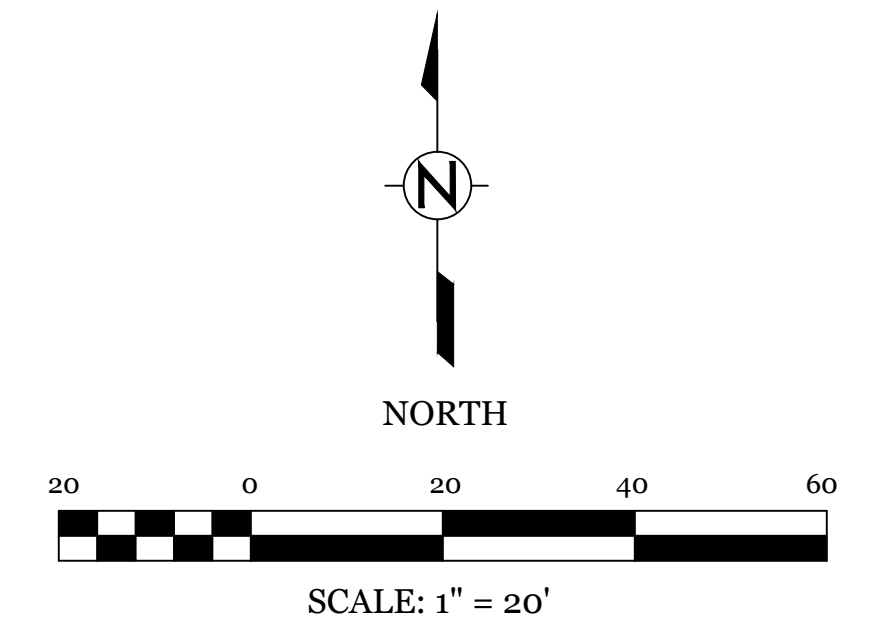
SITE LOCATION MAP

NO SCALE

CULLEN RESUBDIVISION GEOMETRIC SITE PLAN - 4 LOT EXHIBIT

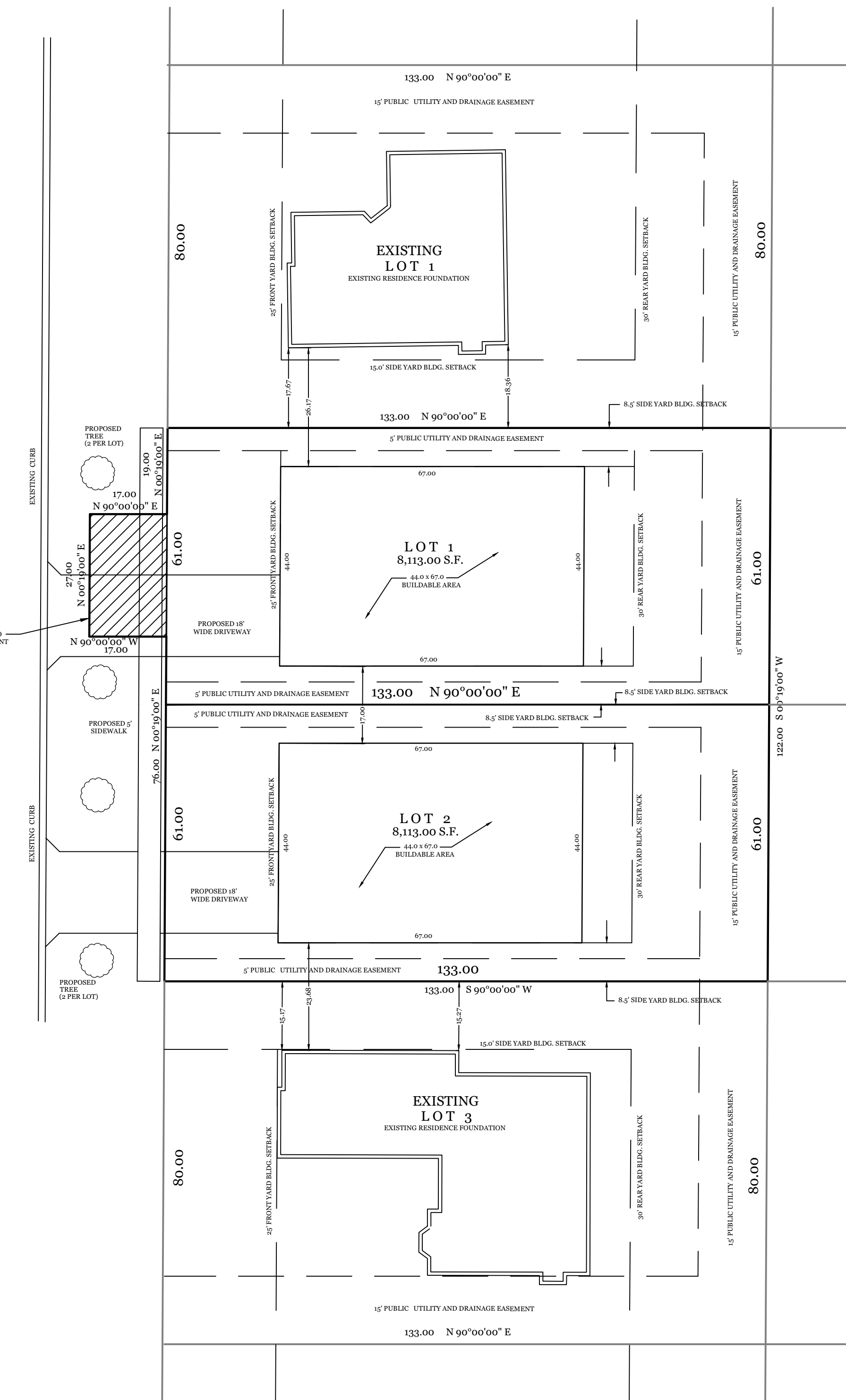
LOT 2 IN IMHOFF SUBDIVISION, BEING A RE-SUBDIVISION OF THE NORTH 282 FEET OF THE WEST 166 FEET MEASURED FROM THE OLD CENTERLINE OF THE STREET, OF PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, FORMERLY KNOWN AS LOTS 54, 55, 56, 57, 58, 60, 61, 62 AND 63, NOW VACATED, IN BECKER'S SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28 AFORESAID: SITUATED ON COOK COUNTY, STATE OF ILLINOIS.

ADDRESS COMMONLY KNOWN AS: 645 4TH STREET, LEMONT, ILLINOIS



4TH STREET
BITUMINOUS PAVEMENT

HEREBY DEDICATED TO THE VILLAGE OF LEMONT



NOTE :

ALL INFORMATION AND DIMENSIONS FOR EXISTING ADJACENT LOTS NORTH AND SOUTH OF PROPOSED RESUBDIVISION WERE OBTAINED FROM FROM PLAT OF SURVEYS.



STATE OF ILLINOIS
COUNTY OF DuPAGE) S.S.

I, WARREN D. JOHNSON, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED AT WHEATON, IL THIS 26ST DAY OF AUGUST, A.D. 2016.

W.D.J.
ILLINOIS REGISTERED LAND SURVEYOR NO. 2971



TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF THE SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF THIS RESIDENCE OR ANY PART THEREOF. OF THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OF SUCH WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO NOT DAMAGE THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE RESIDENCE.

DATED THIS 26ST DAY OF AUGUST, A.D. 2016.

W.D.J.
ILLINOIS PROFESSIONAL ENGINEER NUMBER 40472

REVISIONS:		DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
09-15-16	D.J.		PER REVIEW				

DRAWN BY:	DJ	DATE:	08-25-16
CHECKED BY:	WJM	DATE:	08-25-16
APPROVED BY:	WJM	DATE:	08-25-16

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: SEVEN OAKS DEVELOPERS, LLC.
440 NORTH WABASH #1406
CHICAGO, IL. 60611

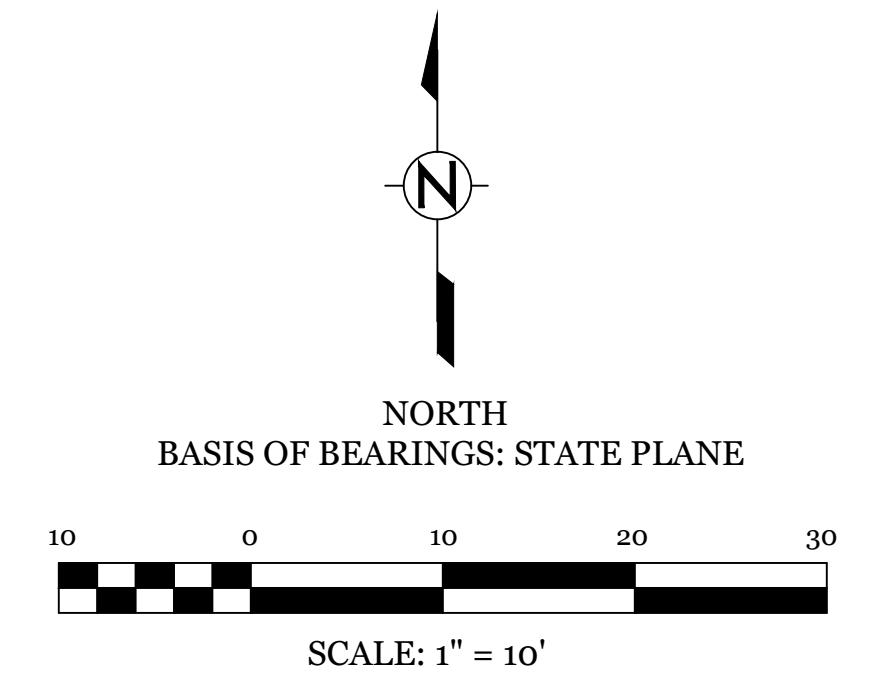
TITLE: CULLEN RESUBDIVISION
GEOMETRIC SITE PLAN - 4 LOT EXHIBIT
645 4TH STREET
LEMONT, ILLINOIS

SCALE:	1" = 20'
DATE:	09-15-16
JOB NO:	0000
SHEET	1 OF 1

CULLEN RESUBDIVISION PLAT OF RESUBDIVISION

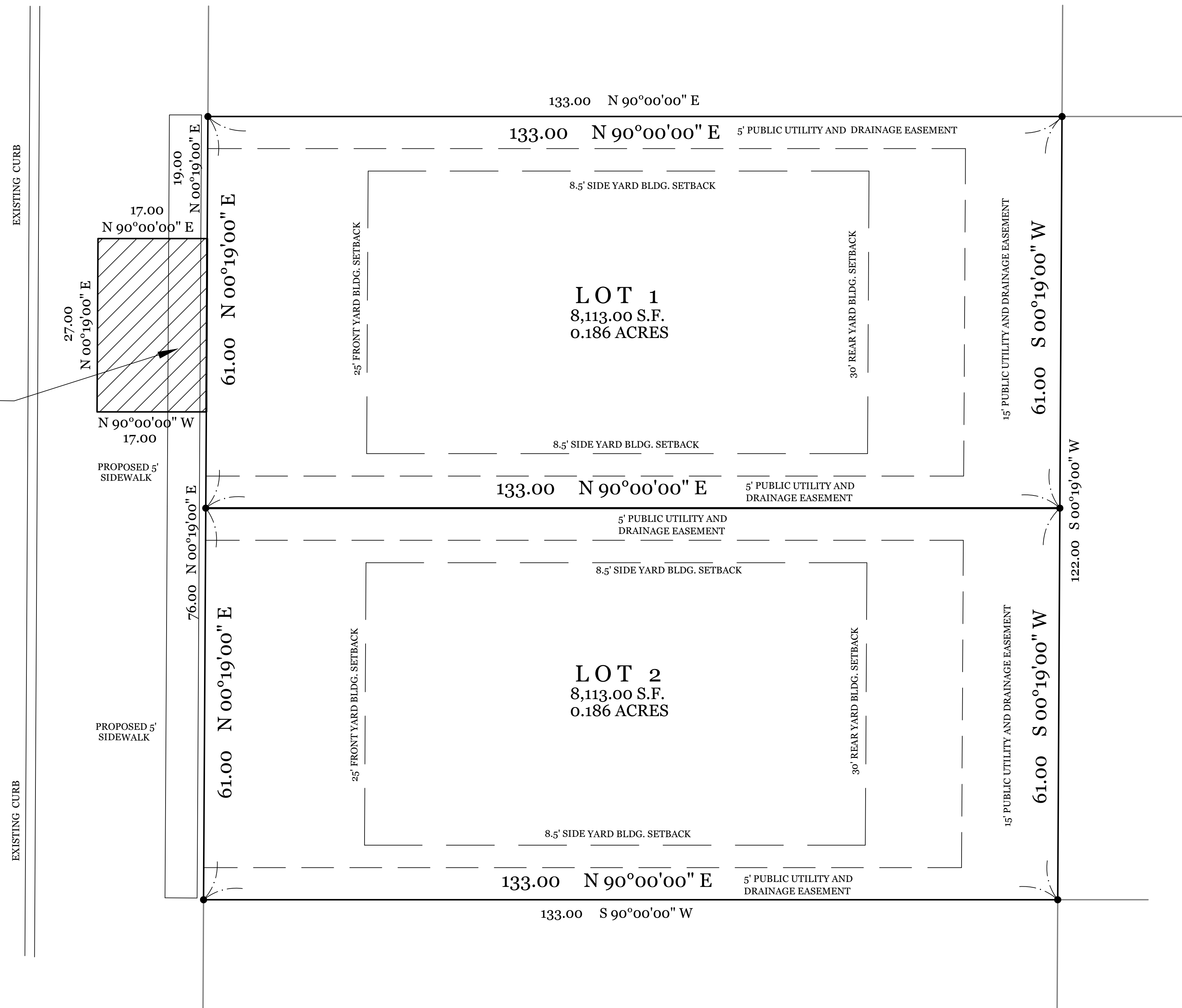
THIS PLAT OR MAP HAS BEEN SUBMITTED FOR RECORDING BY AND RETURN TO:
VILLAGE CLERK
VILLAGE OF LEMONT
418 MAIN STREET
LEMONT, ILLINOIS 60439

LOT 2 IN IMHOFF SUBDIVISION, BEING A RE-SUBDIVISION OF THE NORTH 282 FEET OF THE WEST 166 FEET MEASURED FROM THE OLD CENTERLINE OF THE STREET, OF PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, FORMERLY KNOWN AS LOTS 54, 55, 56, 57, 58, 60, 61, 62 AND 63, NOW VACATED, IN BECKER'S SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28 AFORESAID: SITUATED ON COOK COUNTY, STATE OF ILLINOIS.
ADDRESS COMMONLY KNOWN AS: 645 4TH STREET, LEMONT, ILLINOIS



HEREBY DEDICATED TO
THE VILLAGE OF LEMONT

4TH STREET
BITUMINOUS PAVEMENT



DEVELOPMENT SITE DATA

Parcel Numbers of the subject property:
00-00-000-000
Size of Subject Property in square feet and acres
16,685.00 S.F. / 0.383 Acres
Square footage and acreage of hereby dedicated to the Village of Lemont
459.00 S.F. / 0.010 Acres

NOTES :

- IRON PIPES ARE LOCATED AT ALL LOT CORNERS.

REVISIONS:		DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
08-25-16	D.J.		PER REVIEW				

DRAWN BY:	DJ	DATE:	08-25-16
CHECKED BY:	WJM	DATE:	08-25-16
APPROVED BY:	WJM	DATE:	08-25-16

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e-mail: DJA@DJAonline.net

CLIENT:
SEVEN OAKS DEVELOPERS, LLC.
440 NORTH WABASH #1406
CHICAGO, IL. 60611

TITLE:
**CULLEN RESUBDIVISION
PLAT OF RESUBDIVISION**
645 4TH STREET
LEMONT, ILLINOIS

SCALE: 1" = 10'
DATE: 08-25-16
JOB NO: 0000
SHEET 1 OF 2

TO: Village Board
FROM: George J. Schafer, Village Administrator
THROUGH:
SUBJECT Discussion of Heritage Fest and other Village Special Events

DATE: November 17, 2016

SUMMARY/ BACKGROUND

At the 2016 Strategic Plan update workshop meeting, the Village Board asked me to work with Village staff, neighboring taxing agencies, and other entities in the further coordination of Village special events and private event requests as we head into budget preparation for FY 17-18. The reasons for this exercise include the evaluation of the cost of the events to determine if the expenditure is as an ideal utilization of Village funds, the effect of the events on staff and the community, the need to consolidate fundraising efforts for the entire community and to explore ways to leverage partnerships to improve events for the community. The evaluation is not intended to yield a reduction of staff, but rather to reduce the burden on existing staff with the goal of repurposing staff talent and work towards initiatives that more closely match the strategic priorities of the Village Board and community.

At the October 17th Committee of the Whole Meeting, the Board discussed several events and potential changes. Since that meeting, staff has met with the various agencies and partners to discuss various events and potential partnerships. Staff will report on these meetings as well as lead a discussion on the future of Heritage Fest, of which the Board did not get a chance to discuss in October.

STAFF RECOMMENDATION

Staff recommends, where applicable, will be presented during discussion at the meeting.

BOARD ACTION REQUESTED

Discussion

ATTACHMENTS

None

TO: Village Board
FROM: George Schafer, Village Administrator
Ralph Pukula, Public Works Director
SUBJECT: Metropolitan Water Reclamation District of Greater Chicago
("MWRDGC") Infiltration / Inflow Control Program ("IICP")

DATE: 11/21/16

SUMMARY/ BACKGROUND

The Reclamation District adopted a new infiltration / inflow control program ("IICP") in 2014 to reduce the excess water entering the separate sanitary sewer system from satellite communities that is eventually being treated at their water reclamation facilities. For Lemont, this includes the portion of the sanitary system that is tributary to the combined sewer system ("CSS") as well as the remaining sanitary sewers. IICP is intended to address I/I from the public and private side of the system (Lemont's sewers and private sewers). There are short term and long term requirements associated with the IICP.

In order to meet these requirements, the Village needs the following assistance;

- 2015 annual report to MWRDGC
- Developing a plan of investigation to address high risk sewers
- Reviewing, creating, and documenting sewer records

ANALYSIS

Consistency with Village Policy

2014 Strategic Plan. This program is consistent with the Quality Infrastructure Strategic Priority.

Lemont 2030 Comprehensive Plan. This program is consistent with the Natural Resources & Recreation vision statement

5-Year Capital Improvement Plan. This program will be included in the 5 year capital plan going forward.

STAFF RECOMMENDATION

Staff recommends the Village enter into a contract for professional services with Crawford, Murphy, Tilly, Inc. to prepare the 2015 annual report for MDRDGC including any work necessary to complete.

BOARD ACTION REQUESTED

The item is being presented for discussion purposes only.

ATTACHMENTS Exhibit A. 2015 MWRD IICP Reporting Proposal

Exhibit A

STANDARD AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT made between the Village of Lemont, whose address is 418 Main Street, Lemont, IL 60439-3788 hereinafter called the **CLIENT** and Crawford, Murphy & Tilly, Inc., Consulting Engineers, 2750 West Washington Street, Springfield, Illinois 62702, hereinafter called the **ENGINEER**.

WITNESSETH, that whereas the **CLIENT** desires the following described professional engineering, land surveying or architectural services:

Assist the **CLIENT** with preparing the forms and information requested by the Metropolitan Water Reclamation District of Greater Chicago as outlined in their July 1, 2016 letter. Scope of professional services is outlined in the attached Exhibit A.

NOW THEREFORE, the **ENGINEER** agrees to provide the above described services and the **CLIENT** agrees to compensate the **ENGINEER** for these services in the manner checked below:

- On a time and expense basis in accordance with the attached Schedule of Hourly Charges which is subject to change at the beginning of each calendar year. Reimbursable direct expenses will be invoiced at cost. Professional or Subconsultant services performed by another firm will be invoiced at cost plus ten percent.
- At the lump sum amount of \$_____.

IT IS MUTUALLY AGREED THAT, payment for services rendered shall be made monthly in accordance with invoices rendered by the **ENGINEER**.

IT IS FURTHER MUTUALLY AGREED:

AGREEMENT amount shall not exceed \$24,590 without prior authorization from **CLIENT** as shown in **Exhibit B**.

CLIENT shall provide **ENGINEER** with all available sanitary sewer system information and records.

The **CLIENT** and the **ENGINEER** each binds himself, his partners, successors, executors, administrators and assignees to each other party hereto in respect to all the covenants and agreements herein and, except as above, neither the **CLIENT** nor the **ENGINEER** shall assign, sublet or transfer any part of his interest in this **AGREEMENT** without the written consent of the other party hereto. This **AGREEMENT**, and its construction, validity and performance, shall be governed and construed in accordance with the laws of the State of Illinois. This **AGREEMENT** is subject to the General Conditions attached hereto.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals this ____ day of ____, 2016.

CLIENT:

VILLAGE OF LEMONT

(Client Name)

(Signature)

BRIAN K. REAVES - MAYOR

(Name and Title)

ENGINEER:

CRAWFORD, MURPHY & TILLY, INC.

(Signature)

BRIAN R. WELKER - VICE PRESIDENT

(Name and Title)

CMT Job No. 16211-01

STANDARD GENERAL CONDITIONS
Crawford, Murphy & Tilly, Inc.

1. Standard of Care

In performing its professional services hereunder, the **ENGINEER** will use that degree of care and skill ordinarily exercised, under similar circumstances, by members of its profession practicing in the same or similar locality. No other warranty, express or implied, is made or intended by the **ENGINEER'S** undertaking herein or its performance of services hereunder.

2. Reuse of Document

All documents including Drawings and Specifications prepared by **ENGINEER** pursuant to this Agreement are instruments of service. They are not intended or represented to be suitable for reuse by **CLIENT** or others on extensions of the Project or on any other project. Any reuse without written verification or adaptation by **ENGINEER** for the specific purpose intended will be at **CLIENT'S** sole risk and without liability or legal exposure to **ENGINEER**; and **CLIENT** shall indemnify and hold harmless **ENGINEER** from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom.

3. Termination

This Agreement may be terminated by either party upon seven days prior written notice. In the event of termination, the **ENGINEER** shall be compensated by the client for all services performed up to and including the termination date, including reimbursable expenses, and for the completion of such services and records as are necessary to place the **ENGINEER'S** files in order and/or to protect its professional reputation.

4. Parties to the Agreement

The services to be performed by the **ENGINEER** under this Agreement are intended solely for the benefit of the **CLIENT**. Nothing contained herein shall confer any rights upon or create any duties on the part of the **ENGINEER** toward any person or persons not a party to this Agreement including, but not limited to any contractor, subcontractor, supplier, or the agents, officers, employees, insurers, or sureties of any of them.

5. Construction and Safety

The **ENGINEER** shall not be responsible for the means, methods, procedures, techniques, or sequences of construction, nor for safety on the job site, nor shall the **ENGINEER** be responsible for the contractor's failure to carry out the work in accordance with the contract documents.

6. Payment

Payment for services rendered shall be made monthly in accordance with invoices rendered by the **ENGINEER**. If payment is to be on a lump sum basis, monthly payments will be based on the portion of total services completed during the month. Invoices, or any part thereof, which are not paid within 30 days after the date of issue shall bear interest at the rate of 1-1/2% for each month or fraction thereof from the date 30 days after issue to time of payment. **CLIENT** will pay on demand all collection costs, legal expenses and attorneys' fees incurred or paid by **ENGINEER** in collecting payment, including interest, for services rendered.

7. Indemnification for Release of Pollutants

If this project does not involve pollutants, this provision will not apply. This provision may not be deleted if the project involves pollutants.

If, due to the nature of the service covered under this Agreement including the potential for damages arising out of the release of pollutants, **CLIENT** agrees that in the event of one or more suits or judgments against **ENGINEER** in favor of any person or persons, or any entity, for death or bodily injury or loss of or damage to property or for any other claimed injury or damages arising from services performed by **ENGINEER**, **CLIENT** will indemnify and hold harmless **ENGINEER** from and against liability to **CLIENT** or to any other persons or entities irrespective of Engineer's compensation and without limitation. It is understood that the total aggregate liability of **ENGINEER** arising from services performed by **ENGINEER** shall in no event exceed \$50,000 or the total compensation received under this agreement whichever is greater, no matter the number of or amount of such claims, suits, or judgments.

8. Risk Allocation

The total liability, in the aggregate, of the **ENGINEER** and **ENGINEER'S** officers, directors, employees, agents and consultants, and any of them, to **CLIENT** and anyone claiming by, through or under **CLIENT**, for any and all injuries, claims, losses, expenses or damages arising out of the **ENGINEER'S** services, the project or this agreement, including but not limited to the negligence, errors, omissions, strict liability or breach of contract of **ENGINEER** or **ENGINEER'S** officers, directors, employees, agents or consultants, or any of them, shall not exceed the total compensation received by **ENGINEER** under this agreement, or the total amount of \$50,000, whichever is greater.

CRAWFORD, MURPHY & TILLY, INC.
STANDARD SCHEDULE OF HOURLY CHARGES
EFFECTIVE JANUARY 1, 2016

Classification	Regular Rate Per Hour	Overtime Rate Per Hour
Principal	\$ 195	\$ 195
Senior Project Engineer/Manager	\$ 185	\$ 185
Project Engineer/Manager/Architect	\$ 155	\$ 155
Senior Engineer/Architect	\$ 130	\$ 145
Senior Technical Manager	\$ 120	\$ 140
Senior Planner/GIS Specialist	\$ 110	\$ 130
Engineer/Architect	\$ 110	\$ 130
Planner/Technical Manager	\$ 80	\$ 95
Land Surveyor	\$ 130	\$ 145
Senior Technician	\$ 115	\$ 135
Technician II	\$ 95	\$ 110
Technician I	\$ 75	\$ 90
Administrative Assistant/Accountant	\$ 50	\$ 60

If the completion of services on the project assignment requires work to be performed on an overtime basis, overtime rates will apply and the fee will be adjusted to include the additional premium costs. These rates are subject to change upon reasonable and proper notice. In any event this schedule will expire and be superseded by a new schedule on or about January 1, 2017.

To the amount charged at rates shown will be added the actual cost of blueprints, supplies, transportation and subsistence and other miscellaneous job related expenses directly attributable to the performance of services. A usage charge will be made when flow monitoring, sampling or level recording equipment, nuclear density equipment, GPS equipment, robotic total station or other similar specialized equipment are used directly on assignments.

Professional or subconsultant services furnished to the Crawford, Murphy & Tilly, Inc. by another company shall be invoiced at actual cost plus ten percent.

EXHIBIT A
VILLAGE OF LEMONT

SCOPE OF PROFESSIONAL SERVICES TO ASSIST WITH PREPARING AN INVESTIGATION PLAN TO COMPLY
WITH METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO (MWRDGC)
INFILTRATION / INFLOW CONTROL PROGRAM (IICP)

MWRDGC IICP Program

The District adopted a new I/I control program (IICP) in 2014 to reduce the excess water entering the separate sanitary sewer system from satellite communities that is eventually being treated at their water reclamation facilities. For Lemont, this includes the portion of the sanitary sewer system that is tributary to the combined sewer system (CSS) as well as the remaining sanitary sewers. The goal is to reduce SSOs and basement backups because the District may be subject to enforcement by regulators for these occurrences. IICP is intended to address I/I from the public and private side of the system (i.e., Lemont's sewers and private sewers (laterals)). There are short term and long term requirements associated with the IICP.

Short term requirements include completing and reporting on the following in the first five years (2015 – 2019):

- submit annual progress reports to the District with the first one required in 2016
- performing a condition assessment of the system and implementing rehabilitation
- develop and submit a long-term operation and maintenance plan (LTOMP) to the District
- develop and submit a private sector program (PSP) to the District

Long Term Requirements include implementing the LTOMP to prevent reoccurrence of I/I from entering the sewer system from 2021 into the future. This means providing sufficient funding to maintain the system throughout its service life.

MWRDGC Letter Dated July 1, 2016

Lemont's Village Engineer prepared the 2015 annual report with the best available information. However, the District replied with a letter indicating they needed additional information about the collection system. Specifically, the District requested the following three items:

1. Condition Assessment Prioritization Form (CAPF) and Map,
2. Annual Summary Report with documentation showing the previous sewer inspections were performed using NASSCO Standards, and
3. Sanitary Sewer System Description and Inventory Form (SDIF) and System Map

CMT's Scope of Professional Services

For this initial scope, CMT will prepare the 2015 MWRD IICP required reporting. In order to provide the District with the above requested items, additional information must be gathered and a plan of investigation developed. CMT proposes to assist the Village by preparing a plan of investigation and completing the required forms (items 1-3 above) for Lemont to submit to the District. Developing an investigation plan and completing the required forms involves the following tasks:

1. Perform document review and data gap analysis of all available separate sewer system information, that may include:
 - A. Mapping and GIS
 - B. Construction plans

EXHIBIT A
VILLAGE OF LEMONT
SCOPE OF PROFESSIONAL SERVICES TO ASSIST WITH PREPARING AN INVESTIGATION PLAN TO COMPLY
WITH METROPOLITAN WATER RECLAMAATION DISTRICT OF GREATER CHICAGO (MWRDGC)
INFILTRATION / INFLOW CONTROL PROGRAM (IICP)

- C. Prior inspections
 - D. Repairs (planned & emergency)
 - E. Routine and scheduled maintenance
 - F. Problem area responses
2. Develop a plan of investigation to assess the high risk sanitary sewers that will satisfy the District's short term requirements:
- A. Delineate sewer system basins with directional arrows, identify corporate limits and highlight undeveloped land
 - B. Summarize basin characteristics, that include, pipe size distribution, pipe material distribution, pipe age distribution, number of manholes, approximate depth, number of pump stations
 - C. Summarize basin O&M problem areas and frequency of visits and complaints
 - D. Prioritize the basins for cleaning and televising work, ensuring work complies with NASSCO PACP requirements
 - E. Identify high-risk sewers and highlight on the map
 - F. Identify plan to monitor sewer flows at dedicated key locations
3. Prepare the 2015 annual report to the District:
- A. Summarize the work performed for 2015

Once this initial step is completed to comply with the 2015 reporting, we will work with the village to develop a scope to address the long term goals as required by the MWRD.

CRAWFORD, MURPHY & TILLY, INC.
 CONTRACT ATTACHMENT - EXHIBIT B - 2016 PROFESSIONAL SERVICES COST ESTIMATE

CLIENT VILLAGE OF LEMONT
 PROJECT NAME 2015 MWRDGC IICP PROGRAM ASSISTANCE
 CMT JOB NO. 16211-01-00

Prep By PROJ MGR
 DATE 10/20/16

Apprvd PROJ PNCL
 DATE 10/20/16

TASK NO.	TASKS \ CLASSIFICATIONS	PRINCIPAL	SR PROJECT ENGR MANAGER	ARCHITECT MANAGER	PROJECT ENGINEER	SENIOR ENGINEER	SENIOR ARCHITECT	SENIOR TECHNICAL MANAGER	ENGINEER ARCHITECT	LAND SURVEYOR	SENIOR TECHNICAL SENIOR PLANNER GIS SPECIALIST	TECHNICAL MGR PLANNER	TECHNICIAN II	TECHNICIAN I	ADMIN ASSISTANT ACCOUNTANT	MAN HOURS & LABOR SUMMARY	TOTAL
	CURRENT YEAR 2016 HOURLY RATES	\$195	\$185	\$155	\$130	\$120	\$110	\$130	\$115	\$80	\$95	\$75	\$50				
1	Review of available Village sewer records			8	8						8						24
2	Develop plan of investigation to address high risk sewers			36	50						40						126
3	Prepare 2015 annual report to MWRDGC			8	8						8						24
4																	
5																	
6																	
7																	
8																	
9																	
10																	
11																	
12																	
13																	
14																	
15																	
	TOTAL MAN HOURS			52	66						56						174
	SUBTOTAL - BASE LABOR EFFORT			\$8,060	\$8,580						\$6,440						\$23,080

TASKS (CONTINUED)	TOTAL LABOR EFFORT	DIRECT EXPENSE & REIMBURSABLES										TOTAL EXPENSE	TOTAL FEE		
		TRAVEL MILEAGE	MEALS & LODGING	PRINTING	EQUIP-MENT	MISC	SURVEY MTL	SUBS	SUBS ADMIN	OTHER EXP	OTHER EXP				
1 Review of available Village sewer records	\$3,200	\$114												\$114	\$3,314
2 Develop plan of investigation to address high risk sewers	\$16,680														\$16,680
3 Prepare 2015 annual report to MWRDGC	\$3,200	\$228												\$228	\$3,428
4															
5															
6															
7															
8															
9															
10															
11															
12															
13															
14															
15															
TOTALS	\$23,080	\$342												\$342	\$23,422
TIME PERIOD OF PROJECT	2016	2017	2018	2019	TOTAL	EST % OF OT HRS INCLUDED ABOVE AVERAGE OVERTIME RATE PREMIUM						5%	MULTI-YEAR + OT MLTPLR & AMT		
PERCENTAGE OF WORK TO BE PERFORMED BY YEAR	100%				100%	OT ADJUSTMENT FACTOR							1.0000		
WEIGHTING FACTOR FOR 5% ANNUAL ADJUSTMENT	1.0000				1.0000										
ESTIMATED CONTINGENCY												5%	\$1,170		
ROUNDING													(\$2)		
TOTAL FEE	MATH CROSS CHECK IS OK												\$24,590		

TO: Village Board
FROM: George Schafer, Village Administrator
Jeffrey M. Stein, Corporation Counsel/Deputy Village Administrator
SUBJECT: Local Government Travel Expense Control Act
DATE: November 21, 2016

SUMMARY/ BACKGROUND

The Local Government Travel Expense Control Act (“Act”) will become effective on January 1, 2016. This law requires all non-home rule units of local government to regulate travel, lodging and meal expenses that are incurred by all members of the Village as those expenses related to Village business and will be reimbursed or paid directly by the Village. This regulation must be adopted by the Village Board, per the Act. Accordingly, the Village must adopt a resolution or ordinance that, at a minimum, contains for following provisions:

1. The types of allowed reimbursable activities (e.g., conference attendance, travel for business meetings, meals, lodging etc.);
2. The maximum amount that the unit of local government will reimburse for travel, meal and lodging expenses; and
3. A standardized form for documenting travel, meal or lodging expenses, as well as “the nature of the official business” for which reimbursement is sought.

Timelines

- Effective date of the Act: January 1, 2017.
- Effective date of the regulations: March 2, 2017.

After March 2, 2017, expenses for employees or officers that exceed the maximum allowable expenses **must** be approved by a roll call vote at a Village Board meeting, and **all** expenses of the *corporate authorities must* also be approved in this manner.

Entertainment Expenses

After January 1, 2017, no unit of local government can reimburse any elected or appointed official, employee or officer of the Village for entertainment expenses such as tickets for sporting events or other amusement *unless* such entertainment expenses are “ancillary to the purpose of the program or event” (e.g., as part of a convention).

BOARD ACTION NEEDED

To comply with the Act, the Village Board must adopt a policy that must be adhered to by all elected officials, appointed officials, and Village employees who wish to have their travel, lodging and meal expenses reimbursed when traveling on official Village business.

To date, the Village's Personnel Manual already addresses a significant portion of the requirements imposed by the Act, including a Village of Lemont Travel Request Form which complies with the Act. The Personnel Manual only addresses travel for training and conferences; it does not address other travel and lodging that may become necessary from time to time. It also does not address meal reimbursement during non-travel events. Furthermore, the total amount that can be reimbursed without further Village Board action must also be established and included in the Personnel Manual.¹ Those changes will be incorporated into Personnel Manual prior to the effective date of Act.

In addition to the Personnel Manual changes, an ordinance imposing similar requirements upon the travel of elected and appointed officials must also be adopted. As the Personnel Manual only applies to employees of the Village, the Village Code governs elected and appointed officials of the Village through via the Lemont, Illinois Municipal Code. The same requirements that apply to employees can apply to the elected and appointed officials. However, there is no need for a maximum amount that can be reimbursed for the Village Board, as required by the Act each and every travel, lodging and meal expense must be approved at a Village Board meeting.

ANALYSIS

Comprehensive Plan: This has no impact upon the Comprehensive Plan

Operating Budget: There is no direct impact upon the Village's budget.

RECOMMENDATION

The Village Administration is recommending that the Village Board provide certain guidelines to be included in the Personnel Manual and the Village Code at an upcoming meeting.

BOARD ACTION REQUESTED

Discussion and direction to the Village staff.

¹ It is important to note that reimbursement is still not automatic. Travel must serve a purpose beneficial to the Village and must receive the prior approval of the Village Administrator.

