



# Village of Lemont

418 Main Street • Lemont, Illinois 60439

*Village of Faith*

## VILLAGE BOARD COMMITTEE OF THE WHOLE MEETING

**JUNE 20, 2011 - 7:00 P.M.**

Mayor  
Brian K. Reaves

Village Clerk  
Charlene M. Smollen

Trustees  
Debbly Blatzer  
Paul Chialdikas  
Clifford Miklos  
Rick Sniegowski  
Ronald Stapleton  
Jeanette Virgilio

Administrator  
Benjamin P. Wehmeier

Administration  
phone (630) 257-1590  
fax (630) 243-0958

Building Department  
phone (630) 257-1580  
fax (630) 257-1598

Planning & Economic  
Development  
phone (630) 257-1595  
fax (630) 257-1598

Engineering Department  
phone (630) 257-2532  
fax (630) 257-3068

Finance Department  
phone (630) 257-1550  
fax (630) 257-1598

Police Department  
14600 127th Street  
phone (630) 257-2229  
fax (630) 257-5087

Public Works  
16680 New Avenue  
phone (630) 257-2532  
fax (630) 257-3068

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

- I. CALL TO ORDER.
- II. ROLL CALL.
- III. DISCUSSION ITEMS.
  - A. DISCUSSION OF JAIKOVSKI LOT SPLIT.  
(PLANNING & ED)(STAPLETON)(BROWN)
  - B. DISCUSSION OF KAHLE LOT DIVISION - 129<sup>TH</sup> STREET.  
(PLANNING & ED)(STAPLETON)(BROWN)
  - C. KRYSZYNA CROSSING AMENDMENTS.  
(PLANNING & ED)(STAPLETON)(BROWN)
  - D. DISCUSSION OF REVISED PUD - GLEN OAK ESTATES  
(PLANNING & ED)(STAPLETON)(BROWN)
  - E. SAFE PARK ZONE.  
(ADMINISTRATION/PUBLIC SAFETY)(REAVES/MIKLOS)  
(WEHMEIER/SCHAFFER/SHAUGHNESSY)
  - F. SICK TIME DONATION POLICY.  
(ADMINISTRATION)(REAVES)(WEHMEIER/SCHAFFER)
  - G. INVESTMENT POLICY.  
(ADMINISTRATION/FINANCE)(REAVES/SNIEGOWSKI)(WEHMEIER/SCHAFFER  
/FRIEDLEY)
  - H. LIGHT BANNER PROGRAM.  
(ADMINISTRATION/PLANNING & ED)(REAVES/STAPLETON)  
(WEHMEIER/SCHAFFER/BROWN)
- IV. UNFINISHED BUSINESS.
- V. NEW BUSINESS.
- VI. AUDIENCE PARTICIPATION.
- VII. ADJOURN.





Village of Lemont  
**Planning & Economic Development Department**

418 Main Street · Lemont, Illinois 60439  
phone 630-257-1595 · fax 630-257-1598

TO: Committee of the Whole #058-11

FROM: Theresa Mikrut

THRU: James A. Brown, Planning & Economic Development Director

SUBJECT: Case 11-04 – Jaikovski Lot Subdivision

DATE: 14 June 2011

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## BACKGROUND

Mr. Jaikovski, owner of the subject property, is requesting lot subdivision and approval of Final Plat. Since no zoning change is being requested, a public hearing was not required. However, the Unified Development Ordinance required that the Planning & Zoning Commission reviewed all final plat applications and forwards a recommendation and findings to the Village Board. The PZC recommends approval.

## PROPOSAL INFORMATION

Case No. 11.03  
Project Name Jaikovski Lot Subdivision

General Information	
Applicant	Vancho B. Jaikovski
Status of Applicant	owner of subject property
Requested Actions:	Lot subdivision
Site Location	South side of 127 <sup>th</sup> St between police department and Krystyna Crossing
Existing Zoning	Lemont R-3
Size	Approximately 9.35 acres
Existing Land Use	Residential
Surrounding Land Use/Zoning	Single-family residential, Lemont R-4 on three sides; Vacant and zoned Lemont R-4 to the east
Comprehensive Plan 2002	Open space
Zoning History	N/A
Special Information	
Public Utilities	Available on site
Transportation	N/A
Physical Characteristics	Wetland exits at center of site

## **THE SUBJECT PROPERTY AND SURROUNDING AREA**

The subject property is approximately 9.35 acres in size. Its most prominent feature is a circular wetland centered on the site and occupying a large portion of the site. The property has two PINs, and one single-family home exists on one of the two PINs. Abbey Oaks subdivision is across 127<sup>th</sup> Street to the north. Single-family homes and Lemont R-4 zoning also exist to the west and south. To the east of the subject property is a large (approximately 10-acre) field, also zoned Lemont R-4 and further to the east is the Lemont Police Department.

The property is zoned R-3, which has a minimum lot size of 20,000 square feet. Both of the newly created lots would greatly exceed this standard: Lot 1 = 138,117 square feet; Lot 2 = 269,427 square feet.

The wetland easement will protect the existing wetland.

## **PZC REVIEW**

The Planning & Zoning Commission reviewed the request on 18 May 2011. The PZC recommended approval by a vote of 5-0.

## **ATTACHMENT**

Final plat, Vancho's subdivision, prepared by Harrington Land Surveying, Inc.,

# VANCHO'S SUBDIVISION

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33  
OF THE NORTHWEST QUARTER OF SECTION 33  
TOWNSHIP 10 NORTH, RANGE 11 EAST OF  
THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS

PPR 22-33-200-001  
22-33-200-010

**OWNER'S CERTIFICATE (INDIVIDUAL)**

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

WE, VANCHO AND OLIVERA, HARRISON, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED IN THE CAPTION TO THE DEED PERSON OR PERSONS, WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND SUBDIVIDED AS HEREIN SHOWN, AS OUR OWN FREE AND VOLUNTARY ACT AND DEED.

WE HEREBY DESIGNATE FOR PUBLIC USE THE LINES SHOWN ON THIS PLAN, INCLUDING BUT NOT LIMITED TO, HIGHWAYS, ALLEYS, STREETS, EASEMENTS, WELLS AND PUBLIC SERVICES, SHOWN THE TELEPHONE, GAS, ELECTRIC AND ANY OTHER PUBLIC OR PRIVATE UTILITY EASEMENTS AS SHOWN ON THIS PLAN, AND GRANT AND EXCLUDE THE STORM WATER DRAINAGE AND DETENTION EASEMENTS AS STATED AND SHOWN ON THIS PLAN.

WE FURTHER CERTIFY THAT THERE ARE NO UNPAID DEFERRED INSTALLMENTS OF OUTSTANDING SPECIAL ASSESSMENTS AFFECTING THE LAND DESCRIBED AND SHOWN ON THIS SUBDIVISION PLAN OR, IF ANY SUCH INSTALLMENTS ARE NOT PAID, THEN SUCH INSTALLMENTS HAVE BEEN PAID IN ACCORDANCE WITH THE SUBDIVISION AND APPROVED BY THE COURT WHERE CONFIRMED THE SPECIAL ASSESSMENT AND THE PROPER COLLECTION OF ANY SUCH SPECIAL ASSESSMENT HAS SO CERTIFIED SUCH DIVISION OF THE FACE OF THIS SUBDIVISION PLAN.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

OWNER: \_\_\_\_\_  
OWNER: \_\_\_\_\_

**OWNER'S JOINTLY CERTIFICATE (INDIVIDUALS)**

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

WE, THE UNDERSIGNED, A JOINTLY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_ PERSONALLY KNOWS TO BE US TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARING BEFORE US THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND RECEIVED THE SAID INSTRUMENT AS THEIR OWN FREE AND ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATE UNDER MY HAND AND NATURAL SEAL: \_\_\_\_\_  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

BY: \_\_\_\_\_  
BY: \_\_\_\_\_

**SCHOOL DISTRICT CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

THIS IS TO CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE, WE THE UNDERSIGNED AS OWNERS OF THE PROPERTY, WHICH WILL BE KNOWN AS VANCHO'S SUBDIVISION IS LOCATED WITHIN THE BOUNDARIES OF:  
ELEMENTARY SCHOOL DISTRICT LEWISTON-BROOKSIDE SCHOOL DISTRICT #134  
HIGH SCHOOL DISTRICT LEWISTON-HIGH SCHOOL DISTRICT #134  
JUNIOR COLLEGE DISTRICT: JONAS JUNIOR COLLEGE DISTRICT #325.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

BY: \_\_\_\_\_  
BY: \_\_\_\_\_

**SCHOOL DISTRICT JOINTLY CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

WE, THE UNDERSIGNED, A JOINTLY PUBLIC IN AND FOR SAID COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_ PERSONALLY KNOWS TO BE US TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARING BEFORE US THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED THE SUBDIVISION PLAN AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATE UNDER MY HAND AND NATURAL SEAL: \_\_\_\_\_  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

BY: \_\_\_\_\_  
BY: \_\_\_\_\_

**STORM WATER DRAINAGE CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SAID SUBDIVISION ON ANY PART THEREOF, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS WILL BE MADE FOR THE COLLECTION AND DRAINAGE OF SAID SURFACE WATERS AND PUBLIC AREAS ON DRAINS WHICH THE SUBDIVISION HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLACED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO PREVENT THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

BY: \_\_\_\_\_  
BY: \_\_\_\_\_

OWNERS OR QUALIFIED AUTHORITY

**VILLAGE ENGINEER'S CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

I, \_\_\_\_\_, VILLAGE ENGINEER OF THE VILLAGE OF LEMONT, COOK, ILL. AND OZARK COUNTIES, ILLINOIS, HEREBY CERTIFY THAT THE LAND SHOWN IN THIS SUBDIVISION, AS SHOWN BY THE PLANS AND SPECIFICATIONS THEREON, MEET THE VERTICAL REQUIREMENTS OF SAID VILLAGE AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION THEREOF.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

BY: \_\_\_\_\_  
BY: \_\_\_\_\_

**VILLAGE TREASURER'S CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

I, \_\_\_\_\_, VILLAGE TREASURER OF THE VILLAGE OF LEMONT, COOK, ILL. AND OZARK COUNTIES, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO UNPAID DEFERRED OR DEFERRED SPECIAL ASSESSMENTS, OR ANY DEFERRED INSTALLMENTS OF ANY OUTSTANDING SPECIAL ASSESSMENTS WHICH HAVE NOT BEEN PAID IN ACCORDANCE WITH THE PROPOSED SUBDIVISION AND ONLY APPROVED BY THE COURT THAT CONFIRMED THE SPECIAL ASSESSMENT.

DATED AT LEMONT, \_\_\_\_\_, 2011. COUNTY, ILLINOIS DIST. \_\_\_\_\_ DAY OF \_\_\_\_\_

BY: \_\_\_\_\_  
BY: \_\_\_\_\_

**VILLAGE TREASURER PRESIDENT AND BOARD OF TRUSTEES CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, ILLINOIS AT A PUBLIC MEETING HELD:

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

BY: \_\_\_\_\_  
BY: \_\_\_\_\_

SHEET 1 OF 2

**HARRINGTON** SURVEYING LTD.  
123 N. WILSON AVE.  
LEWISTON, ILL. 60451  
TEL: (630) 290-9918  
FAX: (630) 820-5519

ORDERED BY:  
KODOL ENGINEERING

SCALE: 1" = 40'

COMMON ADDRESS:  
127TH STREET  
LEWISTON, ILLINOIS

SURVEY NO.: 135-07-DWG  
DRAWN BY: P.M.D.  
FILE NAME: 135-07-DWG

PREPARED FOR:  
\_\_\_\_\_

SEND ME THIS TO:  
\_\_\_\_\_

For Reading Instructions and Easements refer to your original Deed, Ordinance, Plan and Local Ordinances. CONTAIN ALL POINTS BEFORE BUILDING AND ALL OTHER BEFORE AMENDMENT.

**SURVEYOR'S CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

I, RALPH A. MARINO, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE PROPERTY HEREIN DESCRIBED IN THE CAPTION TO THIS DEED PERSON OR PERSONS, AS SHOWN BY THE PLANS AND SPECIFICATIONS THEREON. ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS OF A FOOT AND ARE CORRECT AS A REPRESENTATIVE OF THE ORIGINAL SURVEYING.

I, RALPH A. MARINO, FURTHER CERTIFY THAT BASED ON EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, I HAVE DETERMINED THAT THE FLOOD HAZARD AREA IS LOCATED AS SHOWN ON THE PLAN AND IS CORRECT AS A REPRESENTATIVE OF THE ORIGINAL SURVEYING.

FURTHERMORE, I DESIGNATE THE VILLAGE OF LEMONT TO ACT AS AN AGENT, FOR THE PURPOSE OF RECORDING THIS DOCUMENT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

BY: \_\_\_\_\_  
BY: \_\_\_\_\_  
LICENSE EXPIRATION/RENEWAL DATE: NOVEMBER 30, 2012.

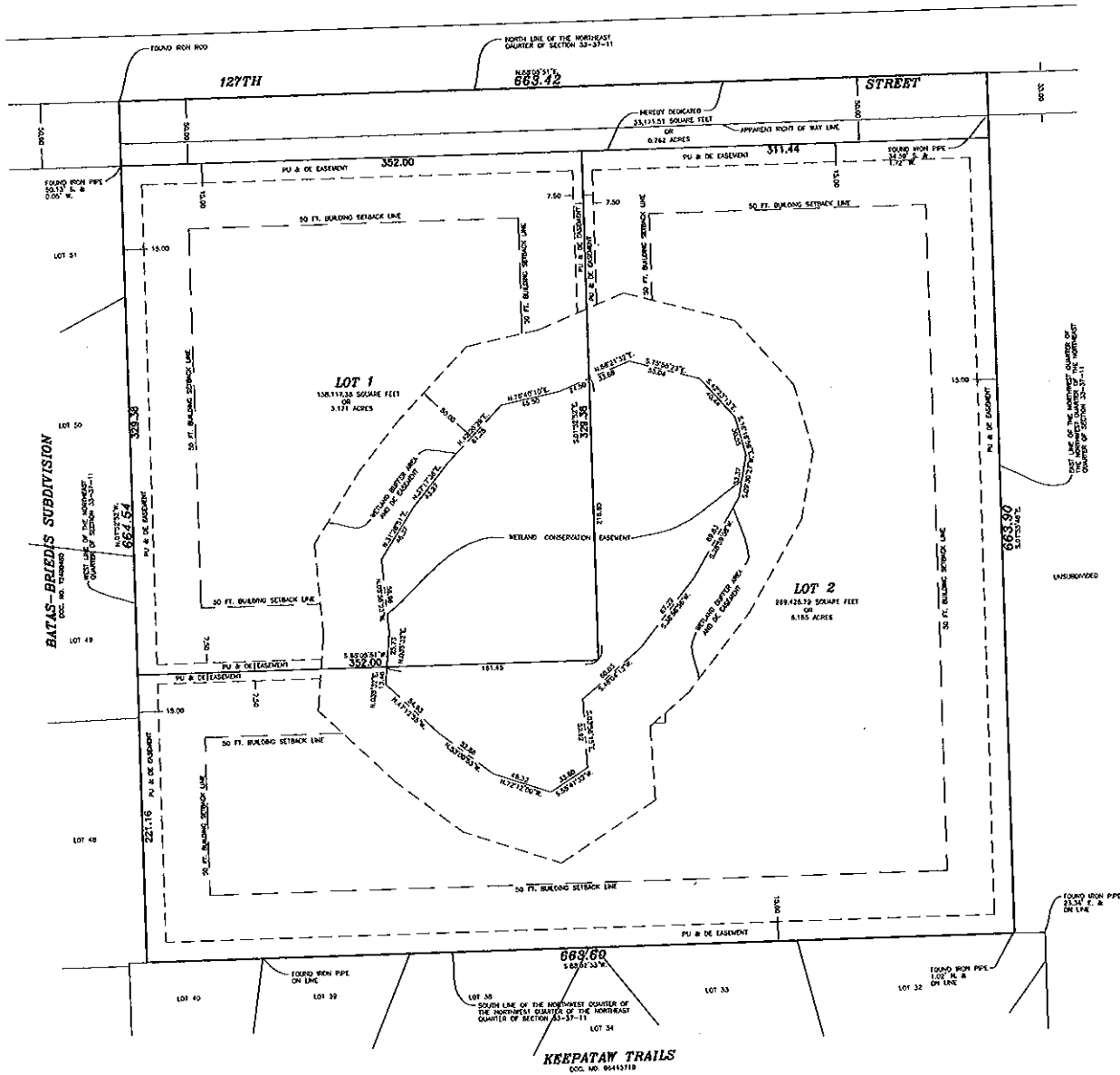
FINAL PLAN

# VANCHO'S SUBDIVISION

OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33-37-11 OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS.



PLAN: 22 33 000 000  
22 33 000 010



BATAIS-BRIEDIS SUBDIVISION  
DOC. NO. 1234567  
NORTHWEST 1/4  
SECTION 33-37-11

KEEPATAW TRAILS  
DOC. NO. 86445710

3/4" x 24" IRON PIPES HAVE BEEN SET AT ALL LOT CORNERS UNLESS SHOWN OTHERWISE.

SHEET 2 OF 2

**HARRINGTON**  
258 WESGARD LANE  
WILSON PARK, ILL. 60225  
EST. 1910  
**LAND SURVEYING LTD.**  
TEL: (630) 820-1000  
FAX: (630) 293-5505  
ILLINOIS & WISCONSIN

ORDERED BY: KOZLOL ENGINEERING	SCALE: 1" = 40'
SURVEY NO.: 136-07 DRAWN BY: RHL FILE NAME: 136-07.DWG	COMMON ADDRESS: 127TH STREET LEMONT, ILLINOIS

For Building Restrictions and Easements refer to your National Creek, Sycamore Policy and Local Ordinances. SQUARE ALL POINTS BEFORE BUILDING AND AT ONCE REPORT ANY DIFFERENCE.

**KOZIOL ENGINEERING SVCS., LTD.**

Professional Engineers

1621 Ogden Ave. Lisle IL 60532

630-435-8686 FAX 630-435-8689

March 23, 2011

**Declaration of Easements**

All private services needed for this subdivision can be obtained via existing offsite easements. Therefore, no easements need to be obtained to bring services onto the property of this subdivision.



Village of Lemont  
**Planning & Economic Development Department**

418 Main Street · Lemont, Illinois 60439  
 phone 630-257-1595 · fax 630-257-1598

TO: Committee of the Whole #059-11

FROM: James A. Brown, Planning & Economic Development Director

THRU:

SUBJECT: Case 11-04 – Kahle 129<sup>th</sup> Street Lot Subdivision

DATE: 14 June 2011

**SUMMARY**

Denise Kahle requests annexation, lot subdivision, and rezoning to R-4 with a variation for lot width. The PZC recommends approval of the requests.

**PROPOSAL INFORMATION**

Case No. 11.04  
 Project Name Kahle 129<sup>th</sup> Street Lot Subdivision

<b>General Information</b>	
Applicant	Denise Kahle
Status of Applicant	owner of subject property
Requested Actions:	Annexation, subdivision and rezoning to Lemont R-4
Site Location	15300 129 <sup>th</sup> St, Lemont Township
Existing Zoning	Cook County R-4
Size	Approximately 2.49 acres
Existing Land Use	Residential
Surrounding Land Use/Zoning	Townhouse and Lemont R-5 zoning to the north; single-family residential and Cook County R-4 zoning are to the east and west; and Lemont R-3 zoning with single-family homes is to the south
Comprehensive Plan 2002	Low-density residential (0-2 DU/Ac)
Zoning History	N/A
<b>Special Information</b>	
Public Utilities	Water and sewer are available to the north from Ashbury Woods. <b>This parcel is subject to the Chestnut Crossing recapture agreement of 1998.</b>
Transportation	N/A
Physical Characteristics	Site is flat and slightly wooded.

## **THE SUBJECT PROPERTY AND SURROUNDING AREA**

Denise Kahle is the owner of a 2.49-acre parcel located at 15300 129<sup>th</sup> Street in unincorporated Cook County. The Village's municipal boundary extends to the south side of 129<sup>th</sup> Street at this location, and hence her property is contiguous with the Village. Two homes, both occupied, are on the property. The site is relatively level and has a modest number of mature trees.

The Ashbury Woods townhouse development is directly across the street (to the north) of the subject property. To the east, south, and west are single-family homes on relatively large lots. To the northwest of the subject site is vacant land that is zoned R-5. This area was annexed and approved for the Noting Hill townhouse subdivision in 2006.

## **THE REQUEST AND ANALYSIS**

Ms. Kahle is seeking annexation, lot subdivision, and rezoning to Lemont R-4 for this property. Ms. Kahle's intention is to demolish one of the homes (the one to the west) and replace it with a larger home on the subdivided lot. The location of that new home would be farther south on the site.

### **Compatibility with the Comprehensive Plan and Surrounding Land Uses**

The Village's Comprehensive Plan of 2002 designates stretches of 129<sup>th</sup> Street for both medium- density residential (2-6 dwelling units per acre) and low density-residential (0-2 dwelling units per acre). The subject site is included within the area designated for low-density residential. The 2.49-acre site, if subdivided, would still be within the low-density range, and hence the requested subdivision is compatible with the Comprehensive Plan.

Although it was not intended as such by the 2002 Comprehensive Plan, 129<sup>th</sup> Street has become a dividing line between higher density townhouse and condominium development to the north (St. Andrew's Court, Ashbury Woods, Chestnut Crossing, and Noting Hill) and low-density single-family homes to the south. The requested actions will not alter the character of the area, since two homes already exist on the site. Each of the two lots will be approximately 1.24 acres. This size is similar to some lots in the surrounding area. To the south are the Oak Creek and Ravines subdivisions, where the single-family homes occupy lots ranging from approximately 13,000 – 20,000 square feet. Thus the subdivision and rezoning of the subject property would be compatible with the surrounding land uses.

### **The Lot Subdivision and Lot Width Variation**

The 2.49-acre lot would be annexed and subdivided, with the two resulting lots both almost equal in size. Lot 1 would be 1.241 acres and Lot 2 would be 1.254 acres. While the lot size is certainly within the R-4 standard (12,500 square feet), the lot width for Lot 1 does not meet the minimum R-4 lot width requirement of 90 feet—it is only 70.40 feet wide at the front lot line and front yard line as established by the existing house. When I first discussed the application with Ms. Kahle, she intended to create a flag lot for Lot 1. This would have resulted in both lots being in compliance with the lot width standard.



However, the existence of the second house on the site and engineering concerns over utility lines and the driveway precluded the creation of a flag lot.

## **PUBLIC HEARING**

The Planning & Zoning Commission conducted a public hearing on the request on 18 May 2011. There was no public comment, and the PZC concurred with my recommendation for approval. The PZC approved the following findings of fact:

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

## **ATTACHMENTS**

1. Plat of Survey, prepared by Nelson Surveyors, LLC, and dated March 23, 2011
2. Kahle's Subdivision, prepared by Nelson Surveyors, LLC, and dated April 25, 2011
3. Site photographs

**Site Photographs**  
**Case 11-04 Kahle Subdivision**



**Views of subject property looking south**



**View across the street from 15300 129<sup>th</sup> Street – townhouses in Ashbury Woods**

NELSON SURVEYORS, LLC.

PLAT OF SURVEY

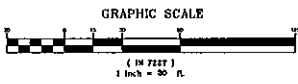
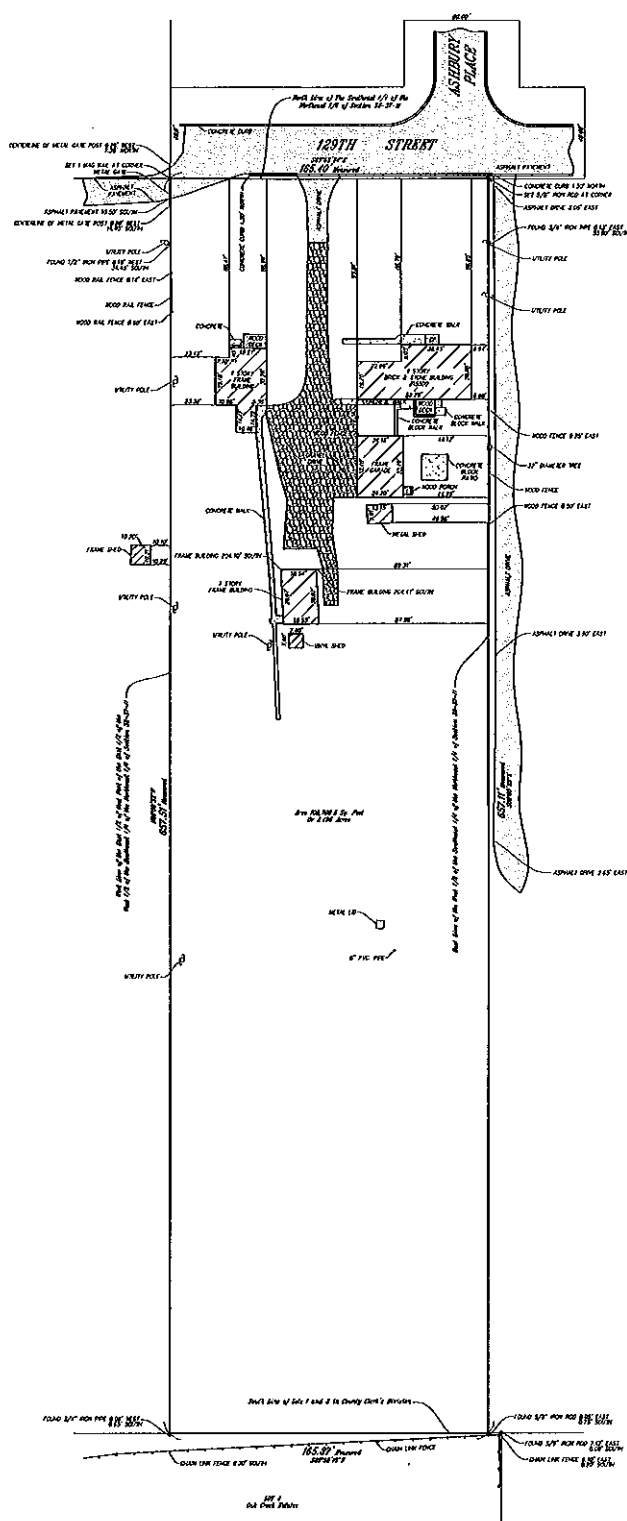
THE EAST HALF OF THAT PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE EIGHTY (80) EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING NORTH OF THE SOUTH LINE OF LOTS ONE (1) AND TWO (2), COUNTY CLERK'S DIVISION OF SAID SECTION THIRTY-TWO (32), IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 15300 129TH STREET

NELSON SURVEYORS, LLC  
118 SOUTH GALE AVENUE  
EVANSTON, ILLINOIS 60120  
TEL: 847-329-0000  
FAX: 847-329-0001

- ACCESSION MARK
- BENCHMARK
- EARTH OBSTRUCTION
- ▭ PUBLIC UTILITY ELEVATION
- ▭ BOUNDARY ELEVATION
- ▭ MONUMENT
- ▭ CURB CUT
- ▭ CONCRETE PILE

PLAT OF SURVEY IN THE EAST HALF OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION THIRTY-TWO (32) IN COOK COUNTY, ILLINOIS



PREPARED FOR	DEVISED RANGLER
DATE	MARCH 28, 2011
SCALE	1" = 50'
DRAWN BY	MMK
JOB NO.	11-37 TAB 129TH 73-13

**NOTES:**  
THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1984 AND THE SURVEYING BOARD OF ILLINOIS. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED. BOUNDARY LINES ARE SHOWN BY THE SURVEYED POINTS AND ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE SURVEY. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.



ATTEST: I, \_\_\_\_\_, COUNTY CLERK OF COOK COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY RECORD AS FILED IN MY OFFICE ON MARCH 28, 2011.  
COUNTY CLERK OF COOK COUNTY, ILLINOIS

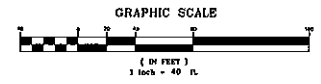
HELSON SURVEYING, LLC  
110 SOUTH CASAS AVENUE  
NORTHWEST, LEMONT, ILLINOIS 60439  
TEL: 630-261-1100  
(FAX) 630-261-1101  
(TOLL FREE) 800-888-7428

PREPARED FOR:  
DARYL TRAPP  
110 SOUTH CASAS AVENUE  
NORTHWEST, LEMONT, ILLINOIS 60439  
630-261-1100

# KAHLE'S SUBDIVISION

FIG. 22-32-303-005-0000

NOTE: P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT



OF THE EAST HALF OF THAT PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE SOUTH LINE OF LOTS ONE (1) AND TWO (2), COUNTY CLERK'S DIVISION OF SAID SECTION THIRTY-TWO (32), IN COOK COUNTY, ILLINOIS.

### OWNER'S CERTIFICATE

STATE OF ILLINOIS) SS.  
COUNTY OF COOK)

THIS IS TO CERTIFY THAT THE UNDERSIGNED, ARE THE SOLE OWNERS OF RECORD OF THE FOLLOWING DESCRIBED LAND, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED, AS SHOWN ON THIS PLAT OF SUBDIVISION, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND SIGN THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED:

THE EAST HALF OF THAT PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE SOUTH LINE OF LOTS ONE (1) AND TWO (2), COUNTY CLERK'S DIVISION OF SAID SECTION THIRTY-TWO (32), IN COOK COUNTY, ILLINOIS.

THE UNDERSIGNED HEREBY DEDICATES FOR PUBLIC USE THE LANDS SHOWN ON THIS PLAT, INCLUDING BUT NOT LIMITED TO, THOROUGHFARES, STREETS, ALLEYS, WALKWAYS AND PUBLIC SERVICES; GRANTS THE TELEPHONE, GAS, ELECTRIC AND ANY OTHER PUBLIC OR PRIVATE UTILITY EASEMENTS AS STATED AND SHOWN ON THIS PLAT; AND GRANTS AND DECLARES THE STORM WATER DRAINAGE AND DETENTION EASEMENTS AS STATED AND SHOWN ON THIS PLAT.

THE UNDERSIGNED FURTHER CERTIFIES THAT THERE ARE NO UNPAID DEFERRED INSTALLMENTS OF OUTSTANDING UNPAID SPECIAL ASSESSMENTS AFFECTING THE LAND DESCRIBED AND SHOWN ON THIS SUBDIVISION PLAT OR, IF ANY OF SAID INSTALLMENTS ARE NOT PAID, THEN SUCH INSTALLMENTS HAVE BEEN DIVIDED IN ACCORDANCE WITH THE SUBDIVISION AND APPROVED BY THE COURT WHICH CONFIRMED THE SPECIAL ASSESSMENT AND THE PROPER COLLECTOR OF ANY SUCH SPECIAL ASSESSMENT HAS 50 CERTIFIED SUCH DIVISION ON THE FACE OF THIS SUBDIVISION PLAT.

BY: \_\_\_\_\_ OWNER  
BY: \_\_\_\_\_ OWNER

### NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS) SS.  
COUNTY OF COOK)

I, \_\_\_\_\_ A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_ AND \_\_\_\_\_ RESPECTIVELY, ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS SUBDIVISION PLAT AS OWNERS, RESPECTIVELY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED THIS SUBDIVISION PLAT AS THE FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC

### OWNER'S CERTIFICATE - SCHOOL DISTRICT(S)

STATE OF ILLINOIS) SS.  
COUNTY OF COOK)

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE SOLE OWNERS OF RECORD OF THE FOLLOWING DESCRIBED LAND, AND HERE CERTIFIES THAT THE SUBJECT PROPERTY IS LOCATED WITH THE FOLLOWING SCHOOL DISTRICT(S):

THE EAST HALF OF THAT PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE SOUTH LINE OF LOTS ONE (1) AND TWO (2), COUNTY CLERK'S DIVISION OF SAID SECTION THIRTY-TWO (32), IN COOK COUNTY, ILLINOIS.

ELEMENTARY SCHOOL DISTRICT ( 113 A ) LEMONT-BROWERCK )  
AND HIGH SCHOOL DISTRICT ( 211 ) LEMONT HIGH SCHOOL )  
IN COOK COUNTY, ILLINOIS.

DATED: \_\_\_\_\_ A.D. 20\_\_\_\_

BY: \_\_\_\_\_ OWNER  
BY: \_\_\_\_\_ OWNER

### VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS) SS.  
COUNTY OF COOK)

I, \_\_\_\_\_ VILLAGE ENGINEER OF THE VILLAGE OF LEMONT, ILLINOIS, HEREBY CERTIFY THAT THE LAND IMPROVEMENTS IN THIS SUBDIVISION, AS SHOWN BY THE PLANS AND SPECIFICATIONS THEREOF, MEET THE MINIMUM REQUIREMENTS OF SAID VILLAGE AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION THEREOF.

DATED AT LEMONT, ILLINOIS, COOK, WILL, AND DUPAGE COUNTIES, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

VILLAGE ENGINEER

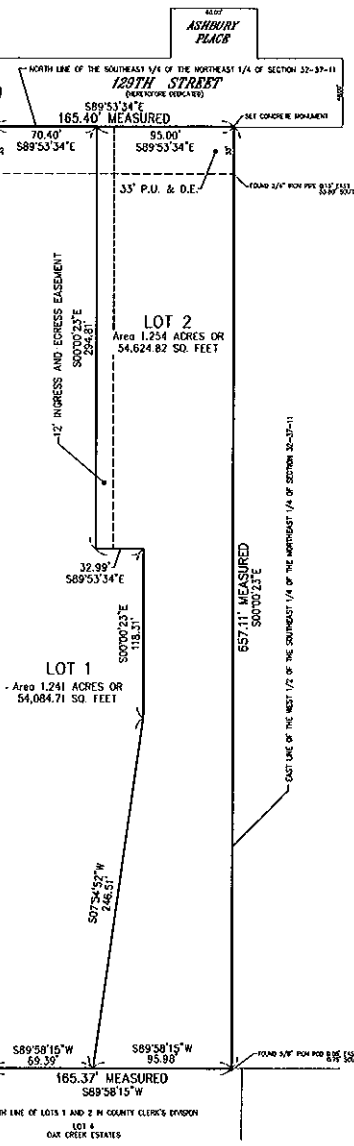
### CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS) SS.  
COUNTY OF COOK)

I, \_\_\_\_\_ VILLAGE TREASURER OF THE VILLAGE OF LEMONT, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS, OR ANY DEFERRED INSTALLMENTS OF ANY OUTSTANDING UNPAID SPECIAL ASSESSMENTS WHICH HAVE NOT BEEN DIVIDED IN ACCORDANCE WITH THE PROPOSED SUBDIVISION AND DULY APPROVED BY THE COURT THAT CONFIRMED THE SPECIAL ASSESSMENT.

DATED AT LEMONT, COOK COUNTY, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

VILLAGE TREASURER



### VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS) SS.  
COUNTY OF COOK)

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE BOARD OF LEMONT, COOK COUNTY, ILLINOIS, AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

VILLAGE PRESIDENT \_\_\_\_\_  
VILLAGE CLERK \_\_\_\_\_

### PLANNING AND ZONING COMMISSION CERTIFICATE

STATE OF ILLINOIS) SS.  
COUNTY OF COOK)

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE VILLAGE OF LEMONT, COOK COUNTY, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

VILLAGE PRESIDENT \_\_\_\_\_  
VILLAGE CLERK \_\_\_\_\_

### VILLAGE CLERK CERTIFICATE

STATE OF ILLINOIS) SS.  
COUNTY OF COOK)

I, \_\_\_\_\_ VILLAGE CLERK OF THE VILLAGE OF LEMONT, DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS PRESENTED TO AND BY RESOLUTION OR ORDER DULY APPROVED BY THE BOARD OF TRUSTEES OF SAID VILLAGE AT ITS MEETING HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AND THAT THE REQUIRED BOARD OR OTHER GUARANTEE HAS BEEN POSTED FOR THE COMPLETION OF IMPROVEMENTS REQUIRED BY THE REGULATIONS OF SAID VILLAGE.

BY WITNESS WHEREOF, I HAVE HEREIN SET MY HAND AND SEAL OF THE VILLAGE OF LEMONT, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

VILLAGE CLERK

### PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

NON-EXCLUSIVE, PERPETUAL EASEMENTS ARE RESERVED AND GRANTED FOR THE VILLAGE OF LEMONT AND IN THESE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISES FROM THE VILLAGE OF LEMONT INCLUDING, BUT NOT LIMITED TO, COMMERCEBANK FINANCIAL SERVICES, NUCOR, COMCAST CABLE, AND THEIR SUCCESSORS AND ASSIGNS OVER ALL AREAS MARKED "PUBLIC UTILITY AND DRAINAGE EASEMENT" AND THOSE AREAS DESIGNATED "P.U. & D.E." ON THE PLAT FOR THE FUTURE USE, POSSESSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, RESPECT, MAINTAIN, AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, AND INCLUDING BUT NOT LIMITED TO, TELEPHONE, GAS, ELECTRIC AND/OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPURTES AND OTHER STRUCTURES AND APPURTES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE AND/OR UTILITY COMPANIES, OVER, UPON, THROUGH, UNDER AND THROUGH SAID DEDICATED EASEMENT, TOGETHER WITH RIGHT OF ACCESS AROUND THE PROPERTY FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN AND TRIM OR REMOVE ANY TREES, TIMBERLY STRUCTURES, TREES, SHRUBS, OR OTHER PLANTS WITHOUT OBLIGATION TO REPLANT OR REPAIR AND INDEBT NEEDED FOR PROVIDING COMPENSATION THEREON ON THE EASEMENT THAT INTERFERES WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS OR STRUCTURES SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARDENS, SPRINGS, FENCING, AND OTHER PURPOSES THAT DO NOT DELAY OR INTERFERE WITH THE PROPOSED USES OR RIGHTS. WHERE AN EASEMENT IS USED FOR BOTH SEWER AND OTHER UTILITIES, THE OTHER UTILITY REGULATION SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF LEMONT AND TO VILLAGE APPROVAL AS TO DESIGN AND LOCATION.

PERPETUAL EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF LEMONT AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND, OVER THE ENTIRE EASEMENT AREA FOR HIGHWAYS, ROADS, AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE AND EMERGENCY AND ROUTINE POLICE, FIRE, AND OTHER PUBLIC SAFETY RELATED SERVICES.



MY LICENSE EXPIRES NOVEMBER 30, 2012

### SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) SS.  
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT I, MICHAEL NELSON, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3095, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

THE EAST HALF OF THAT PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE SOUTH LINE OF LOTS ONE (1) AND TWO (2), COUNTY CLERK'S DIVISION OF SAID SECTION THIRTY-TWO (32), IN COOK COUNTY, ILLINOIS.

CONTAINING 2.495 ACRES MORE OR LESS.

AS SHOWN ON THIS SUBDIVISION PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. I FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, A MUNICIPAL CORPORATION IN COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, RELATIVE TO PLATS AND SUBDIVISION HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT.

I FURTHER CERTIFY THAT NO PART OF THE PROPERTY COVERED BY THIS PLAT OF SUBDIVISION IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THAT NO PART OF SAID PROPERTY BORDERS ON OR INCLUDES ANY PUBLIC WATERS IN WHICH THE STATE OF ILLINOIS HAS ANY PROPERTY RIGHTS OR PROPERTY INTERESTS.

I FURTHER CERTIFY THAT THIS SUBDIVISION LIES WITHIN THE CORPORATE LIMITS OF SAID VILLAGE OF LEMONT OR WITHIN 1-1/2 MILES OF THE CORPORATE LIMITS OF SAID VILLAGE, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE, AS NOW OR HEREAFTER AMENDED.

I HEREBY AUTHORIZE AN AGENT OF THE VILLAGE OF LEMONT TO RECORD THE ANNEXED PLAT OF SUBDIVISION.

GIVEN UNDER MY HAND AND SEAL AT WESTMONT, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ APRIL \_\_\_\_\_ A.D. 2013 \_\_\_\_\_

BY: \_\_\_\_\_ MICHAEL NELSON  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3095  
PROFESSIONAL DESIGN FIRM LICENSE NO. 184.004838 EXPIRES 04/30/2013  
04/25/11 REV. LOT SIZE

COUNTY CLERK



Village of Lemont  
**Planning & Economic Development Department**

418 Main Street · Lemont, Illinois 60439  
phone 630-257-1595 · fax 630-257-1598

TO: Committee of the While #-056-11

FROM: James A. Brown, Planning & Economic Development Director

THRU

SUBJECT: Krystyna Crossing Amendments

DATE: 14 June 2011

**SUMMARY**

The applicant, Castletown Homes, Inc., recently purchased the Krystyna Crossing subdivision. The subdivision was approved in 2006, but only one home has been built. Castletown is requesting changes to the development agreements: reduction to the front yard setbacks on two lots and elimination of covenant provisions concerning the size and appearance of homes. The Planning & Zoning Commission recommended approval with several conditions.

**PROPOSAL INFORMATION**

Case No. 11-05  
Project Name Krystyna Crossing Amendments

General Information	
Applicant	Martin McDonnell, Castletown Homes, Inc.
Status of Applicant	Owner of property
Requested Actions:	Amend annexation agreement and PUD ordinance to adopt reduce front yard setback on lots 6-9 and change covenant restrictions on home size and appearance
Purpose for Requests	Request is in response to market conditions
Site Location	127 <sup>th</sup> St, across from entrance to Covington Knolls
Existing Zoning	Lemont R-4 PUD
Size	15 acres
Existing Land Use	One model home exists on site; the remaining lots are vacant
Surrounding Land Use/Zoning	North: Single-family residences, Lemont R-4 South: Single-family residences, Homer Glen R East: Single-family residences, Cook County R-3 West: Townhomes, Lemont R-5
Comprehensive Plan 2002	Medium-density single-family residential

Zoning History	Property annexed and PUD approval in Oct 2006; final plan/plat approval Oct 2008
Applicable Regulations	Annexation and PUD agreements of Oct 2006; final plan/plat approval of Oct 2008
<b>Special Information</b>	
Public Utilities	Water and sewer installed
Transportation	N/A
Physical Characteristics	N/A
Other	N/A

## BACKGROUND

On 9 October 2006 the Village Board passed a series of ordinances annexing 10 acres and approving plans for single-family subdivision of 25 units on a total of 15 acres. (Five acres of the site were already within the corporate limits.) Final PUD Plan/Plat approval was granted in October 2008. The developer paid impact fees and site development fees. The site was graded, detention ponds created, and utilities and streets installed. One model home was constructed on site.

The property went into foreclosure and the lender, Standard Bank & Trust, eventually took control of the development. Standard Bank marketed the property, and at least five homebuilding entities showed serious interest in it. Castletown Homes, Inc. emerged as the victorious bidder. Castletown closed on the property on 29 April 2011. Prior to the closing, Castletown, as the contract purchaser, had submitted a land use application requesting zoning-related changes to the development agreements.

## REQUESTED CHANGES

Site development is governed by approvals from October 2006 and October 2008:

*Ordinance O-92-06 authorizing execution of an annexation agreement for 10 of the site's 15 acres. This agreement contained exhibits, including a preliminary plat and declaration of covenants and restrictions. Most of applicant's concerns are with the covenants and restrictions (see below).*

*Ordinance O-94-06 approving a special use for a PUD and the preliminary plat and plans, and rezoning the entire 15-acre site to R-4. The special use approval provisions included variations from our standard zoning requirements for lot width and setbacks:*

**Section 3.** Approval of a special use—planned unit development is granted as provided in Lemont Zoning Ordinance §XVLH (Special Use – Planned Unit Developments) with the following variations and conditions:

- a. A variation from §VII.E.4.f of the Lemont Zoning Ordinance to decrease the minimum lot width from 90 feet at the building line to 88 feet for lot 12 and 86 feet for lot 17.
- b. \*\*\*\*\*
- c. The front yard setbacks for lots 6-9 shall be as follows:
  1. Lot 6 – 28 feet;
  2. Lot 7 – 65 feet;
  3. Lot 8 – 40 feet;
  4. Lot 9 – 28 feet.

(See attached plat.)

**Setback Changes.** The applicant wanted to reduce these front yard setbacks, i.e. allow the homes to be constructed closer to the street. This would present a more uniform appearance from the street, and provide larger backyards.

**Changes to Covenants and Restrictions.** The applicant was concerned with several of the provisions of the provisions found in §4.3 of the covenants and restrictions:

- *Minimum square footage of homes:* "All residences shall contain a minimum of [3,200] square feet of living area, exclusive of garage, breezeway, porches and basement."
- *Ranch homes prohibited:* "No ranch style homes shall be allowed."
- *Requirement for three-car garages:* "(A) private garage of sufficient size to house not fewer than three standard size automobiles shall be constructed or erected, which garage must be attached to the main residence."
- *Pitch of roof:* "A two story residence shall have a minimum roof pitch of Seven in Twelve."
- *Brick on elevations:* "The first floor of each house must be of brick construction."

## **THE PUBLIC HEARING**

On 18 May 2011 the Planning & Zoning Commission conducted a public hearing on the zoning-related amendment changes. Approximately ten neighboring residents from the Chestnut Crossing subdivision attended, several of whom made comments.

Upon questioning at the Planning & Zoning Commission's public hearing, representatives from Castletown Homes, Inc. concurred with the suggestion by PZC members to require the floor area of ranch-style homes, i.e. one-story homes, be a minimum of 2,200 square feet and to require the floor area of all other homes to be a minimum of 2,600 square feet.

Upon questioning at the Planning & Zoning Commission's public hearing, representatives from Castletown Homes, Inc. concurred with the suggestion by a PZC member that the setbacks on only Lots 7 and 8 be reduced to 28 feet, i.e. lots 6-9 would all have 28-ft setbacks.

Castletown Homes representatives agreed to maintain a provision requiring brick construction on the first floor of all elevations.

### Findings of Fact and Recommendations

The PZC voted 5-0 to recommend approval of the requests with the following conditions:

- The first floor of each house must be of brick construction
- Keep existing covenants for driveway material no above-ground pools, no sheds and no fences if found in the original covenants.
- Reduce setbacks on lots 7 and 8 to 28 feet
- Minimum house size for two-story homes should be 2,600 square feet and for ranch-style (one-story) 2,200 square feet.



The PZC based its recommendation on the following findings of fact:

1. The requested changes to front yard setbacks on lots 6-9 and the requested changes to the covenants will not alter the character of the surrounding area or subdivision when it is completed; and
2. The requested changes to the covenants will allow more flexibility and create the potential for diversity in housing styles and types.

### Additional Comments

The PZC's recommendation included the condition that existing covenants limiting driveway materials and prohibiting above-ground pools and fences be maintained. Despite the PZC's stance and the applicant's ambivalence about such restrictions, I do not find any reason for the Village to maintain the covenants and restrictions as part of an amended annexation agreement. I would prefer the Village keep just one set of standards, as promulgated in the Unified Development Ordinance, to enforce. If developers wish to create homeowners' covenants and restrictions, they may be free to do so, but outside of the scope of a Village ordinance and exhibits or attachments to such ordinances.

### **CONSERVATION EASEMENT REVISITED**

Although it was not part of the requests from Castletown Homes, many of the residents of Chestnut Crossing appeared to argue against the removal of shrubs and trees along Krystyna Crossing's west boundary, i.e. the one that abuts Chestnut Crossing. This issue has become moot, since I allowed Castletown Homes to clear the site in accordance with the approved landscape/tree preservation plan approved by the Village Board in 2008. I have attached an excerpt from my staff memorandum explaining why the vegetation along the property line should have been removed.

At the public hearing I reiterated much of this memorandum. I explained that although a tree preservation plan had been incorporated into a final landscape, no trees along the western property line north of 128<sup>th</sup> Street would be preserved. Most of the shrubs and trees in this area, according to the Village Arborist, are invasive species of buckthorn or Siberian elm. The Village had approved a final landscape plan in 2008 that requires the removal of this brush and its replacement with a mix of shrubs, shade, and ornamental trees. This approach would honor the desire for some type of screening along the property line, yet be in accordance with good forestry practice.

I also note here that the Illinois Exotic Weed Act lists the buckthorn found on site as an "exotic weed" and prohibits its sale and distribution:

(525 ILCS 10/1) (from Ch. 5, par. 931)  
Sec. 1. Short Title. This Act shall be known and may be cited as the Illinois Exotic Weed Act.  
(Source: P.A. 85-150.)  
(525 ILCS 10/2) (from Ch. 5, par. 932)  
Sec. 2. Definition. Exotic weeds are plants not native to North America which, when planted either spread vegetatively or naturalize and degrade natural communities, reduce the value of fish and wildlife habitat, or threaten an Illinois

endangered or threatened species.

(Source: P.A. 85-150.)

(525 ILCS 10/3) (from Ch. 5, par. 933)

Sec. 3. Designated Exotic Weeds. Japanese honeysuckle (*Lonicera japonica*), multiflora rose (*Rosa multiflora*), purple loosestrife (*Lythrum salicaria*), **common buckthorn (*Rhamnus cathartica*)**, **glossy buckthorn (*Rhamnus frangula*)**, **saw-toothed buckthorn (*Rhamnus arguta*)**, **dahurian buckthorn (*Rhamnus davurica*)**, **Japanese buckthorn (*Rhamnus japonica*)**, **Chinese buckthorn (*Rhamnus utilis*)**, and kudzu (*Pueraria lobata*) are hereby designated exotic weeds. Upon petition the Director of Natural Resources, by rule, shall exempt varieties of any species listed in this Act that can be demonstrated by published or current research not to be an exotic weed as defined in Section 2.

(Source: P.A. 93-128, eff. 7-10-03.)

(525 ILCS 10/4) (from Ch. 5, par. 934)

Sec. 4. Control of Exotic Weeds. **It shall be unlawful for any person, corporation, political subdivision, agency or department of the State to buy, sell, offer for sale, distribute or plant seeds, plants or plant parts of exotic weeds** without a permit issued by the Department of Natural Resources. Such permits shall be issued only for experiments into controlling and eradicating exotic weeds or for research to demonstrate that a variety of a species listed in this Act is not an exotic weed as defined in Section 2.

The commercial propagation of exotic weeds for sale outside Illinois, certified under the Insect Pest and Plant Disease Act, is exempted from the provisions of this Section.

(Source: P.A. 89-445, eff. 2-7-96.)

(525 ILCS 10/5) (from Ch. 5, par. 935)

Sec. 5. Penalty. Violators of this Act shall be guilty of a Class B misdemeanor. When the violation is a continuing offense, each day shall be considered a separate violation.

Exotic weeds offered for sale in Illinois except as provided in Section 4 are subject to confiscation and destruction by agents of the Department of Natural Resources.

(Source: P.A. 89-445, eff. 2-7-96.)

If Illinois declares buckthorn unlawful for any person, corporation, political subdivision, agency or department of the State to buy, sell, offer for sale, distribute or plant seeds, plants or plant parts of exotic weeds, then why would the Village allow a conservation easement to protect such plants?

## ATTACHMENTS

1. Excerpt from staff report dated 15 Oct 2008
2. Plat of survey showing lots 6-9

Excerpt from the staff report, written by James A. Brown and dated 15 October 2008, to the PZC and Committee of the Whole, for the review of Krystyna Crossing Final Plat/Plan.

The neighbors in Chestnut Crossing requested a conservation easement be placed along the western boundary of the Krystyna Crossing subdivision. Large, shrubby vegetation occupies this area, and the Chestnut Crossing residents wanted this preserved as a buffer to their townhomes.

However, when the Village Arborist and I made a site inspection last fall and discovered that there was not one tree or shrub within the conservation easement that was worth saving—most of the vegetation is buckthorn, an invasive species. Other plants include a Siberian elm—also an invasive species—and an invasive vine.

Both the Village Arborist and I agree that undesirable plants should be removed from the tree conservation area and replaced with more appropriate plantings. I have had communications with a couple of the Chestnut Crossing residents who question this approach. They believe the purpose of the conservation easement was to ensure that it remained unaltered. However, I believe it is unrealistic to expect that the 30-ft conservation easement will or should remain untouched. The intent of a conservation easement is to provide for the preservation and *stewardship* of a natural area. Such stewardship involves following good and accepted forestry practices. The removal of dead, dying, dangerous, or diseased plants is good stewardship. The aggressive removal and control of invasive and exotic species is also good stewardship, and is not only accepted but encouraged—indeed urged—but virtually all forestry, wildlife, conservation, and landscape organizations and societies. Invasive plants are typically defined as non-native species that compete vigorously with other species for space and resources, and consequently spread rapidly and take over habitat. For more on invasive species and the desire to eradicate them from the landscape, see the following:

The **Morton Arboretum** urges property owners to remove invasive plants and replace them with plants native to the region. See: <http://www.mortonarb.org/main.taf?p=3.2.8>

The **Illinois Department of Natural Resources** urges the removal of invasive plants. See the guide, "Vegetative Management Practices," which discusses the removal of plants such as buckthorn: <http://www.inhs.uiuc.edu/chf/outreach/VMG/VMG.html>

The **US Department of Agriculture** also has a webpage devoted to the control of invasive species. See: <http://www.invasivespeciesinfo.gov/>. It has many links to other sites that list the dangers of invasive plants and argue for their aggressive removal.

One of the Chestnut Crossing residents argued that the buckthorn—a non-native, invasive plant—provides food for birds and that it is among the first to produce leaves in the spring. Birds do indeed love the berries on the buckthorn, and that is part of the problem: the laxative qualities of the fruit ensure the digested seeds are

easily dispersed by the birds, thus contributing to the establishment and spread of dense thickets that crowd out other plants. The fact that buckthorn leaves appear early in the spring is also a problem—the leaves reduce the spring sunlight needed for other plants to establish and thrive. The benefit of buckthorn as a food source for *some* species of birds is far outweighed by other factors. The plant has few ornamental qualities to speak of, and the fall color is not particularly attractive. Moreover, by crowding out other plants, buckthorn reduces plant diversity and therefore the diversity of birdlife. Here is what the Audubon Society has to say about invasive/exotic plants such as buckthorn:

*Invasive plants are a growing problem. Approximately 42 percent of the plants and animals federally listed as endangered or threatened species are considered at risk primarily because of invasive plant, animal, or microbial species. The increase in non-native plants has recently been linked to the decline of songbirds; robin and thrush nests located in non-native shrubs and trees appear to suffer higher predation rates than those situated in native species.*

The Audubon Society also notes that non-native plants often do not provide the food, shelter, and nesting sites that native plants—which have co-evolved with native wildlife and birds—do. The Audubon Society urges the removal of invasive plants and the planting of native species. Please see the Society's website, which has several pages devoted to removing exotic plants and using appropriate plants to create habitat for wildlife. <http://www.audubonathome.org/InvasivePests.html>

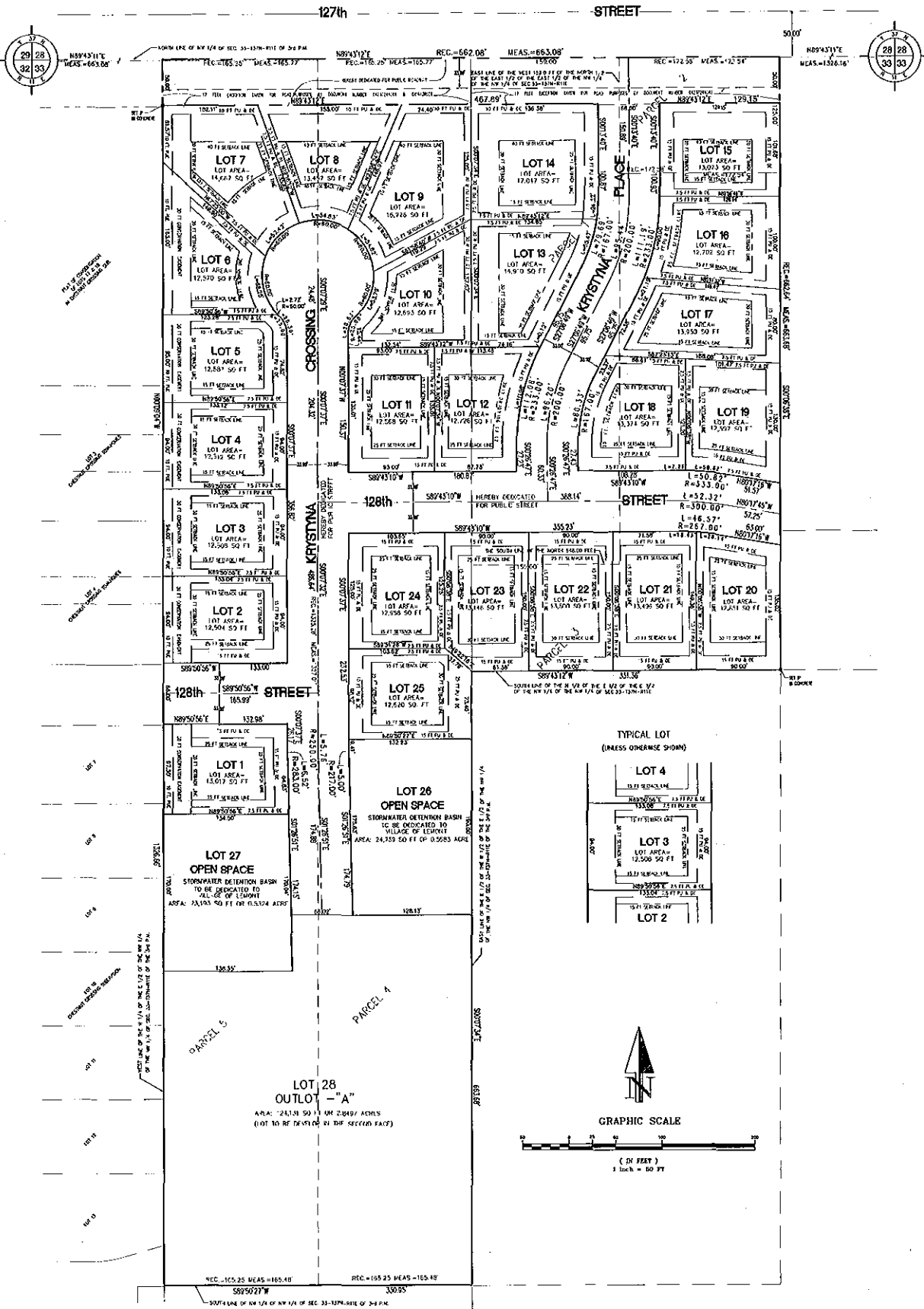
The developer has submitted a landscape plan that would remove all of the vegetation in the conservation easement and replace it with mostly native plantings. Four-season screening—currently lacking—will be provided by evergreens. The areas around the deciduous trees, however, appear thin, and both the Village Arborist and I agree that these areas should include shrubs. We recommend the planting of shrubs, on approximately four-foot centers, along the property line to supplement screening of the deciduous trees. I recommend shrubs native to northeastern Illinois: gray dogwood, witch-hazel, black chokeberry, or a viburnum.

Utilities are currently planned for the front yards. The developer has suggested they be moved to the rear, in the conservation easement. He would not remove any vegetation until immediately prior to the start of the utility work. Once the utilities were installed, he would immediately re-plant the area per the landscape plan. I find this plan desirable: utilities are moved to the rear (as the Village normally advocates); the invasive plants are removed; an aesthetically pleasing landscape of mostly native plants is created; and upon maturity, the new plants would offer better screening than the current vegetation.

In conclusion, existing vegetation would be removed from the conservation easement; the removal of the invasive plants is in accordance with good forestry practice. The conservation easement would be replanted per the landscape plan. Once established, no changes to the plantings in the conservation easement would be allowed without the consent of the Village of Lemont.



# FINAL PLAT OF KRYSTYNA CROSSING SUBDIVISION





Village of Lemont  
**Planning & Economic Development Department**

418 Main Street · Lemont, Illinois 60439  
phone 630-257-1595 · fax 630-257-1598

TO: Committee of the Whole #057-11  
FROM: James A. Brown, Planning & Economic Development Director  
THRU  
SUBJECT: **CASE 11-06 - Glen Oak Estates Revised Plan and Amendments**  
DATE: 14 June 2011

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**SUMMARY**

Over the last half year staff has been negotiating with the developer of Glen Oak Estates for amendments to the existing annexation and PUD agreements that would: (1) alter the site plan to allow more public open space and preserve some of the better site characteristics; and (2) relief the developer of certain development obligations and reduce his fees. A revised plan that includes a substantial increase in open space has been proposed. To maintain the same number of dwelling units and still create that open space, the lot sizes and widths deviate from the Village's standard R-4 zoning requirements. The public hearing on the proposed amendments was well attended by nearby residents. The Planning & Zoning Commission voted 3-2 in favor of recommending the revised plan for approval. There were several conditions attached to the favorable recommendation. The applicant now submits for review a revised site plan that addresses, to a large extent, both the PZC's conditions and resident concerns.



**PROPOSAL INFORMATION**

Case No. 11-06  
Project Name Glen Oak Estates Revised Plan and Amendments

<b>General Information</b>	
Applicant	Anthony Perino
Status of Applicant	Agent for property owner Cardinal Development
Requested Actions:	Amend annexation agreement and PUD ordinance to adopt new site plan that includes variations to R-4 lot size, lot width, and setbacks
Purpose for Requests	To construct approx 249 single-family homes on 131 acres
Site Location	Generally southwest corner of Parker Rd and 131 <sup>st</sup> St
Existing Zoning	Lemont R-4 PUD
Size	131.14 acres
Existing Land Use	Vacant/agriculture
Surrounding Land Use/Zoning	<i>North: Single-family residences, Cook County R-4</i> <i>South: Single-family residences, Homer Glen R</i> <i>East: Single-family residences, Cook County R-3</i> <i>West: Single-family residences, Cook County R-3 and Lemont R-4</i>
Comprehensive Plan 2002	The northern portion of the subject site is designated Low Density Residential with the Residential Conservation/Cluster Design Overlay. The southern portion of the subject site is designated Open Space.
Zoning History	Property annexed and PUD approval for 250 SF homes, Aug 2007; Special use to allow agriculture, Sept 2010; amendment to annexation agreement Sept 2010
Applicable Regulations	Annexation and PUD agreements of August 2007, as amended
<b>Special Information</b>	
Public Utilities	The property is not currently served by Village utilities. The proposed development will be served by Village water and sewer.
Transportation	Traffic impact study not done.
Physical Characteristics	Slightly rolling topography with grove of mature oak trees in SW corner of site. Site is almost evenly divided into two watersheds, one flowing north and the other south
Other	See report



## BACKGROUND

On 13 August 2007 the Village of Lemont approved an annexation agreement, annexation, and planned unit development for 250 single-family homes on approximately 131 acres. The approvals followed years of controversy, public opposition, and lawsuits. The property was known as "Leona Farm;" the planned subdivision is now known as Glen Oak Estates. At the time of the annexation the property was owned by Montalbano Homes, Inc. The property subsequently was acquired by Glen Oak Estates, LLC, represented by Anthony Perino. In September 2010 the Village approved amendments to the annexation agreement allowing, *inter alia*, a change to the phasing plan. Additionally, the Village modified its zoning ordinance and approved a special use so that farming could be reinstated on the property.

In December 2009 the Village determined that the engineering plans were based on erroneous topographic data. By the fall of 2010 the full extent of the errors was apparent, and Mr. Perino realized that entire site would need to be re-engineered. At about the time, Mr. Perino had inquired whether the Village or other taxing bodies would be willing to purchase a substantial portion of the 131 acres. Since a total revision of the engineering plans was in order, I urged Mr. Perino to consider redesigning the site with more open space. Although he was initially reluctant to proceed with a redesign ("Why would I want to open that can of worms again?"), he did agree to some initial discussions for sale of portions of the property to the taxing bodies. Design of a new site plan began in earnest following a stakeholder meeting held on 10 November 2010. This meeting was attended by representatives of Lemont Township and Lemont Park District as well as residents from the nearby area who had been particularly active in the public meetings when the subdivision was originally reviewed and approved. Comments on a potential site design that included more open space and a variety of housing products including town homes and/or smaller single-family lots were generally favorable. Starting with the stakeholder meeting in November and continuing through the talks over the winter, staff emphasized that all elements relating to site design were open to discussion, e.g. product type, lot sizes, street and ROW widths, so long as the number of dwelling units did not exceed 250.

As discussions continued, several versions of a new site design were forwarded by Mr. Perino. OpenLands, a non-for-profit organization that assists with the acquisition and preservation of open space, was also involved at this stage. OpenLands does not purchase property outright, but does provide short-term loans for the acquisition of open space. The Village paid for an appraisal to serve as a basis for a sale. Ultimately, however, representatives from the taxing bodies could not offer cash for open space, and were reluctant to pin the hopes of raising money for open space on referendums.

Discussions continued, but now between only the Village staff and Mr. Perino and other members of his development team. The question was no longer about land acquisition but rather: To what extent should the Village amend the annexation agreement to allow for a new site design with more open space? The Village

Administrator, Ben Wehmeier, and I continued to communicate with Mr Perino regarding potential amendments to the annexation agreement.

On 16 March 2011 I forwarded to Mr. Perino an offer for amendments to the annexation agreement and new site plan. Mr. Perino responded with a slightly revised site plan, prepared by Teska Associates and dated 23 March 2011. Staff's offer and the 23 March site plan were reviewed by the Committee of the Whole at its 18 April 2011. *Note that the purpose of this review was not to evaluate the site plan, but to reaffirm that staff was pursuing an acceptable course, i.e. that there was general agreement for the amendments offered in return for a revised site plan with more public open space.*

## **THE NEW SITE PLANS**

On 26 April 2011 Mr Perino formally applied for changes to the annexation agreement (as amended) and planned unit development ordinance that were approved in August 2007. He forwarded a site plan, dated 23 March 2011, for consideration. Based on comments from the Lemont Township Highway Commissioner (who is also a Professional Engineer), this site plan was slightly modified in the week prior to the public hearing. Therefore, plan shown at the public hearing and used for discussion was dated 18 May 2011. This site plan and a table showing the break-down on lot numbers, lot sizes and setbacks are included in **Attachment 1**. This site plan was revised based on comments from the public hearing and PZC recommendations. The revision of the new site plan and an accompanying table are included as **Attachment 2**.

## **THE PUBLIC HEARING**

The Planning & Zoning Commission (PZC) conducted a public hearing on the amendments to the PUD ordinance, i.e. on the revised site plan, on 18 May 2011. The meeting was well attended: over 60 people signed in (and many failed to sign in) and 16 residents of the nearby area spoke. At least two of the residents who spoke lived in incorporated Lemont; the remainder lived in unincorporated Cook County, or in Homer Glen (Will County). The meeting minutes are included as **Attachment 3**. Note that since the PZC has not met since the production of these minutes, they have not been formally adopted by the PZC.

Although many complemented the developer on the redesign, most people—and several commissioners—vigorously objected to the smallest lot sizes. Traffic concerns and the need for a traffic light at 131<sup>st</sup> and Parker were voiced by many as well. Storm water drainage has long been a concern in this area, and again many residents expressed concerns about flooding that could be exacerbated by this development. At least one person expressed surprise that the property had already been annexed, and several felt that the project was too dense, i.e. 250 homes on 131 acres was too much and not compatible with the surrounding area.

The PZC members, while generally approving of the redesign, also expressed concern over the lot sizes and overall density. By a vote of 3-2 the PZC recommended approval with the following conditions:

- The one street providing site access from 131<sup>st</sup> Street and the two streets providing site access from Parker Rd should be built to collector street standards, i.e. 33 feet wide
- A thorough review of the storm water management plan should be provided
- The site plan should be altered so that the lots are larger
- The corridors between the large areas of open space should be widened ("larger vistas into open space")
- A buffer should be provided along south property line, i.e. the lots in Glen Oak Estates should not abut directly on lots in Homer Glen.
- The need for street lights along Parker Rd should be evaluated

### PLAN REVISION BASED ON PUBLIC HEARING

The applicant now submits a site plan that responds in part to concerns raised at the public hearing and responds in part to the conditions of the PZC's approval recommendation. This plan can be found as Attachment 2; an accompanying

Mr. Perino is requesting the following planning- and zoning-related amendments to the approved development agreements:

- Adoption of a revised site plan which includes approximately 35 acres of usable open space. See the section on open space below.
- Variations to Lemont zoning standards for lot size, lot width, and setbacks as follows:

**Comparison of Standards for R-4 with Requested Variations**

<b>Lot and Dimensional Standards</b>	<b>R-4 Standards</b>	<b>92 Lots</b>	<b>89 Lots</b>	<b>68 Lots</b>
Minimum lot size	12, 250 sq ft	12,150 sq ft	10,125 sq ft	7,500 sq ft
Minimum lot width	90 ft	90 ft	75 ft	60 ft
Minimum front yard setback	25 ft	25 ft	25 ft	25 ft
Minimum rear yard setback	30 ft	30 ft	30 ft	25 ft
Minimum corner side yard setback	30 ft	30 ft	30 ft	See note 1
Minimum side yard setback:				
<i>Lot width greater than 80</i>	15 ft	15 ft	N/A	N/A
<i>Lot width 80-55</i>	16.5% of lot width	16.5% of lot width	10% of lot width	10% of lot width
<i>Lot width less than 55 ft</i>	12% or 5 ft	same as R-4	N/A	N/A

Note 1: Applicant did not state a corner side yard variation, but one will be required. I suggest 10 ft.

## Compliance with Comprehensive Plan

The Village's Comprehensive Plan of 2002 designates the subject area for "residential conservation/cluster design." Conservation design, according to the Comprehensive Plan, "sets aside undisturbed areas in the site plan to remain in their pre-development state, in order to preserve wetlands, natural drainage ways, mature vegetation, rock outcrops, historic structures, or moderate to steep slopes."

*Comments: While much of the open space on the revised site plan has been farmed and is thus no longer in its "pre-development state," I nonetheless find the redesign a good example of conservation design and in compliance with the Comprehensive Plan's intent to preserve—or in this case restore—natural areas. The currently approved 2007 plan, which is neither a conservation nor cluster design, is not in compliance with the Comprehensive Plan.*

## Site access and internal vehicular transportation

Four access points to the development are provided: two along Parker Rd, one along 131<sup>st</sup> Street, and one along Derby Rd. The access off of Derby Rd would service only 19 residences. A fire lane would connect this portion of the site with the remaining development. Internal circulation is provided by a number of curving and straight street segments. Some of the curves may not meet the Village's typical engineering standards.

The access from Derby Rd was one of the options shown at the public hearing. Several residents along Derby spoke against this design, but other comment indicated a desire to relieve traffic pressure from Parker Road. One person claimed that as part of his annexation agreement with the Village, the Village had promised to block any access from Derby to Glen Oak Estates.

A recommendation of the PZC was to widen the street segments that provide access into the subdivision to collector street standards, i.e. widen these streets from 27 to 33 feet.

*Comments: I support the concept plan showing a Derby Rd access. Since this access will be for a mere 19 homes, the traffic impacts on Derby and the Derby-131<sup>st</sup> intersection will be minimal. Trip generation for single-family detached homes is 1.02 trips at peak PM hour per unit. That equates to one additional car every three minutes during the peak travel hour in the evening. Morning peak hour trip generation is slightly less: 0.77 trips per house.<sup>1</sup> This design would make access easier for those who buy homes in the extreme western portion of Glen Oak Estates, and every car added to Derby Road is one less car on Parker Road. My comments on the Village's commitments under the annexation agreement with residents of the Red Drive area are below.*

*I do not concur with the recommendation to widen street segments within the subdivision to collector street standards. To be sure, the immediate entrance areas into the subdivision should*

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<sup>1</sup> *Planning and Urban Design Standards*, American Planning Association, John Wiley & Sons, Inc. Hoboken, NJ, 2006, p.522

*flared wider, but I believe the widening of these local streets to collector street standards will be inimical to traffic safety, since wider streets have been shown to encourage motorists to drive faster. One has to look only to Covington Drive and its excessive width and attendant speeding problems to realize this recommendation should not be implemented.*

### The open space

The usable open space in the redesign consists of several distinct areas. The combination of all open space, including detention areas, is over 47 acres. While we do not normally include detention as part of our open space calculation, one could argue that the naturalized detention, or wetlands, should really be part of a restored prairie / oak savanna landscape, and thus should be counted. Even without including detention, the plan provides ample open space. Site data is included on the most current site plan (Attachment 2).

Of particular interest is the preserved, high-quality oak woodland along the south border of the site (approximately 10 acres). This existing grove of mature oak trees is perhaps the property's most outstanding feature. Unfortunately, it is a feature that is not protected under the current development agreements, i.e. there is no tree preservation on site. The revised plan would correct this and the trees in this area would be preserved. This area has great potential for passive recreation. It could be restored to an outstanding example of native woodland/savanna/prairie habitats.



**This photograph shows the grove of mature oak trees that would be preserved with the new plan.**

*Comments: With the exception of a 6.9-acre park the current site plan does not contain any usable open space. I view the creation of open space to be a huge benefit for the community and region, and consider this open space preservation to be the single most important factor in strongly urging the Village Board to approve the revised site plan.*

*Not only is the open space preservation a key element of the site design, but perhaps just as important is how the open space is distributed within the development. The site has been designed to afford the maximum number of lots with either frontage or a rear lot line to one of these areas of usable open space areas: 157 lots share a substantial portion of a lot line with one of these areas. The siting of such a high portion of lots on open space greatly contributes to the attractiveness of the site design, and should also greatly contribute to the marketability of the development. The approved 2007 plan promises future residents views of only their neighbors' backyards or front doors.*

*The open space could be deeded to the Lemont Park District, Lemont Township or the Village of Lemont. All entities have, to some extent, existing open space, and these areas would add to the portfolio. While immediate restoration of the open space and the construction of trails may not be a possibility due to current budget constraints, the important issue is to ensure that the open space is created and does not become residential development. The taxing bodies can potentially work together to secure grant funding or otherwise restore and maintain the open space. Given the size and nature of the open space, the areas should be good candidates for grant funding.*

*In the most recent discussions between Park District and Village officials, the idea of donating the 7-acre open space corridor at the center of the site to the Park District seemed perhaps the most acceptable compromise to all sides.*

*The deeding of the property from the developer to a taxing body could be tied to a phased development plan. A revised development agreement could allow continued farming on existing agricultural areas, and the land would be deeded to a taxing body as open space only when that phase was ready for development.*

*Another option would be for a homeowner association (HOA) to assume control. However, this raises issues about public access (thus defeating the purpose of the open space as a community asset) and the viability of an HOA to adequately maintain such an area over time.*

#### Density and lot dimensional standards

The approved 2007 plan has a gross density of 1.90 units per acre (250 units / 131.14 acres). The redesign under consideration shows a reduction to 240 units, or 1.83 units per acre. The approved 2007 plan has lots sizes and lot dimensions that meet the Village standard R-4 zoning requirements. The proposed plan, as indicated in the table above, includes many lots considerably smaller and with smaller lot dimensional standards than the Village's R-4 zoning requirements.

*Comments: The creation of 40+ acres of open space (and providing adequate storm water detention facilities) is only possible if the number of dwelling units is reduced and/or lot sizes are reduced. The applicant already has the zoning entitlement to construct 250 single-family homes. This, therefore, is not a question about density—the number of homes is indeed being decreased—but rather it is a question about granting deviations from our normal R-4 zoning in return for substantial and attractive open space. I cannot overstate the potential value of the community setting aside over 40 acres of open space for the enjoyment of current and future residents. I view the new plan as a significant improvement over the current design despite the smaller lot sizes.*

*We have heard over the years concerns about how high density and relatively small lot sizes are not consistent with the character of the area. Statements claiming this to be a rural area with homes*

on one- and two-acre lots have been oft repeated at public hearings for Glen Oak Estates, Ludwig Farm, the Glens of Connemara, and Paradise Park. However, a review of subdivision plats shows most homes in the area are on lots less than one acre. The table below shows that the densities of the area's subdivisions.

**Density of Subdivisions in Glen Oak Estates Area**

Subdivision / Area	Residential Lots	Gross Acreage*	DU/Ac
Sylvan Woods (area along and west of Parker)	66	109.63	0.60
Fox Hills/Fox Chase (area east of Parker and south of 131st)	231	220.23	1.04
Fox Hills (area north of 131st)	121	100.78	1.20
Red Drive	26	32.56	0.80
Glens of Connemara	140	68	2.05
Erin Hills	297	137.68	2.15
Total (without Glen Oak Estates)	881	668.88	1.32
* Gross acreage includes ROW and any open space within or part of the subdivision			

The density of Glen Oak Estates compares favorably with the density of the area: 1.83 to 1.32, or 27% higher. And the density of Glen Oak Estates is less than the Glens of Connemara in Lemont and Erin Hills in Homer Glen. The inclusion of Glen Oak Estates in the above table would raise the density of the area from 1.32 to 1.40 dwelling units per acre. These surrounding subdivisions offer little open space or community amenities. **I believe the trade-off of smaller lot sizes for more open space is highly desirable.**

*I understand that the lot sizes and reduced setbacks are of concern. What type of home will be built on the small lots? How will the smaller lots and reduced setbacks change the character of the area? What type of character or image will this development present when it is finished?*

*The smaller lot sizes will not necessarily mean that the homes will be inferior. There is not necessarily a correlation between a large lot and nice, expensive home. If you don't believe me, drive down Archer Ave and note some of the homes on large lots. Many would hardly be described as expensive. Or, take a look at some of the more expensive suburbs in the region such as Hinsdale, Western Springs, or River Forest, or Riverside. These communities are full of attractive (and expensive) homes on lot sizes less than 10,000 square feet.*

*In defense of the site redesign and the incorporation of the smaller lots, I offer the following comments:*

- *The plan tucks the smallest lots deep within the development, so they will not be seen from 131<sup>st</sup> or Parker.*
- *The view from 131<sup>st</sup> Street is of the larger lots backing up to two large detention areas.*
- *The site redesign divides the 240 units into three distinct communities. The winding roads will make for an appealing drive through the site and also mitigate any feel of crowded homes in a cookie-cutter subdivision.*
- *The three different lot sizes will allow flexibility in phasing, and will provide a better response to demands in a less-than-robust residential market.*
- *There are only two cul-de-sacs in the design. The design instead incorporates "eyebrow" drives with homes built around a small green space.*

## Engineering

The residents of surrounding subdivisions are rightly concerned about the impacts of storm water from the Glen Oak Estates development. How will storm water be accommodated on site, and how will the release of storm water from the site affect their property and other areas downstream?

Final engineering is not complete. This request is, in effect, one for preliminary approval. If granted, it will allow the developer to pursue the creation of final engineering plans without the fear that the design will be disapproved after great expenditure of money. For now the questions should be: does this site design adequately address storm water management concerns, and will this design allow the creation of full and final engineering plans that will be in compliance with accepted practices and Village standards? Initial discussions with the project engineer, the Village engineer, and other staff indicate that the concept plan contains an appropriate area for storm water detention. Several concerns expressed at the public hearing and by the Township Highway Commissioner have been incorporated into the site design:

- The storm water management honors existing topography and drainage patterns
- A detention basin in northwest corner of the site has been added;
- A detention basin near the Monaghan Road stub along the Will County line has been added

**Attachment 4** shows the existing drainage divides and locations of planned detention areas.

### Native plants and detention areas

*Comment: For several years I have been a champion of naturalized detention areas—basins filled or lined with plant communities of species native to Illinois and the Midwest. The current development agreement includes an exhibit specifying how such plant communities should be established. Most of the detention basins in the revised plan should be subject to the same provisions for the establishment of naturalized detention areas. As part of an amended development agreement the applicant's responsibility to establish detention areas—including the detention area on site to be dedicated to the Park District—should be maintained.*

***Maintenance access to detention areas #3A, and #6 should be clarified by the applicant.***

### Parker Road

The applicant has questioned the current development agreement's requirements pertaining to Parker Road. He sees no value in engineering and re-constructing this road to a full urban profile including curb, gutter, and street lights. Village staff has agreed to a point. The surrounding subdivisions have neither curb and gutter and few street lights. Staff recommends Parker Road be re-constructed to the same



profile found on 131<sup>st</sup>, Derby and other roads in the area. Staff also does not object to the request to eliminate street lights except at intersections.

The applicant prefers to avoid re-constructing the entire length of Parker Road from 131<sup>st</sup> Street south to the Will County line. However, the Village Engineer has stated that in order to eliminate the vertical curves in the road, it may be necessary to re-construct most of length from 131<sup>st</sup> to Will County.

Table 17-26-01 in the Lemont Unified Development Ordinance specifies a street width of 33 feet (back of curb to back of curb) for collector streets. The applicant wishes to reduce this width, arguing that narrower streets discourage motorists from speeding. This argument has merit, and staff is weighing various options for street width. Perhaps the best solution will be to simply match the width of a reconstructed Parker Road with the road's established road width in Homer Glen.

### **ANNEXATION AGREEMENT**

Amendments to the annexation agreement to allow, inter alia, change in timing of impact fee payment, reduced fees, and park donation, where discussed at the April Committee of the Whole.

### **ATTACHMENTS**

1. Site plan discussed at public hearing (prepared by Teska Associates, and dated 23 March 2011) and analysis table
2. Revised site plan (prepared by Teska Associates and dated 13 June 2011) and analysis table
3. Site plan enlargement (prepared by Teska Associates and dated 13 June 2011)
4. Existing Drainage Divides and Concept Detention Areas Plan, prepared by Branecki – Virgilio & Associates and dated June 13, 2011
5. Draft minutes of the public hearing before the PZC, 18 May 2011

# Glen Oak Estates Concentual Neighborhood Plan

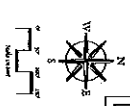
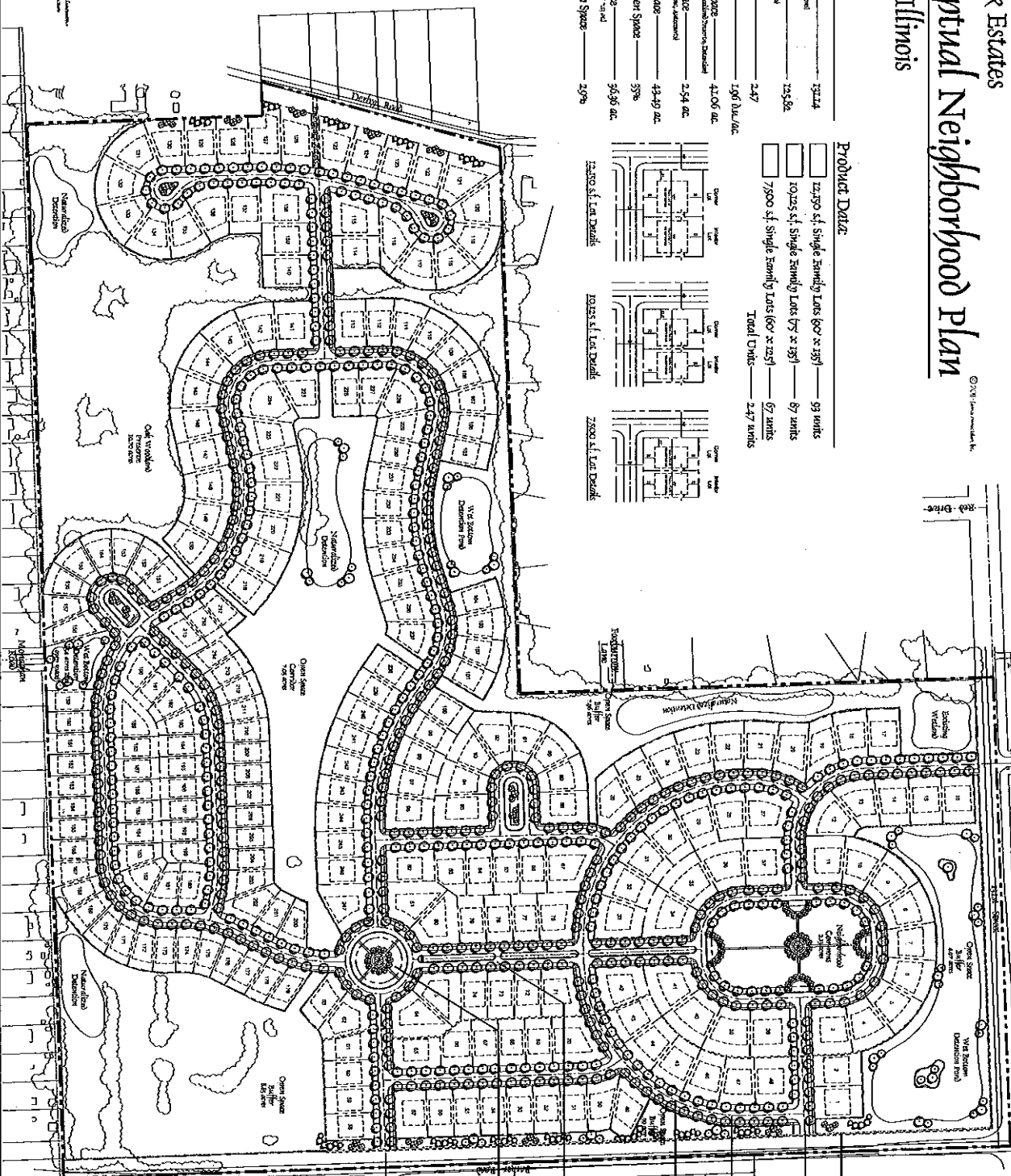
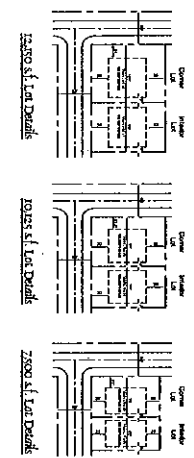
Lemont, Illinois  
18 May 2011

## Site Data:

Gross Site Area	13224
Open Space Area	4106 ac.
Net Site Area	254 ac.
Net Site Area	254 ac.
Total Units	247
Density	196 Du./Ac.
Naturalized Open Space	254 ac.
Open Space Area	4106 ac.
Normalized Open Space	254 ac.
Total Gross Open Space	44.49 ac.
Percentage Gross Open Space	3%
Total Net Open Space	56.86 ac.
Net Open Space	56.86 ac.
Percentage Net Open Space	20%

## Product Data:

12,390 sq. ft. Single Family Lots (60' x 135')	93 units
10,325 sq. ft. Single Family Lots (75' x 135')	87 units
7,500 sq. ft. Single Family Lots (60' x 125')	67 units
<b>Total Units</b>	<b>247 units</b>



Designed by  
**TESKA**  
1800 North Lincoln Avenue  
Lemont, Illinois 60439  
Tel: 630.261.1234  
Fax: 630.261.1235

# Glen Oak Estates Conceptual Neighborhood Plan

Lemont, Illinois  
13 June 2011

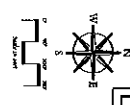
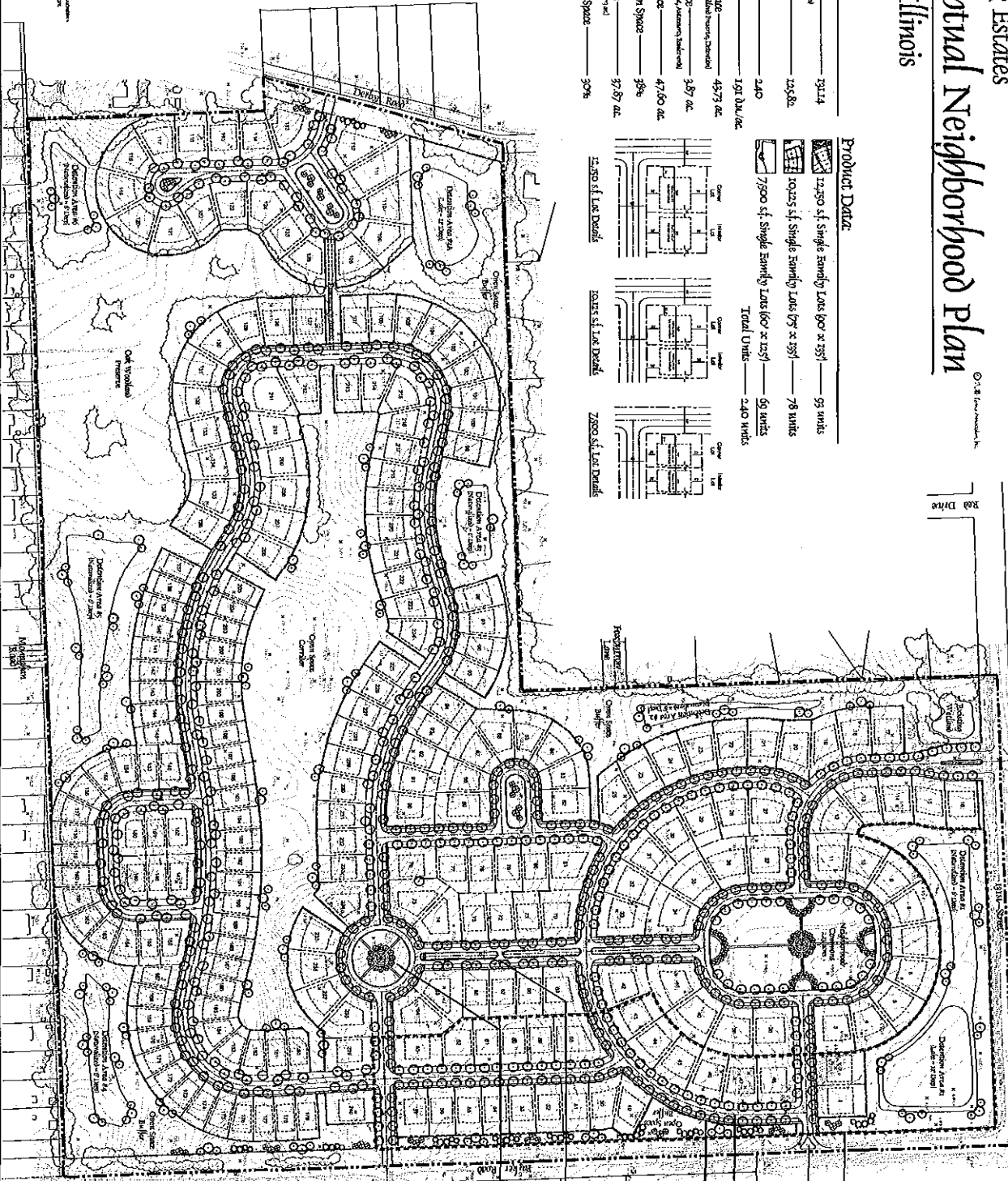
© 2011 Lewis Architects, Inc.

## Site Data:

Gross Site Area	191.14
Site to be developed	125.583
Net Site Area	125.583
Net Open Space	47.60 ac.
Total Units	240
Density	1.91 U./Ac.
Naturalized Open Space	45.73 ac.
Open Space (Green, Buffers, Wetland, Stream, Wetland)	3.87 ac.
Employment Open Space (Retail, Assembly, Warehouse)	2.87 ac.
Percentage Gross Open Space	38%
Total Net Open Space	37.87 ac.
Net Open Space (Wetland, Stream, Wetland)	3.87 ac.
Percentage Net Open Space	30%

## Product Data:

12,350 sq. ft. Single Family Lots (60' x 35')	93 units
10,225 sq. ft. Single Family Lots (75' x 35')	78 units
7,900 sq. ft. Single Family Lots (60' x 25')	99 units
Total Units	240 units



Approximate limits of trees  
Right is Right of Way  
Typical Back Width 30'-30"  
Typical Back Width 60'-70"  
Typical Back Width 100'-100"

Red Drive

Discipline Area 1

Discipline Area 2

Discipline Area 3

Discipline Area 4

Discipline Area 5

Discipline Area 6

Discipline Area 7

Designed By

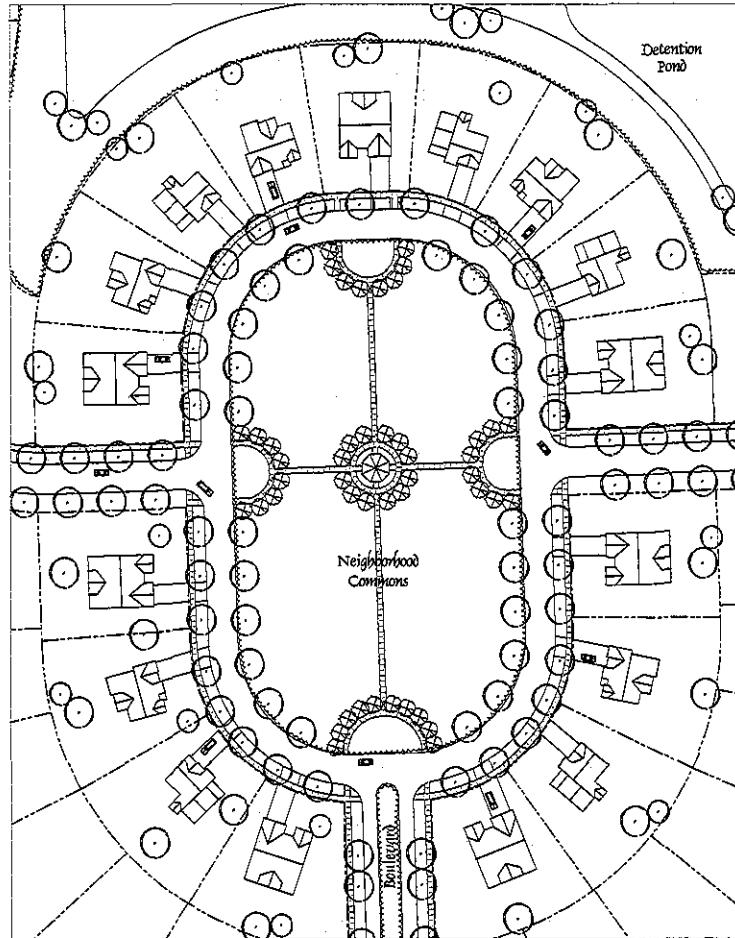
Lewis Architects, Inc.  
1000 North Lincoln Street  
Lemont, Illinois 60466  
Tel: 630.261.1234  
Fax: 630.261.1235  
www.lewisarch.com

# Glen Oak Estates Neighborhood Enlargements

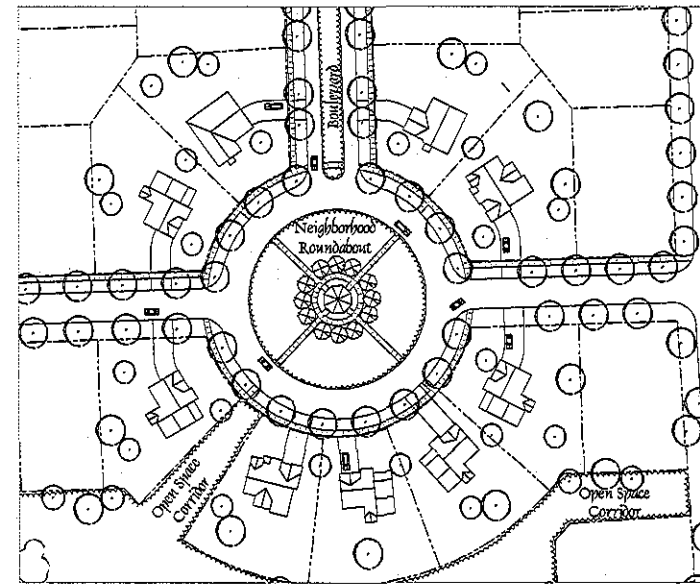
Lemont, Illinois

13 June 2011

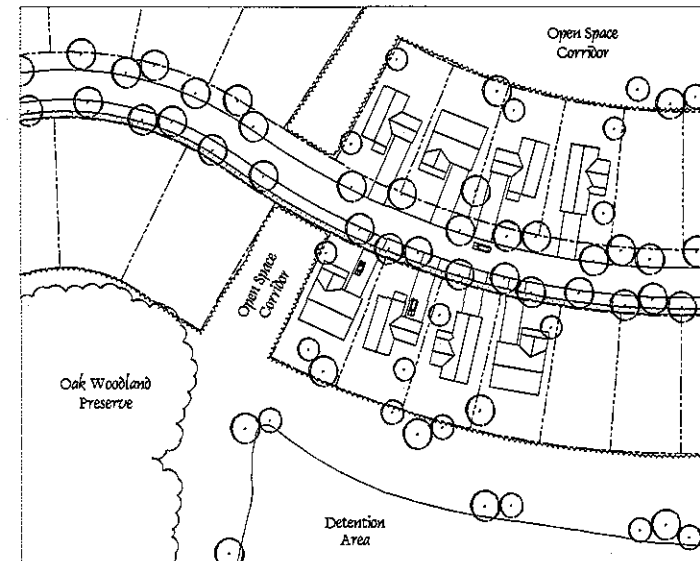
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12,150 s.f. Product Enlargement



10,125 s.f. Product Enlargement



7,500 s.f. Product Enlargement



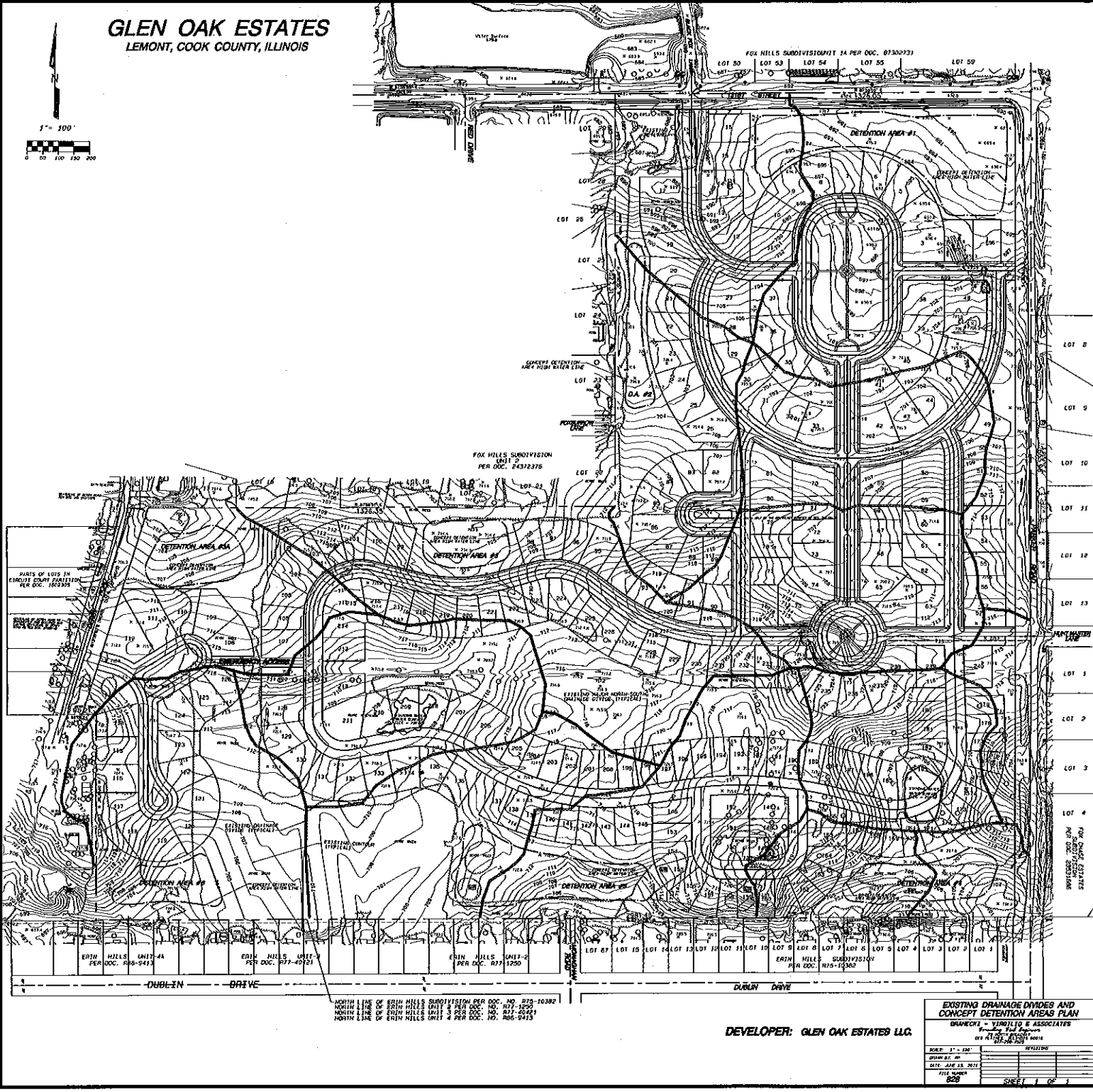
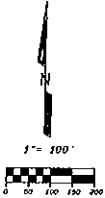
Designed By:



Community Planning, Development & Construction  
 Site Design, Landscape Architecture  
 627 Green Street  
 Naperville, Illinois 60563  
 630.335.2000  
 630.335.2001

# GLEN OAK ESTATES

LEMONT, COOK COUNTY, ILLINOIS



NORTH LINE OF ERIN HILLS SUBDIVISION PER DOC. NO. 875-10362  
 NORTH LINE OF ERIN HILLS UNIT 2 PER DOC. NO. 877-1250  
 NORTH LINE OF ERIN HILLS UNIT 3 PER DOC. NO. 877-20251  
 NORTH LINE OF ERIN HILLS UNIT 4 PER DOC. NO. 866-9413

DEVELOPER: GLEN OAK ESTATES LLC

**EXISTING DRAINAGE DIVIDES AND CONCEPT DETENTION AREAS PLAN**

ENGINEER: VIRIOLLO & ASSOCIATES  
 Planning and Engineering  
 415 N. WILSON AVENUE  
 CHICAGO, ILLINOIS 60611

NO.	DATE	REVISION

DATE: JUL 23, 2011  
 TITLE NUMBER: 828  
 SHEET 1 OF 1

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

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

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

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

**B. Verify Quorum**

Upon roll call the following were:

Present: Armijo, Erber, Maher, Spinelli, Murphy

Absent: O'Malley, Schubert

Economic Development Director Jim Brown was also present.

**C. Approve Minutes**

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

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN COMMENTS**

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

**III. PUBLIC HEARINGS**

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

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

*Ayes: All*

*Nays: None*

*Motion passed*

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Maher asked if there was three access points.

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

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

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

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

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

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

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

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

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

Mr. Patera said it was central.

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

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

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

Mr. Patera stated that he agreed.

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

Mr. Patera stated that they can look at that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Brown stated that it did not.

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

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

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

Mr. Brown stated that he would.

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

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

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

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

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

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

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

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

Commissioner Murphy stated that they are only a recommending body.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Alfirevic asked if Homer Glen was brought in.

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

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

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

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

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

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

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

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

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

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

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

Mr. Brown said that they did not.

Ms. Lenz asked if they would be tying in.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Ayes: All*

*Nays: None*

*Motion passed*

Discussion continued between the Board on voting and what conditions.

Commissioner Murphy asked what width did they want the opening.

Commissioner Spinelli stated collector's width pavement.

Commissioner Murphy asked about the storm water management.

Commissioner Spinelli stated that would be part of engineering.

Commissioner Murphy asked about the buffer and traffic light.

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

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

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

Commissioner Murphy asked about street lights on Parker Road.

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

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

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

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

Commissioner Murphy reiterated for the Board the recommending conditions:

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

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

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

Commissioner Murphy then read the Findings of Fact:

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

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

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

A roll call vote was taken:

*Ayes: Armijo, Spinelli, Murphy*

*Nays: Erber, Maher*

*Motion passed*

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

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

Village Board  
Agenda Memorandum

Item #

to: Mayor & Village Board  
from: Ben Wehmeier, Village Administrator  
George Schafer, Assistant Village Administrator  
Subject: Discussion of Sick Time Donation Program:  
date: June 15, 2011

**BACKGROUND/HISTORY**

Administration has received feedback from staff to implement a sick time donation policy for employees who have exhausted paid leave but still are unable to return to work due to a catastrophic injury. The Village Attorney has drafted a sample policy for the program based on preliminary discussions with staff on recommended provisions. Major points include:

1. Village Administrator must be notified by employee of request, and subsequently open it up to any full-time employee who wants to donate time
2. Eligible recipient must show need based on established criteria, i.e. serious illness, ongoing hardship, etc
3. Length of leave determined by Village Administrator based on information about the circumstance, to a maximum of 90 days per fiscal year
4. Maximum of 4 weeks total per year can be donated per employee
5. Eligible recipient must not be eligible for other paid benefits such as disability or workers compensation
6. Leave for employee shall run concurrently with FMLA leave
7. The Village's collective bargaining contracts do not allow for this policy. The Village will be requiring a letter from the unions' agents authorizing permission into program
8. The policy will be added to the personnel manual as an appendix.

**RECOMMENDATION**

Staff recommends implementation of this program, subject to additional feedback from the Board.

**SPECIFIC VILLAGE BOARD ACTION REQUIRED**

Discussion

**ATTACHMENTS (IF APPLICABLE)**

- 1) Village of Lemont Paid Leave Donation Program

**VILLAGE OF LEMONT  
PAID LEAVE DONATION PROGRAM**

**I. POLICY**

In an effort to bridge the gap for employees who have used all accrued paid leave, but whom have not started to receive Long Term Disability benefits because the ninety-day (90) day waiting period has not yet expired, the Village of Lemont (the "Village") has developed a Paid Leave Donation Program. It is the policy of the Village to allow a participating full-time employee to donate accumulated sick, vacation and/or personal leave to another designated participating full-time, employee who submits a written request for and is granted an approved Leave of Absence, pursuant to the terms and conditions of the Village's Leave of Absence Policy, due to a catastrophic illness or injury. This qualified employee would otherwise be required to take such leave without pay because he or she has exhausted all of his or her sick leave, vacation time, personal days and compensatory time.

The rules below provide a framework for the administration of a Village-wide paid leave designated donation program for eligible permanent full-time, employees. If alternative paid leave donation procedures have been negotiated on behalf of represented employees, those procedures shall apply to the bargaining unit thereunder; this policy may not be used to add to or subtract from any provisions contained in a collective bargaining agreement.

Represented personnel shall be eligible to participate provided their bargaining agent has provided the Village with written acceptance of the terms, which acceptance may be withdrawn at any time. Provided, any such withdrawal shall not affect time donated or received prior to the date of withdrawal. There is no limitation between the exchange of donated and received paid leave time between authorized represented employees and non-represented employees.

**II. DEFINITIONS**

A. "**Paid leave designated donation**" means a voluntary transfer by an eligible donor employee of accumulated sick, vacation and/or personal leave to a designated eligible recipient employee pursuant to the terms and conditions contained in the policy set forth herein. Donation shall be effective upon the date the offer of donation is received by the Village.

B. "**Eligible donor employee**" means a permanent full-time, employee who has been employed by the Village for a period of six (6) consecutive months or more who voluntarily elects to donate accumulated sick, vacation and/or personal leave to an eligible recipient employee. An employee who wishes to donate said leave must have a minimum of ten (10) days of accumulated sick leave and five (5) days of accrued vacation leave remaining in his or her employee benefits account after the amount donated is deducted therefrom.



- C. **“Catastrophic illness or injury”** means a temporary disability or incapacity injury to the employee or a member of the employee’s immediate family resulting from a life threatening illness or injury of other catastrophic proportion as determined by the Village Administrator. Factors considered in determining whether the employee is covered under this Policy shall include, but are not limited to the length of time the employee must be absent from work due to illness or injury. **“Hospital”** or **“Institution”** means a facility licensed to provide care and treatment for the condition causing the (employee’s) absence from work.
- D. **“Covered monthly earnings”** means the employee’s basic monthly salary in that amount received on the day just before the date of leave. Covered monthly earnings does not include commissions, overtime pay, bonuses, raises or any other special compensation not received as covered monthly earnings.

For hourly-paid employees, the number of hours worked during a regular workweek, not to exceed thirty-seven and one-half (37.5) hours per week will be used to determine covered monthly earnings. If an employee is paid on an annual basis, the covered monthly earnings will be determined by dividing the basic annual salary by 12.

### III. PARTICIPATION

Eligible donor employees may designate accrued sick, personal and/or vacation leave, or any combination thereof, to be donated to a recipient who has been determined eligible to receive the same prior to the time of the donation. An employee who wishes to donate leave must complete a donation form indicating the amount and type of leave to be donated and submit the form to the Village Administrator. Anyone wishing to donate leave may donate up to four (4) weeks total of annual leave during a given fiscal year. This leave may be comprised of sick, vacation or personal leave or any combination thereof.

An eligible recipient employee, or a representative of the employee if he or she is unable to do so, who wishes to receive leave must fill out a form describing his or her circumstances, based upon the eligibility criteria below, and submit the form to the Village Administrator.

- A. **Eligibility to Donate:** Participation in the paid leave designation donation program is voluntary on the part of any employee. No employee shall be subject to discipline or any other adverse employment action for choosing not to participate, and no employee shall be rewarded in any manner for choosing to participate. Employees wishing to participate must be permanent full-time, employees with a minimum of six (6) months of continuous service with the Village.
- B. **Eligibility to Receive:** To be eligible to receive donated leave, a permanent full-time, employee who is **not** eligible for disability or workers’ compensation, nor any other type or kind of disability benefits, must show need based on at least one of the following criteria:

1. Serious illness or medical emergencies involving the employee,;
  2. Ongoing crisis or hardship;
  3. All accrued paid leave has been completely exhausted.
- C. **Maximum Donation**: A participating donor employee may donate up to four (4) weeks of accumulated sick, vacation and/or personal leave as desired provided that the participating employee must have remaining in his or her own employee benefits account at least ten (10) sick days and five (5) vacation days after the amount donated is deducted therefrom.
- D. **Donation Period**: Upon receipt of a request from an eligible recipient employee pursuant to the terms of this policy for donated paid leave, and the determination by the Village Administrator that (1) the employee is eligible to receive such paid leave, and (2) the amount of leave authorized for the employee to receive, employees will be notified of the request and given the opportunity to donate leave to the recipient employee. Donations will be accepted for a period of three (3) weeks following the original request. The Village Administrator may extend this period up to one (1) additional week.
- E. **Maximum Leave Period**: A leave of absence may not be taken for an indefinite period of time. The leave period shall be determined by the Village Administrator based upon the information contained in the Physician's Certification, in consultation with the employee's direct supervisor. Recipient employees shall not use donated paid leave until all of their accrued vacation time, personal days, sick leave and compensatory time has been exhausted. Regardless of the amount of leave authorized by the Village Administrator for the recipient employee to receive, donated paid leave may only be permitted to the extent that sufficient leave is actually donated to the recipient employee and, under no circumstances shall a recipient employee be permitted to receive more donated leave than that which is necessary to cover the period of leave authorized by the Village Administrator. Any such leave shall run concurrently with Family Medical Leave (FMLA).

Upon approval of a request for donated paid leave, the Village Administrator will inform the employee of the start and end date of his or her leave.

Note: The amount of donated paid leave initially approved by the Village Administrator may be **increased** at the request of the employee based upon information contained in any periodic progress report(s) received from the employee's treating physician. The Village Administrator reserves the right, at its sole discretion, to **decrease** the period of leave initially approved based upon information furnished by the employee's treating physician in any progress report(s).

**However, under no circumstances shall an employee be granted a total period of donated leave in excess of ninety (90) days, whether consecutive or intermittent, in any given fiscal year.**

- F. **Physician's Certification:** The recipient employee is responsible for submitting medical documentation from his or her health care provider. This information must be submitted on a form provided by the Village Administrator and may be obtained the Village Administrator's office.

Information contained in the Physician's Certification must include:

1. Date when the serious medical condition began;
2. Anticipated duration of treatment and/or hospitalization and recovery;
3. Appropriate medical facts regarding the medical condition to determine whether it prohibits the employee from performing the essential functions of his or her job;
4. Employees anticipated date of return to work.

Addition information and/or documentation deemed necessary by the Village Administrator to determine whether and to what extent to grant an employee's request for leave may also be required on a case by case basis. The Village Administrator reserves the right to require a second opinion from a health care provider for the purpose of verifying the seriousness of an employee's medical condition as it relates to the employee's ability to perform the essential functions of his or her job and, if it so elects to do so, will bear the entire cost of the second opinion.

- G. **Non-Transferable/Personal Use Only:** Any donated paid leave used by a participating recipient employee shall be only for the personal catastrophic illness or injury of the employee and may not be transferred to another employee or used for any other purpose without prior express, written approval from the Village Administrator.
- H. **Authority-Wide Program:** The Village shall establish a single paid leave designated donation program for the benefit of all eligible employees, regardless of the location at which a participating employee renders services to the Village. No individual employee(s) or department(s) may institute a separate donated paid leave program or policy of its own, either in addition to or in place of this policy without the prior express, written approval of the Village Administrator.
- I. **Relationship to the Illinois Workers' Compensation Act:** Injuries and illnesses that are compensable under the Illinois Workers' Compensation Act, 820 ILCS 305/1 et seq., or Illinois Workers' Occupational Disease Act, 820 ILCS 310/1 et seq., shall not be eligible for sick leave bank use.
- J. **Irrevocable Donation:** Once the required donation form has been completed by the donor and submitted to the Village Administrator, it is irrevocable.
- K. **Reciprocity with Other Government Employers:** Participating employees who were employed by another government agency, instrumentality, or political subdivision, whether federal, state or local, that also maintained a paid leave

designated donation program for its employees may not be permitted to transfer any benefits received pursuant to participation in that program to the Village's program.

#### **IV. PAY/BENEFITS**

Any paid leave granted pursuant to this policy will be paid at the following rate(s):

Group health insurance benefits will be continued at the same level and coverage during an employee's paid leave. In order for an employee to continue coverage of his or her voluntary life and/or health benefits during the period of approved leave, he or she is responsible for payment of any contribution amount. Arrangements for payment of such contribution(s) may be made on an individual basis with the Village Administrator. Other employee benefits such as vacation time, sick leave, personal days and/or pension benefits will **not** continue to accrue during the leave period.

#### **V. INVOLUNTARY TERMINATION OF PARTICIPATION**

Any abuse by an employee of the paid leave designated donation program shall be investigated by the Village and, upon a finding of wrongdoing on the part of a participating employee, shall result in that employee being required to reimburse the Village for any and all paid leave received pursuant to this policy, and may subject the employee to other disciplinary action up to and including termination.

**THIS POLICY IS SUBJECT TO CHANGE WITHOUT FURTHER NOTICE AT ANYTIME AT THE SOLE DISCRETION OF THE VILLAGE.**

Village Board  
Agenda Memorandum

Item #

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to: Mayor & Village Board

from: Ben Wehmeier, Village Administrator  
George Schafer, Assistant Village Administrator  
Ted Friedley, Village Treasurer

Subject: Discussion of Investment Policy and Procedures

date: June 15, 2011

**BACKGROUND/HISTORY**

As part of the review of the operations of the Finance Department, staff will be updating its various financial policies as well.

- Purchasing Authority Policy - May COW
- Purchase Card Policy - May COW
- **Investment Policy – June COW**
- Fund Balance and Flow of Funds Policy (GASB 54)
- Debt Policy
- Revenue Management Policy
- Capital Asset Policy
- Red Flags Policy
- Water/Sewer Un-collectibles Policy
- Budget Policy

This month, staff would like the Committee of the Whole to review the Village's investment policies and procedures. Attached is the memo from Sikich on the recommended policy as well as the policy and procedures. The policy outlines the investment objectives, sets up a system of controls for the investment program, and outlines requirements for reporting of the various investments. In addition, although the policy addresses the administration of the police pension fund investments, Sikich is recommending that separate policies be developed in the future for this fund.

**PROS/CONS/ALTERNATIVES (IF APPLICABLE)**

A formally approved investment policy can assist the Village in following recommended best practices and procedures for its investments, and ensure investment objectives are being met in a safe and secure manner.

**RECOMMENDATION**

Staff recommends passage of the policy and procedures, subject to additional feedback from the Board at the Committee of the Whole

**ATTACHMENTS (IF APPLICABLE)**

1. Investment Policy Memo and Policy and Procedures

**SPECIFIC VILLAGE BOARD ACTION REQUIRED**

Discussion



998 Corporate Boulevard • Aurora, IL 60502

June 9, 2011

Mr. George Shafer  
Assistant Village Administrator  
Village of Lemont  
Lemont, IL 60439

We have reviewed the current Investment Policy for the Village and developed the attached Investment Policy to replace the existing policy. This new policy identifies and/or incorporates the following enhancements to the Investment Policy:

*Investment Objectives and Investment Parameters*

While the existing policy stated that the Village's primary investment objectives included safety, liquidity and return on investments, the updated policy expands the definition of these objectives to include detail specifics on how to achieve each objective. Similarly, the existing policy included guidelines for the investment parameters, including diversification and maximum maturities, but the new policy includes additional guidelines on how to achieve the goals of the policy.

*Safekeeping and Custody*

The new policy includes requirements related to safekeeping and custody of investments. This includes specific requirements for financial institutions and brokers/dealers who desire to become qualified bidders for investment transactions. In addition, the new policy emphasizes the Village's responsibility to establish a system of internal controls and provides guidance on the specific controls that should be addressed as part of an effective internal control system.

*Reporting and Mark-to-Market*

The new policy transitions reporting from a semi-annual basis to a quarterly basis and includes specific guidelines for the reporting model. In addition, the policy requires the Village to review the market value of the investment portfolio on a quarterly basis to determine compliance with the stated goals of the investment policy.

*Pension Fund Investments*

Currently the Police Pension Fund does not have a separate investment policy. While the Village's updated policy includes a statement that any monies received for the Police Pension Fund shall be administered in accordance with the provisions of this policy in the absence of written orders from the Police Pension Fund Board of Trustees, we recommend developing a separate investment policy for the Police Pension Fund that will be adopted by the Pension Board.

Please let us know if you have any questions or if we can provide any further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dign McCombs'.

Village of Lemont  
Investment Policy  
Adopted: June xx, 2011

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The Village of Lemont  
Investment Policy  
Adopted: June xx, 2011

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**A. Scope**

This Policy applies to the cash management and investment activities of the Village of Lemont and covers all Village funds other than those of the Police Pension Plan. It is the policy of the Village of Lemont to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Village and conforming to all state and local statutes governing the investment of public funds. With the exception of the Police Pension Fund, all other funds of the Village shall be administered in accordance with the provisions of this policy. The Police Pension Fund shall be administered in accordance with the contractual and statutory requirements of that fund. Any monies received for the Police Pension Fund shall be administered by the written order of the Board of Trustees of that Fund.

**Pooling of Funds**

Except for cash in certain restricted and special funds, the Village will consolidate cash and investment balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles monthly.

**B. Objectives**

The primary objectives of investment activities, in priority order, shall be Legality, Safety, Liquidity, and Total Return.

1. **Legality**

The Village's investments will be in compliance with all federal, state and other legal statutes and requirements governing the investment of public funds.

2. **Safety**

Safety of principal, along with legality, are the foremost objectives of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk, custodial credit risk, and interest rate risk in the overall portfolio. The Village shall diversify its investments to minimize risks regarding individual securities.

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*a. Credit Risk*

Credit Risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The Village will minimize credit risk by:

- Limiting investments to the types of securities listed in Section E of this Investment Policy.
- Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the Village will do business in accordance with Section D.1. of this policy.
- Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

*b. Custodial Credit Risk*

Custodial Credit Risk is the risk that, in the event of a bank or counterparty failure, the Village's collateral securing uninsured deposits or investments may not be recovered. The Village will minimize custodial credit risk over deposits with financial institutions by ensuring that all deposits with financial institutions are insured or collateralized with securities held by the Village's agent in the Village's name.—All investments shall be conducted on a Delivery vs Payment (DVP) basis. Securities will be held by a third-party securities custodian designated by the Village separate from where the investment was purchased.

*c. Interest Rate Risk*

Interest Rate Risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Village will minimize interest rate risk by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools and limiting the weighted average maturity of the portfolio to no more than two years and limiting the maximum maturity of any investment to three years from the date of purchase, unless matched to a specific future cash flow need.

3. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. Alternatively, a portion of the portfolio may also be placed in local government investment pools which offer same-day liquidity for short-term funds.

4. Total Return

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the legality, safety and liquidity objectives described above. Return on investments is of secondary importance compared to the safety and liquidity objectives described above. The core investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

**C. Standards of Care**

1. Prudence

The standard of prudence to be used by investment officials shall be the “prudent person,” which states “ Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probably safety of their capital as well as the probable income to be derived” and shall be applied in the context of managing the entire portfolio.

Investment officers acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

2. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial or investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Village.

3. Delegation of Authority

Authority to manage the investment program is granted to the Assistant Village Administrator derived from the following: 30 ILCS 235 et. seq. The Assistant Village Administrator or designee establishes written procedures and internal controls for the operation of the investment program that is consistent with the investment policy. ~~Procedures should include references to safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements.~~ No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Assistant Village Administrator. The Assistant Village Administrator and Village Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials, including outside investment managers.

**D. Safekeeping and Custody**

1. Authorized Financial Dealers and Institutions

A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a minimum capital requirement of \$10,000,000 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- Audited financial statements.
- Proof of National Association of Securities Dealers (NASD) certification.

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- Proof of state registration.
- Completed broker/dealer questionnaire.
- Certification of having read and understood and agreeing to comply with the Village's investment policy.

An annual review of the financial condition and registration of qualified bidders will be conducted by the Assistant Village Administrator.

2. Internal Controls

The Assistant Village Administrator is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Assistant Village Administrator shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- Control of collusion.
- Separation of transaction authority from accounting and recordkeeping.
- Custodial safekeeping.
- Avoidance of physical-delivery securities.
- Clear delegation of authority to subordinate staff members.
- Written confirmation of telephone transactions for investments and wire transfers.
- Dual authorizations of wire transfers.
- Development of a wire transfer agreement with the lead bank or third party custodian.

See Attachment A: Village of Lemont Investment Procedures and Internal Controls Manual.

3. Delivery vs Payment

All trades of marketable securities will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible Village custodian prior to the release of funds.

4. Safekeeping

Securities will be held by a [centralized] independent third-party custodian selected by the Village as evidenced by safekeeping receipts in the Village's name and a written custodial agreement. The safekeeping institution shall annually provide a copy of their most recent report on internal controls (Statement of Auditing Standards No. 70, or SAS 70).

**E. Suitable and Authorized Investments**

1. Investment Types

Except as modified herein all investments purchased under this policy shall be guided by the Public Funds Investment Act 30 ILCS 235 et seq. and all revisions thereto, as may be made by the Illinois Legislature. Below is a summary of acceptable investments as determined by the Assistant Village Administrator in compliance with the applicable statute:

- a. U.S. government obligations, U.S. government agency obligations, and U.S. government instrumentality obligations, which have a liquid market with a readily determinable market value and are rated A or better by a nationally recognized ratings agency.
- b. Certificates of deposit and other evidences of deposit at financial institutions, bankers' acceptances, and commercial paper, rated in the three highest tier (e.g., A-1, P-1, D-1, or F-1 or higher) by a nationally recognized rating agency
- c. Investment-grade obligations (rated A or better by a nationally recognized ratings agency) of state, provincial and local governments and public authorities.
- d. Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities.
- e. Local government investment pools.

Investment in derivatives shall be prohibited without the approval of the Board of Trustees of the above instruments shall require authorization by the appropriate governing authority.

2. Collateralization

Monies held in depository accounts, time deposit accounts, or money market mutual funds, or invested in the certificates of deposit of financial institutions (banks, savings and loan associations, or credit unions) in excess of FDIC or SAIF insurance shall be secured by some form of collateral. The Village will accept the following assets as collateral:

- (a) U.S. Government securities.
- (b) Obligations of federal agencies.
- (c) Obligations of federal instrumentalities.
- (d) General obligation bonds of any United States state or local government rated "A" or better (i.e., at least upper medium quality) by Moody's Investors Service, Standard & Poor's Rating Service, or Fitch Investors Service.

The chief investment officer may reject any form of collateral at any time.

The amount of the collateral provided by a financial institution will not be less than 110% of the market value of the net amount of deposits and investments to be secured. The ratio of market value of collateral to the amount of funds to be secured will be reviewed monthly by the chief investment officer. Additional collateral will be requested of a financial institution when the ratio declines below the required level. Collateral may not be released without the signature of the chief investment officer. Pledged collateral will be held in safekeeping, by an independent third-party depository, or the Federal Reserve Bank, as designated by the chief investment officer, and evidenced by a safekeeping receipt.

The market value of collateral will be determined based upon quotations reflected in the edition of *The Wall Street Journal* published on the first business day following the quarter concerned. (This edition will report the market value of securities as of the last day of the quarter concerned.) If a security provided as collateral is not listed in *The Wall Street Journal*, its market value will be determined using a comparable source acceptable to the chief investment officer.

Financial institutions pledging collateral will sign a collateral agreement that meets the requirements of the Financial Institution Resource Recovery Enforcement Act (FIRREA) acceptable to the chief investment officer.

**F. Investment Parameters**

1. Diversification

The investments shall be diversified by:

- Limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities). No more than 10% of the portfolio can be invested in any one investment.
- Limiting investment in securities that have higher credit risks.
- Investing in securities with varying maturities.
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

2. Maximum Maturities

To the extent possible, the Village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Village will not directly invest in securities maturing more than three (3) years from the date of purchase. The Village shall adopt weighted average maturity limitations, consistent with the investment objectives, as previously noted.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in these types of securities shall be disclosed in writing to the Board of Trustees.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as local government investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.



### **G. Reporting**

The Village Treasurer shall prepare an investment report at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and the individual transactions executed over the last quarter. This management summary will be prepared in a manner which will allow the Village to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the Village Administrator and the Village Board Finance Officer. The report will include the following:

- Listing of individual securities held, by fund, at the end of the reporting period reporting original cost and current market value of each security.
- Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks.
- Listing of investments by maturity date.
- The purchase and safekeeping institutions.

### **H. Performance Standards**

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to appropriate benchmarks on a regular basis. The benchmarks shall be reflective of the actual securities being purchased and risks undertaken, and the benchmark shall have a similar weighted average maturity as the portfolio.

### **I. Marking to Market**

The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. This review of the investment portfolio, in terms of value and price volatility, should be performed consistent with the GFOA Recommended Practices on "Mark-to-Market Practices for State and Local Government Investment Portfolios and Investment Pools". In defining market value, considerations should be given to the GASB Statement 31 pronouncement.

**J. Policy Consideration**

1. Exemption

Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

2. Amendments

This policy shall be reviewed on an annual basis. Any changes must be approved by the Village board in consultation with the individuals charged with maintaining internal controls.

**K. Approval of Investment Policy**

The investment policy shall be formally approved and adopted by the Village Board of the Village of Lemont and reviewed annually.

# Investment Procedures and Internal Controls Manual – Attachment A

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## A. Introduction

The Finance Department and Assistant Village Administrator is responsible for conducting cash and investment transactions for all funds (except the Police Pension Fund) held by or for the benefit of the Village of Lemont. The responsibility for the administration of the investment program has been delegated to the Assistant Village Administrator and Village Treasurer, who shall implement the following investment procedures and internal controls, as prescribed by the Investment Policy.

## B. Objective

The Procedures and Internal Control Manual provides an outline for cash and investment transactions. This manual shall be reviewed on a yearly basis for possible revisions by the Assistant Village Administrator and Village Treasurer to ensure that the manual is current with investment industry standards and practices.

## C. Prudence and Standard of Prudence

The standard of prudence to be used by the investment staff shall be that of a “prudent person” and shall be applied in the context of managing the overall portfolio. The Village Treasurer, or persons performing the investment functions, acting in accordance with written policies and procedures and exercising due diligence, shall not be responsible for an individual security’s credit risk or market price changes, provided that deviations from expectations are reported in a timely fashion and appropriate action is taken to control or mitigate adverse developments.

The “prudent person” standard is herewith understood to mean the following:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

## D. Investment Decisions

The investment staff, which includes the Assistant Village Administrator and Village Treasurer, shall adhere to the guidelines of the Village of Lemont’s Investment Policy regarding all investment procedures or any other cash and investment transactions.

# Investment Procedures and Internal Controls Manual – Attachment A

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## E. Chain of Command

For the purpose of obtaining approval on investment matters not addressed in the Investment Policy, the following chain of command is appropriate:

1. Village Board of Trustees
2. Village Administrator
3. Assistant Village Administrator
4. Village Treasurer

## F. Duties and Responsibilities

The Assistant Village Administrator and the Village Treasurer have specific duties and responsibilities as stated in their respective position descriptions. The Assistant Village Administrator shall be responsible for the management of the investment program and the Village Treasurer shall be responsible for the daily operational duties (i.e., purchases, sells, bank transfers, wires, and reports) with another finance department employee responsible for the accounting along with monitoring compliance with the internal control procedures.

## G. Ethics and Conflict of Interest

For the protection of the investment staff, it is imperative that full disclosure be made by investment personnel and the Board of Trustees to the Village Administrator of any material interests which they may hold in a financial institution (brokers/dealers, banks, etc.) which conducts business with the Village.

## H. Separation of Duties

Investment staff shall observe proper segregation of duties while engaged in investment activities. Persons responsible for approving investment transactions should not be engaged in activities relating to the recording of transactions in the financial records or the reconciliation of cash and safekeeping account statements.

## I. Reporting Requirements

A quarterly report shall be prepared and forwarded to the Village Administrator who in turn shall forward to the Village Board. The report shall contain, but not be limited to, the following information:

- |                            |                                   |
|----------------------------|-----------------------------------|
| a) Security ID             | f) Par value                      |
| b) Purchase date           | g) Original cost value            |
| c) Maturity date           | h) Coupon rate (if applicable)    |
| d) Purchase institution    | i) Yield to maturity              |
| e) Safekeeping institution | j) System assigned account number |

## Investment Procedures and Internal Controls Manual – Attachment A

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A mark-to-market report shall be prepared on a quarterly basis. This report shall include the market value, book value, and unrealized gain or loss of the securities in the portfolio. These values should be obtained from a reputable and independent source.

### J. Operations

“Operations” is defined as those necessary procedures and duties required to maintain a properly working department on a daily basis.

#### 1. Daily Investment Procedures

The following is a basic outline of routine daily procedures necessary to maintain proper documentation on cash and investment transactions.

Each morning, the daily bank balances shall be obtained from the depository bank via computer.

The Village Treasurer shall be responsible for providing the Assistant Village Administrator with daily information regarding the cash requirements and required maturity dates for all funds.

#### 2. Daily Investment Worksheet (“cash book”)

On a daily basis, it is necessary to monitor cash activity within specific bank accounts for the purpose of determining net cash available for investment. A “cash book” shall be maintained by the Village Senior Fiscal Assistant which shall include a summary of daily cash inflows and outflows by bank account and corresponding book balances at the end of each day.

A review of the “cash book” shall be conducted by the Village Treasurer and shall consider net available cash for investment as well as future anticipated cash flows for the purpose of determining the amount and duration in which funds might be invested.

All cash and investment transactions shall be journalized, by bank account, and given to the Village Treasurer before 2:00 p.m. each day.

Proper documentation and authorization shall be required before any cash or investment transaction is executed.

## Investment Procedures and Internal Controls Manual – Attachment A

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### 3. Authorized Wire Transfers

Only the Village Treasurer shall be authorized to originate the wiring Village funds for investment and payment of debt service purposes to established Village bank accounts. Wire instructions and personal identification numbers (PIN's) shall be safeguarded by the authorized representatives.

All bank transfer requests shall be in writing and approved by an authorized representative and all requests shall be filed with the investment work-up documents. All bank transfers will require two signatures, the Village Treasurer and the Assistant Village Administrator. Phone wire transfers may be performed provided such requests are made over recorded lines and a written confirmation of the transfer is prepared by the bank. The purpose of the bank transfer must be noted as part of the transfer information.

Wire transfers shall be confirmed by a third party independent of the authorization function.

### 4. Securities' Confirmations

The processing of securities' confirmations, including the filing and reconciling, shall be reviewed by an individual who did not execute the purchase or sale. All confirmations for securities, including certificates of deposit, shall be attached to the daily investment work-up documentation. The original confirmations are not permitted to leave the Finance Department, and only copies will be provided upon request.

Upon receipt, the safekeeping account listing shall be reconciled against the appropriate investment reports.

### 5. Coupon Notices

Securities which periodically pay coupons will require that the amount of the coupon payments be transferred to the appropriate bank account and a journal entry prepared and given to the Village Treasurer.

## Investment Procedures and Internal Controls Manual – Attachment A

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### 6. Safekeeping Procedures

All securities purchased for the Village shall be received by “delivery vs. payment” (DVP) to the Village’s designated custodian for safekeeping. The Village’s designated safekeeping institution shall be notified of the trade prior to or on the day of settlement. Confirmation of the delivery will include the type of security purchased/sold, CUSIP, coupon rate (if applicable), maturity, purchase and settlement dates, par value and purchase price.

Nonnegotiable Certificates of deposit are permitted to be safekept at the issuing bank provided they are fully collateralized and pledges are held at an independent third party institution. Negotiable certificates of deposit should be on a DVP basis as noted above. All certificates of deposit confirmations must be verified against the appropriate investment reports and general ledger account on a monthly basis.

Additional requirements and procedures are outlined in the Third-Party Custodial Safekeeping Agreement regarding safekeeping procedures.

### K. Accounting for Investment Transactions

Investments shall be recorded in the financial records at original cost. Interest income will be recognized at maturity or amortized as of the last day of the fiscal year according to the effective interest method of amortization.

### L. Investment Information

#### 1. Internal Investment Reports

Investment reports are generated by the Village Treasurer. Each report shall be checked against the original documentation and the appropriate general ledger accounts to ensure the accuracy of the reports on a monthly basis. Furthermore, the investment reports shall be safekept by the Finance Department.

#### 2. Market Values

Market values shall be calculated on a quarterly basis by the Village Treasurer and a report provided to the Village Administrator and the Board of Trustees.

#### 3. Trust Statements

Original statements for the Village’s investment accounts which are held by a custodian shall be reconciled by the Village Treasurer on a monthly basis.

## **Investment Procedures and Internal Controls Manual – Attachment A**

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### **M. Selection of Dealers and Bankers**

As stated in the Village of Lemont's Investment Policy, the Village Treasurer shall only purchase securities from financial institutions which are qualified as public depositories by the Village of Lemont or from broker/dealers that were selected based on credit worthiness that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule).

The Finance Department shall provide each authorized dealer a copy of the Village's Investment Policy and each dealer shall be required to submit, in writing, a statement that they have received, read and understand the Village's investment policy. This statement shall be submitted to the Assistant Village Administrator.

Once all requirements are met, the Finance Department will provide the dealer with a list of staff members who are authorized to conduct cash and investment transactions.

### **N. Security Selection Process**

When purchasing or selling securities, the Finance Department shall select the security which provides both the highest rate of return within the established parameters of the Investment Policy and satisfies the current objectives and needs of the Village's portfolio. These selections shall be made based on a minimum of two (2) bids/quotes (unless securities are being purchased at the FED window) being obtained from banks and/or broker/dealers on the securities in question.

Two bids/quotes are not necessary in the following situations:

1. When time constraints due to unusual circumstances preclude the use of the competitive bidding process.
2. When no active market exists for the issue being traded due to the age or depth of the issue.
3. When a security is unique to a single dealer, for example, a private placement.
4. When the transaction involves new issue or issues in the "when issued" market.

When using the competitive bid process, all bids shall become part of the record of the specific security involved.

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