



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 #039-10

FROM: James A. Brown, Community Development Director

THRU:

SUBJECT: **CASE 10.06 – Prairie Ridge Townhouse Rezoning**

DATE: 11 May 2010

SUMMARY

Robert Hansen of Simpson Builders proposes to develop a subdivision with 21 townhouses on 4.32 acres. This territory was subject to an annexation agreement, rezoning, and PUD for 10 single-family homes in 2006. The PUD has expired, but the R-4 zoning and provisions for single-family homes of the annexation agreement remain valid.



SUBJECT PROPERTY AND SURROUNDING AREA

PROPOSAL INFORMATION

Case No. #28.26
Project Name **Prairie Ridge Subdivision**

General Information	
Applicant	Robert Hansen
Status of Applicant	Owner
Requested Actions:	PUD Preliminary an Final Plat/Plan Approval
Purpose for Requests	
Site Location	13201-03 Archer Ave across from Hill Ct
Existing Zoning	R-4
Size	4.32 acres (188,193.22 sq ft)
Existing Land Use	Vacant
Surrounding Land Use/Zoning	North: Single-family residential; R-4PUD
	South: Single-family residential; Cook Co R-3 SF residential
	East: Single-family residential; Cook Co R-3 SF residential
	West: Single-family residential; Cook Co R-3 SF residential
Comprehensive Plan 2002	Low Density residential (0 – 0.2 DU/Ac) with residential conservation and cluster design
Zoning History	Annexed to Village July 2006; R-4 zoning and PUD approved July 2006. Annexation agreement stipulated that PUD would expire Jul 2007 unless site development application submitted.
Applicable Regulations	Conditions of annexation agreement (O43-06, July 24, 2006) apply. See below.
Special Information	
Public Utilities	Village sewer and water are adjacent to the site. Gas is available on site.
Transportation	N/A
Physical Characteristics	The territory is sandwiched between two heavily wooded ravines. The 4+ acre site itself is generally level with slight decrease in elevation from north to south. Elevations drop dramatically at or near site boundaries.
Other	N/A

BACKGROUND

On 24 July 2006 the Village Board approved an annexation agreement, annexation, PUD preliminary plan/plat and rezoning to R-4 for the subject territory. The annexation agreement stated “Planned Unit Development approval shall lapse in the event the DEVELOPER does not file a complete application for a site development permit within one (1) year of the effective date of this AGREEMENT.” The developer submitted neither final plans nor a site development application by 24 July 2007; hence the PUD approval expired.

PROJECT HISTORY

Originally the project was proposed as a 24-unit townhouse development. A public hearing for that application was first heard by the Zoning Board of Appeals in June 2005. Concerns over density, compatibility with surrounding area, and storm water detention resulted in a revised proposal for 12 single-family homes. The engineering of the storm water detention facility, the design of the cul-de-sac, and the relatively small and irregular-shaped yards proved unsatisfactory, and the number of homes was reduced to ten.

There was some concern on the part of several members of the Zoning Board of Appeals about the loss of trees in the southeastern corner of the lot. Chuck Stewart, the Village Arborist, visited the site and stated he "saw nothing that would be earth shattering if it were removed." Most trees on site are poor specimens of ash and elm.

ANNEXATION AGREEMENT

Ultimately an annexation agreement approving a ten-unit single-family home development was approved on 24 July 2006. Conditions of the agreement were:

The TERRITORY shall be developed in accordance with the Preliminary Plat of Subdivision and Preliminary Engineering Plan, prepared by JENSEN MORRISON P.e. and dated July 25, 2005 with a revision date of February 16,2006, and attached hereto and incorporated herein as Exhibits "C" and "D". The following conditions shall be met **prior** to Final Plat of Subdivision approval:

1. A Tree Preservation Plan shall be submitted and approved by the Community Development Director or the Village Arborist prior to Final Plat of Subdivision. [see arborist comments below]
2. The tree inventory, prepared by WINGREN LANDSCAPE and dated April 28, 2005 shall be updated prior to Final Plat of Subdivision approval. The tree inventory and the Tree Preservation Plan must correspond with each other. [see arborist comments below]
3. A Final Landscaping Plan shall be submitted and approved by the Community Development Director or the VILLAGE Arborist prior to Final Plat of Subdivision. Included in this plan, a minimum of two new trees be planted in each front yard, as suggested by the VILLAGE Arborist. [condition met]
4. The Preliminary Engineering Plans, prepared by JENSEN MORRISON P.E. and dated July 25, 2005 with a revision date of February 16,2006 shall be revised (if necessary) and approved by the VILLAGE Engineer prior to Final Plat of Subdivision approval. [see Village Engineer comments below]

PUD ORDINANCE

A PUD ordinance was simultaneously approved. Since no final plat or plans were submitted within a year, it expired. Mr. Hansen re-applied for PUD approval. The PZC

held a public hearing for the proposal on 21 January 2009. The PZC voted to recommend approval of the ten-unit, single-family home subdivision. Concerns over engineering plans—specifically the design and installation of a lift station—prevented approval. Although Public Works and the Village Engineer now approve of the lift station design, re-approval has not been approved by the Village Board. Now the applicant approaches the Village about re-visiting the original townhouse idea.

The previously approved—and now expired—PUD ordinance contained the following conditions, some of which the PZC may want to recommend again:

4. There can not be unrestricted release of storm water off-site.
5. Asphalt driveways shall be prohibited.
6. All driveways shall be constructed of concrete or brick pavers.
8. Provide homeowners association documents including, but not limited to, plans for ownership and maintenance of storm water detention areas and landscape outlots.
9. Cash in lieu of sidewalks along Archer Avenue shall be required.

ANALYSIS

Density and Site Design.

This application is for 21 townhomes on the 4.32-acre site. That equals a density of 4.86 units per acre. The townhomes are arranged in groups of four, three, three, two, three, two, and four. Unit 16 does not meet the 25-ft rear yard setback requirement for R-5, and several of the units are within the 25-ft front yard setbacks. The required side yard setback of 15 ft, i.e., a distance of 30 ft between buildings, is not met in all but one instance. The site appears crowded and the amount of space devoted to driveways will affect aesthetics. Like the previously approved design for single-family, there are no sidewalks, and the public ROW ends at the curb.

Storm Water Management/Engineering Comments. The Village Engineer noted that the engineering for this proposal will be generally the same as for the previously approved project. He has no objections at this time.

Fire Department Comments. This area is within the Northwest Homer Fire Protection District. I spoke with the district's fire chief. He felt the cul-de-sac and the turning radius would not hinder emergency vehicle operations. He did not have any objections to the plans.

Arborist Comments. The landscape plan is from the previous submittal for 24 townhomes, not these one for 21 townhomes. The Village Arborist is generally satisfied with the landscape plan, but both he and I note that a full, final landscape plan will need to be prepared by a registered landscape architect. His comments are attached.

Land Use/Zoning. The 2002 Comprehensive Plan states Archer Avenue should form a division between areas for townhouses and areas reserved for strictly single-family homes. This townhouse proposal falls on the wrong side of the Comprehensive Plan's recommendation. According to the Comprehensive Plan, this area should be low density (0 - 0.2 dwelling units per acre) and developments should be conservation/cluster designs. Moreover, there are no existing townhouse developments on either side of Archer Avenue in this area. The area to the north of Archer Avenue is characterized by large single-family homes. The area south of Archer Avenue and adjacent to and in the vicinity of the subject property is almost rural in character. A barn sits to immediate southeast of the subject property, the lots are heavily wooded, and homes are somewhat hidden. Attached photographs depict the site and the surrounding area.

Based on the Comprehensive Plan's recommendations for this area, the existing uniform land use of single-family homes and almost rural character, my staff memorandum to the PZC stated that "I cannot support the proposed plan and rezoning."

PUBLIC HEARING, PZC RECOMMENDATION, FINDINGS OF FACT

On April 21st the Planning & Zoning Commission (PZC) held a public hearing on the re-zoning application. Several neighbors spoke against the application. They felt that town houses would be inappropriate for the area and raised concerns over storm water management. (Draft PZC minutes of the hearing are attached.)

A motion to recommend approval of the application for re-zoning to R-5 failed (7-0 against the motion). Additionally, the PZC found that:

1. The density (for the proposed project under R-5) is too great for the area.
2. The proposed development contradicts the Comprehensive Plan for the area.
3. The proposed development is out of character for the surrounding area.
4. The proposed development is lacking in design quality.

APPLICANT RESPONSE TO FINDINGS OF FACT

The applicant has provided responses to comment heard at the public hearing, my recommendation, and the PZC's findings of fact. His letter is attached.

RECOMMENDATIONS AND FINDINGS OF FACT

Findings of fact are required with the PZC's recommendation to the Village Board. If no engineering, landscaping, and tree preservation issues remain, I suggest the PZC consider such factors as compatibility with the Comprehensive Plan or, conversely, a desire for a wider range of housing types in the Village, as a potential finding. Findings such as "providing for orderly growth of the Village,"

ATTACHMENTS

1. Photographs of site and surrounding properties
2. Minutes of public hearing, April 21, 2010
3. Arborist review, dated April 1, 2010
4. Applicant submittal packet
5. J. Antonopoulos letter on behalf of Mr & Mrs Van Velde
6. R. Hanson letter, response to PZC

Two views of subject site looking south



Views of surrounding properties





Village of Lemont
Planning and Zoning Commission
Regular Meeting of April 21, 2010

DRAFT MINUTES for Case #10-06: Prairie Ridge Rezoning and PUD Amendment. Public hearing for a requested amendment to the approved Prairie Ridge PUD to rezone the property from R-4 Single-Family Detached Residential District to R-5 Single-Family Attached Residential District for a 21-unit townhome development.

(Draft minutes to be reviewed, corrected as necessary, and approved at next scheduled meeting of Planning and Zoning Commission, May 19, 2010)

Commissioner Erber made a motion, seconded by Commissioner O'Malley to open the public hearing on Case #10-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Jones presented photos of the subject site via power point. She stated that in 2005 the application came in for a 24-unit townhouse development. It was changed to ten single-family homes, and approved, but that approval had expired. She said that the applicant reapplied and was approved again for ten single-family homes, which has expired as well. The applicant has come back again and would like to go back to townhouses. Instead of 24 units though, he has changed it to 21 units with a similar site design. Mrs. Jones stated that the Village Engineer noted that the engineering plans are generally the same as were approved for the ten single-family homes and he has no objections at this time. The fire district involved is the Northwest Homer Fire District and they had no concerns. The landscape plan submitted is from the previous 24 unit plan proposal and the arborist is satisfied with the plan. Mrs. Jones stated that the real issue is of land use and whether single-family attached residential development is appropriate for this area. The Comprehensive Plan states that Archer Avenue should be the division area for townhomes and for areas that are restricted for single family. She said that this townhouse development falls on the wrong side on the Comprehensive Plans recommendation. The Plan shows the area as low density residential and has a conservation design overlay. She said that there are no other townhome developments in the area. The property south and adjacent to the subject property is rural in character. Mrs. Jones stated that staff does not support this development based on the Comprehensive Plan recommendation for the area and the existing uniform land use of single family homes in the area.

Chairman Schubert stated that this came before the Planning and Zoning a while ago and never got a favorable response for townhomes. He asked if the applicant was given some kind of direction that this might be something that could work in that area now.

Mrs. Jones stated that the Community Development Director took a straw poll, not specific to this property, and just asking in general about townhouse development along Archer Avenue. She said anyone has the legal right to come and request something.

Chairman Schubert asked if the applicant could please step up to the podium.

Bob Hansen, 53 Brookside Drive, stated that his wish was to build townhomes on this property for a number of reasons. He said it was opposed and he agreed to design and market it for single-family home sites. In the last four years there has been no interest in it. He stated he spoke with Jim Brown about the townhomes because of the downfall in the economy and people wanting to downsize their home. This would provide something for empty nesters that don't want a lot of stairs and the bother of taking care of a yard. He said he asked Mr. Brown to take the poll because the sales for townhouses have been picking up in Lemont compared to single-family homes. He said Mr. Brown gave him a fairly positive response that the Board would be open to reconsidering it. He did not say that it was overwhelmingly positive. Mr. Hansen stated that the plans the Board is looking at are not finished plans. They are just to give an idea what it could look like. He said that the Comprehensive Plan is from 2002 and a lot has happened since then. He hopes that the Board would be open to looking at this type of product.

Commissioner Erber asked how long he has owned the property.

Mr. Hansen stated five years.

Chairman Schubert asked Mrs. Jones or Mr. Hansen what did the straw poll vote.

Mrs. Jones stated that it wasn't to this specific property. Mr. Brown asked the Board individually how they felt about townhome development. She said it was more of a general question. Mrs. Jones stated that she did not know what they said exactly.

Chairman Schubert stated that there is a letter Mrs. Jones received that he would like her to read in regards to this case. Then they would have anyone else from the audience come up and speak.

Mrs. Jones stated that the letter is from John Antonopoulos, Attorney. He states that he represents Christian and Leah Vande Velde who are the adjoining property owners to the east of the proposed rezoning above described. The Vande Velde respectfully request that the Board take into consideration the following comments in their deliberation.

1. Lemont has diversity in housing ranging from large lots and open space to multi-story condominiums. The development of townhouses at the proposed site is in a rural area and would have negative impact on the adjoining property values. The surrounding uses are all single-family and to allow multi-family townhouse development would constitute spot zoning.
2. The Comprehensive Plan clearly targets the area as rural low density. The clear trend of development is for large lots, open space and a rural development.
3. There is no need in the community for more townhouses or multi-family. The Village has approved 745 multiply family units and approximately 494 remain un-built. There is an obvious over supply of multi-family units in Lemont and to add additional townhouse would contribute to the over supply and affect the existing market for new as well as existing townhouse sales.

He apologized for not being available for the hearing, but requested that the Board consider his comments in connection with their decision.

Chairman Schubert stated that it reflects a 66% of multi-family units that remain un-built. He stated that the housing market is terrible right now for any market.

Mr. Hansen stated that there are currently 43 townhouses on the market this week, six are currently under contract, and 33 are within the price range of the townhouses he wants to build. The price range for the townhouses he wants to build is \$400,000. He said on the south side of Archer you do have the Steeples townhomes and it is only a half a mile away.

Chairman Schubert asked if anyone else would like to come up and speak.

Carroll Cunningham, 13251 Oak Lane, Lemont passed out information regarding the properties that are surrounding the subject site. He said that what Mr. Hansen is trying to do is test the waters again. He said the homeowners didn't agree with the ten single-family homes. He said the proposal is way out of character for the area. He said four homes on that property is something the neighbors could live with, but not a 21-unit townhome development. He stated with all the concrete there would be no place for the water to go but downhill. The property on the south will be washed away. The sump pumps from the homes will be dumping into the adjacent ravines, which are on both sides. Mr. Cunningham said the elevation from the front to the back of the property drops 35 feet. There is then another 35 foot drop from Mr. Stoop's property to his. There is already flooding problems and he is worried about the retention pond being able to hold the water. Mr. Cunningham stated that he was sorry Mr. Hansen did not make a good decision with this property. He said that the surrounding property is all unincorporated Cook County. He said that Mr. Hansen would also lose some property when Archer Avenue is widened to two lanes. Mr. Cunningham stated that he spoke with Mr. Hansen about how someone is using his property for a garbage dump and hopes that Mr. Hansen will take care of it.

John Stoops, 13241 Oak Lane, Lemont, stated that Mr. Cunningham has said it all and he agrees that a townhome development does not fit with the character of the area.

Jill Lieberstein, 13231 Oak Lane, Lemont, said that she finds it hard to believe that they are here again. She said that the original proposal was turned down and they all felt that ten homes was a lot to put on that property. She said that it is true that housing and the economy is down, but this would hurt them more. The creek that backs up to his property would affect everyone with all the runoff. Mrs. Lieberstein stated that it does not fit the area. She said when the builder makes a mistake he can request a variance, but how does it affect the people that are living around it. She stated that there are not many rural areas in Lemont, and it would be a shame to see something like this go up and affect the town. She hopes that the Board would vote against this.

Mr. Cunningham stated that at the last meeting with the Trustees, Mayor Reeves personally guaranteed him that the retention pond for the ten single-family homes would never fail. He said he thinks it was a statement that he should have never made.

Larry Johnson, 13207 Archer Avenue, Lemont, stated that he is also concerned with the proposal. He said if the applicant let the time lapse, then they are out of the picture. He said you could put two very nice upscale homes on that property. Mr. Johnson said that this property could not support this many townhouses. He said even the ten homes do not belong in that area.

Mr. Cunningham asked if the projection of the ten homes gone.

Mrs. Jones stated that yes it has expired. She said the planned unit development had expired, but there is still an annexation agreement for ten homes on this site.

Mr. Cunningham stated with false information they approved an annexation.

Mrs. Jones stated that she doesn't think that the annexation makes any reference to the adjoining property. The annexation agreement is between the Village and the property owner.

Mr. Cunningham stated that it could be judicially challenged if the surrounding property owners stand to lose money on their property values by something being built on this property. He said that he feels that the neighbors would put up the money to challenge it.

Mrs. Jones stated that the false information in regards to the property to the south was corrected in the public hearing process. So when the Board made their approval they made it with full knowledge of the surrounding property.

Mr. Cunningham stated that they are not always informed.

Chairman Schubert stated that there was complete acknowledgement of all the surrounding properties, especially to the south. He said there have been at least four meetings and the people to the south have been here for those meetings. He also stated that the Planning and Zoning Board have never disregarded anybody.

Chairman Schubert asked if the Board had any questions or comments.

Commissioner Erber stated that the proposal does not fit into the surrounding area. Even when the economy picks back up, it would not fit in the area. He said that he does not feel that the Board should sacrifice good planning for a downturn in the economy.

Commissioner Armijo stated that the projection picture is not bad and asked about storm water.

Mr. Hansen stated that the storm water management would not change. He said they would put basins in the back of every other lot and discharge through the retention basin.

He said that this whole area is surrounded by woods which are dense and secluded so it won't be seen from the road. He said as far as the argument about it not fitting into the neighborhood, because of the physical character of the property it stands alone.

Mrs. Lieberstein stated that from her house she could see all the garbage that has been dumped. There was a tent and you could see the flap blowing open and closed. She said that she has seen people walking around on the property. She stated that if ten homes get built on

this property it would be like a wall was built. It does not fit in with the area. Mrs. Lieberstein stated that of course there would be something built on the property, because that is progress. She said that Mr. Hansen keeps letting this proposal lapse and then comes back and proposes more. She stated that it is public record what he paid for the property, and that he is trying to make his money back. However, everyone doesn't have to suffer from it. Mrs. Lieberstein stated that the property isn't that secluded. All the neighbors can see it.

Mr. Cunningham stated that there would be increased traffic that would have to pull out onto Archer Avenue and it would be very dangerous. He said the least amount of traffic that has to pull out of that property the better.

Commissioner Maher stated that he was open to townhomes on Archer Avenue. He stated that this location, however, is not suited at this time for townhomes.

Commissioner Murphy said that she agreed with Commissioner Maher. She stated that it is their job to be open and to consider everything.

Commissioner Spinelli stated that he did not like townhomes in 2005 and still does not like townhomes for this area.

Commissioner O'Malley stated that he concurs and the site is suitable for single-family homes.

Chairman Schubert asked if anyone else would like to make a comment. None responded.

Commissioner Erber made a motion, seconded by Commissioner Spinelli to close the public hearing for Case #10-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Murphy made a motion, seconded by Commissioner Erber to recommend approval of Case #10-06.

Chairman Schubert said based upon the evidence and testimony presented in the public hearing the Planning and Zoning Commission finds the following:

1. The density is too great for area.
2. The proposed development contradicts the Comprehensive Plan for area.
3. The proposed development is out of character for the surrounding area.
4. The proposed development is lacking in design quality.

All Commissioners agreed.

A roll call vote was taken:

Ayes: None

Nays: Armijo, Erber, Maher, Murphy, Spinelli, O'Malley, Schubert

Motion denied



Urban Forest Management, Inc.

April 1, 2010

Mr. James Brown
Community Development Director
Village of Lemont
418 Main Street
Lemont, IL 60439

RE: Prairie Ridge Land Use Application Case #10-06
Plan Review #1

Dear Jim:


As requested, I have reviewed the submittal information and have the following comments:

1. It appears that all of the documents except the Project Overview letter from Mr. Robert Hansen of Simpson Builders, L.L.C. are from previous submittals for a townhouse development and a single family detached home development. Other than the letter the only other document that has any relevant information on it is the old single family lot plan with some townhouses taped over it and ten off street parking spaces along the street. It is a totally different layout from the previous townhouse plan that is represented on the old landscape plan.
2. I assume that this submittal was to test the waters to see if the concept is acceptable to the Village before any funds were expended on new plans and documents. If the project moves forward, then all of the documents should be based on current conditions and the specific plan that is proposed.
3. The basic landscape concepts that are represented on the old Townhouse Plan are generally suitable for that type of development. The old Townhouse Plan shown on the landscape plan does not save very many of the existing trees. If the new Townhouse Plan remains on the same land plan as the single family plan it may be possible to save more existing trees.
4. The Proposed Declarations are from the single family lot plan. The Declarations for a Townhouse Plan should include a maintenance plan that provides for the timely replacement of dead and undesirable plants, maintenance specifications, and a maintenance calendar.
5. A cost estimate should also be provided.

Please call if you have any further questions.

Sincerely,

URBAN FOREST MANAGEMENT, INC.


Charles A. Stewart
Vice President

SIMPSON BUILDERS, LLC

701 25th Ave.
Bellwood, Illinois 60104

Telephone: 708/544-3800
Fax : 708/544-1971

James Brown
Community Development Director
Village of Lemont

March 30, 2010

Gentlemen:

We submit herewith our application for the PUD Preliminary Plan for Prairie Ridge Townhomes Subdivision regarding the property at 13201-03 Archer Ave., a parcel annexed to the Village of Lemont.

The project in overview is a proposal for a 21 unit townhome community, organized as a homeowners' association established for the maintenance and upkeep of the property.

The access road and lift station will be dedicated to the Village for maintenance.

The acreage of the land is 4.29 acres, or 4.9 dwelling units per acre. The total area covered by structures is 36,000 s.f. The road and parking areas cover 18,000 s.f. The common areas cover 139,760 sf. Ten off-street parking stalls are provided.

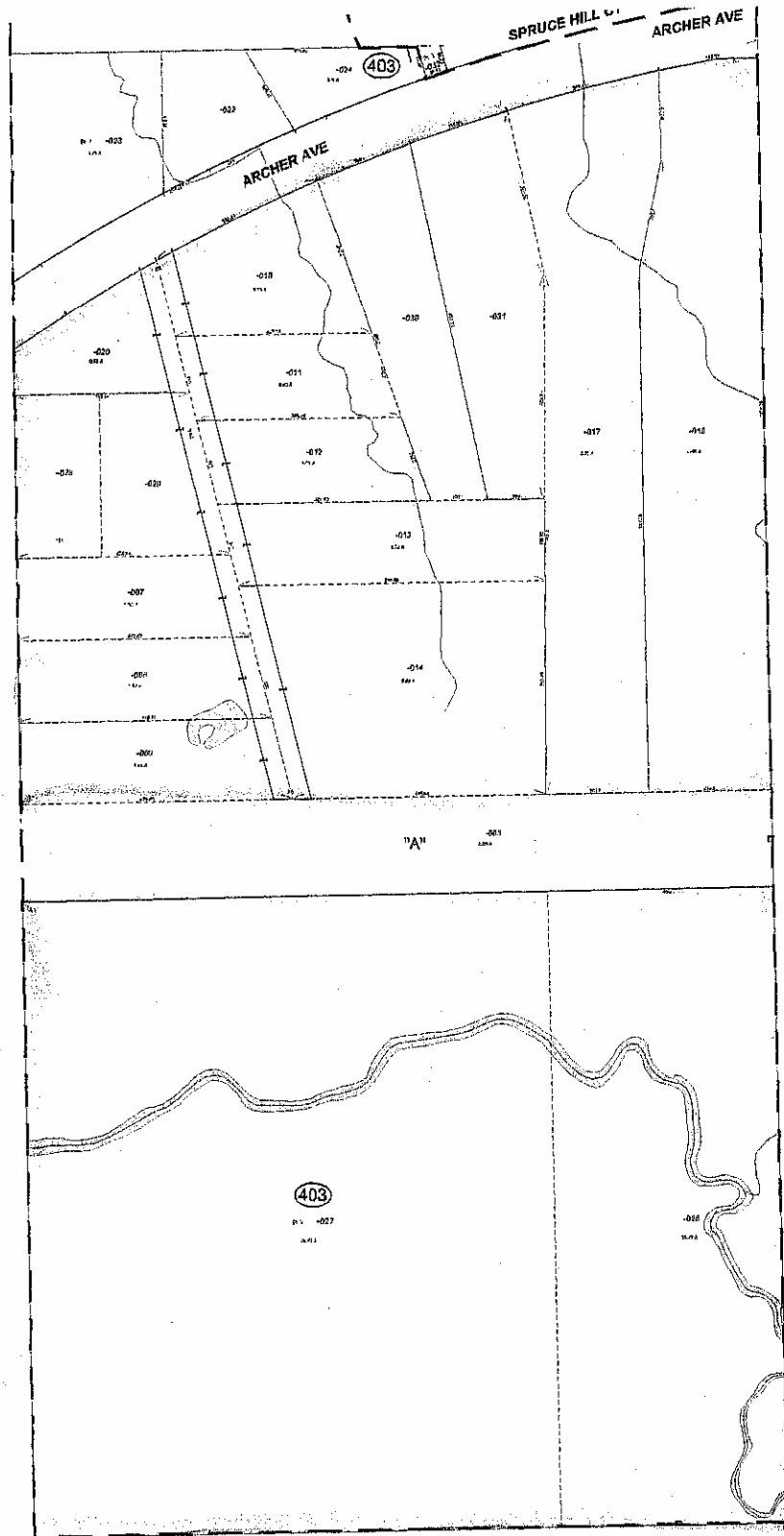
The Townhomes will be provided with first-floor master bedrooms to suit the needs of older residents, with two bedrooms on the second floor. Ten of the units will have walk-out basements. Many upgrades, including fireplaces and granite countertops, are available. Most of the governmental agency approvals have already been obtained for this project.

Yours Very Truly,

Robert Hansen
SIMPSON BUILDERS, LLC.
701 25th Ave.
Bellwood, IL 60104

E 1/2 SE 1/4 SEC 32-37-11
LEMONT

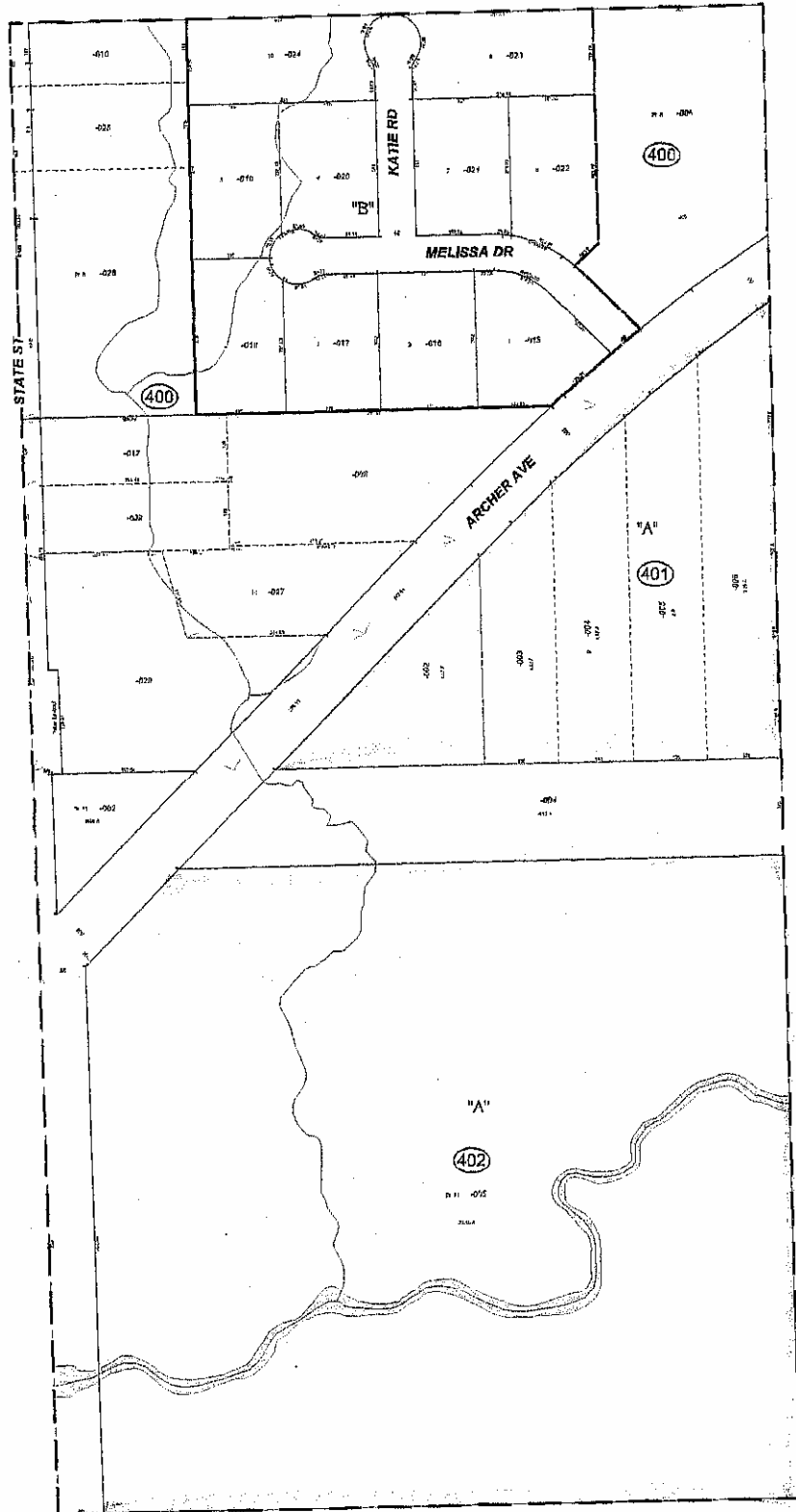
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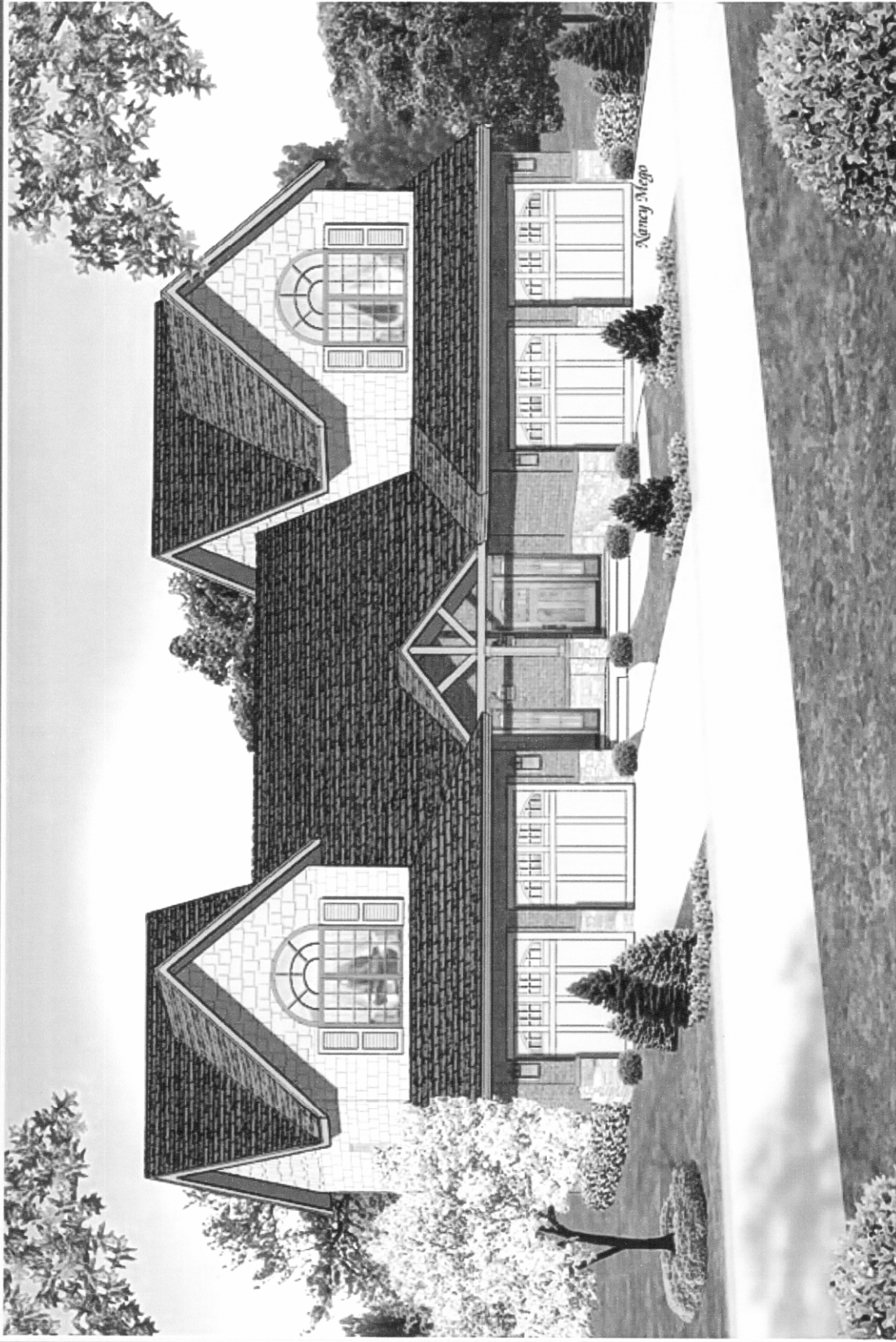


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COUNTY CLERK'S DIV. of Sec. 32-37-11, Book 15,
Page 49. Rec. Apr 20, 1888 Dec. 20 1947.

W 1/2 SE 1/4 SEC 32-37-11
LEMONT

"A"
COUNTY CLERK'S DIV. of Rec. 35-17-11, Book 15,
Page 49. Rec. Apr 30, 1980 Dec. 259447.
"B"
WOLF CREEK SUR. a Repts. of pt. of T. of E. in County
Clerk's Div. Rec. "A". Rec. Apr 7, 1987 Dec. 87183279.

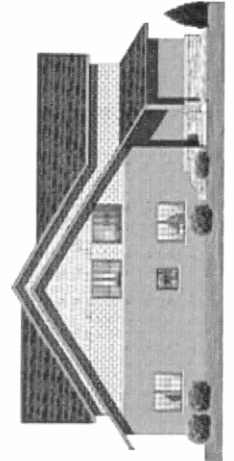




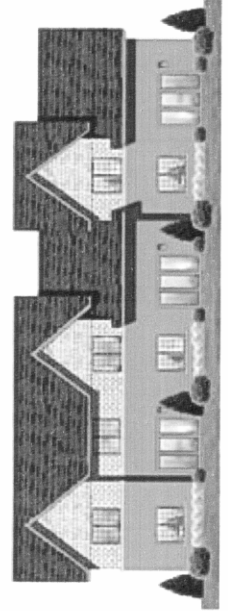
Simpson Builders, LLC.

Prairie Ridge Townhomes

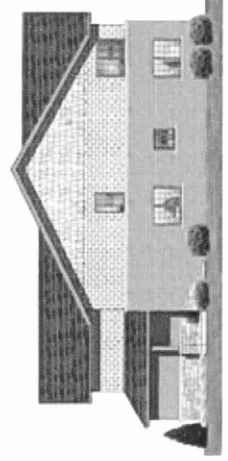
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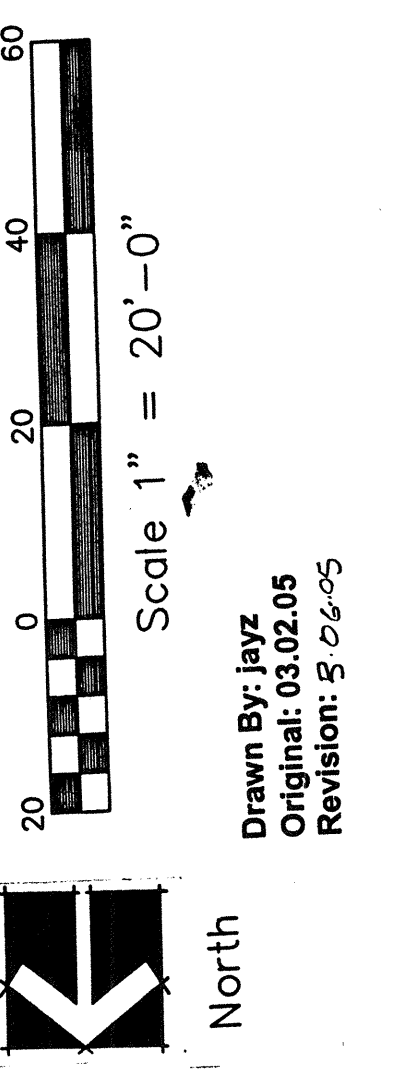
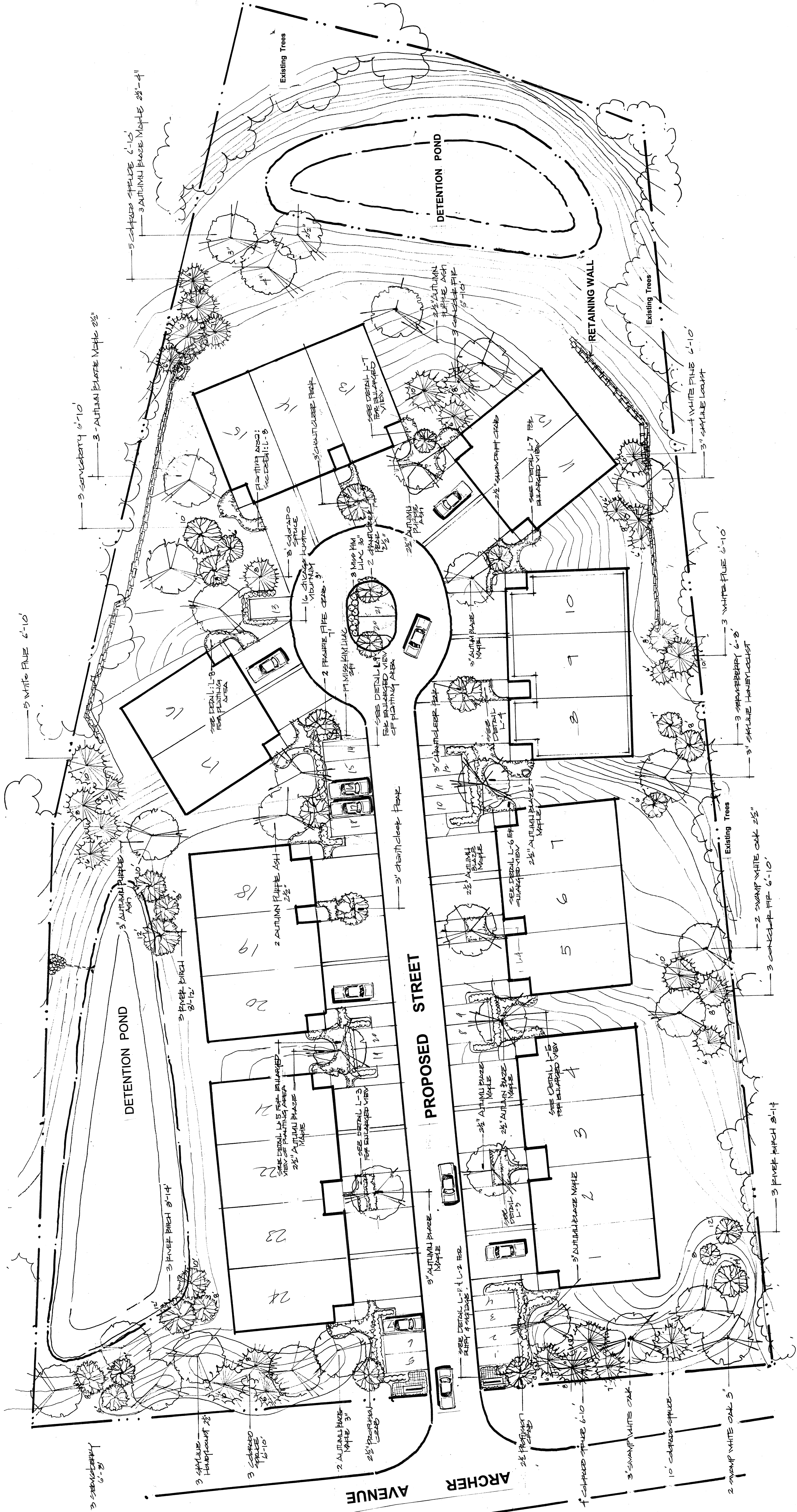
Left side: The Ash



Rear View: The Evergreen The Ash The Ash



Right side: The Ash



LANDSCAPE PLAN FOR
PRAIRIE RIDGE TOWNHOMES
 LEMONT, ILLINOIS

Drawn By: jayz
 Original: 03.02.05
 Revision: 5 04.05

LAW OFFICES OF
ANTONOPOULOS & VIRTEL, P.C.
COURTYARD PROFESSIONAL BUILDING
15419 127th Street - Suite 100
Lemont, Illinois 60439

John P. Antonopoulos
Lee T. Virtel

Phone 630.257.5816
Fax 630.257.8619
avlawoffice@sbcglobal.net

April 20, 2010

Lemont Planning and Zoning Commission
418 Main Street
Lemont, Illinois 60439

Re: Case No. 10.06
Case Name: Prairie Ridge Rezoning & PUD Amendment
Address: 13201 and 13203 Archer Avenue

Dear Members of the Board:

Please be advised that I represent Christian and Leah Vande Velde who are the adjoining property owners to the east of the proposed rezoning above described. The Vande Veldes respectfully request that the Board take into consideration the following comments in their deliberations:

1. Lemont has a diversity in housing ranging from large lots and open space to multi-story condominiums. The development of townhouses at the proposed site is in a rural area and will have a negative impact on the adjoining property values. The surrounding uses are all single family and to allow a multi-family townhouse development would constitute spot zoning;

2. The Comprehensive Plan clearly targets the area as rural "low density". The clear trend of development is for large lots, open space, and a rural development; and

3. There is no need in the community for more townhouses or multi family. The Village has approved 745 multiple-family units and approximately 494 remain unbuilt. There is an obvious oversupply of multi-family units in Lemont and to add additional townhouses would contribute to the oversupply and affect the existing market for new as well as existing townhouse sales.

I apologize for not being available for the hearing but request that you consider our comments in connection with your decision.

Very truly yours,

John P. Antonopoulos

JPA:cm

SIMPSON BUILDERS LLC

701 25TH Avenue

708 544-3800 p.

Bellwood, IL 60104

708 544-1971 f.

To: Mr. Jim Brown

May 3, 2010

Community Dev. Director

Village of Lemont, IL 60439

Pursuant to our Tuesday meeting, I looked up the Comprehensive Plan on the Village website. I was looking to find out what the Plan actually said in the written body of the document, and depicted on the map, that was the basis for your and the PZC's assertions that the Prairie Ridge project did not meet the long-range goals for development in the area, nor was compatible, density-wise, with the adjacent existing stock of housing.

The following is what I discovered:

- I. The Comprehensive Plan - Sec. V (Land Use)
 - A. The description of Medium-Density Residential Areas, which are represented as orange-colored areas on the map, and corresponding to the R-5 zoning we are seeking for Prairie Ridge, describes the applicability of the designation for "selected locations with ready access to public utilities, arterial road systems, and business districts." All three of these qualifications for siting are met by Prairie Ridge. PR has access to public utilities across the street; it sits on a major thoroughfare, and is two blocks from the business district at State and Archer. It is also suggested in the description cited above that these zones be developed as a PUD, with which Prairie Ridge has complied.
 - B. In addition, under the category Residential Conservation/Cluster Design, which also applies to the map area in which our project is located, the definition given is, it "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, ...or moderate to steep slopes." While there are no wetlands to be preserved, this category also describes the effect of the Prairie Ridge development on the area, in which natural grades are preserved and followed, as are original slopes and drainage ways, and mature stands of historic oaks are utilized to both seclude and blend favorably with the increased perimeter areas, as the housing is now more clustered toward the road, as is encouraged under the PUD designation.

C. There are two possible sub-sections of Sec. V that are specific to certain areas of town that may be seen to apply to PR. The first being the section entitled “132nd St. to Archer.” This category can be quickly dismissed, because it declares that it applies to wetlands and flood plain areas, which has no application to PR. The second category, which may on first perusal seem to apply to PR, is entitled “Southeast of Archer Area.” This area is verbally described as follows: “This area is relatively low-density, dominated by single-family residential subdivisions, scattered real estate lots (typically done by assessment plats), golf courses and cemetery, and forest preserve use.” The foregoing description has in mind most obviously the east section of Archer Ave., north of 127th St., since the golf course (Gleneagles), cemetery, scattered housing, and single-family subdivision (Athens), only exist in the east section of the south side of Archer, north of 127th St. The housing to the southwest of 127th is not scattered, but fairly closely sited, and cannot be considered “scattered” when compared to the east end of Archer. The forest preserve cited can only refer to Palos Hills Forest Preserve, which is at the farthest east point of Archer on the map. There are no landmarks on the west end of Archer mentioned in the discussion of residential properties.

It might be pointed out that the Limestone Development, located in the strict area described above has been approved for townhomes. If the areas even under strict Plan guidelines are allowed the flexibility to include townhomes, why would a development which does not fall under the above-defined guidelines, such as PR, not be considered for medium-density housing?

It is our contention that PR does not fall within the area described by the Comprehensive Plan for “Southeast of Archer Ave,” but is located on the southwest end of Archer, and two blocks from a business district, and less than two blocks, if the southeast corner of State St. and Archer is developed commercially.

II. The Unified Development Ordinance – Chapter 17.08 Planned Unit Developments

- A. Under the provisions of the purpose clauses of the description of a PUD, it states “the resulting flexibility is intended to encourage a development that is more ...economically viable” (among other goals). It is our testimony, as was stated at the PZC meeting, that for the foreseeable future, and as attested by most economic forecasters, future growth in housing will be scaled down from the pattern of the last 15 years, as general wealth has, and will continue to diminish. Thus, the affordability alone of upscale townhomes is more marketable than single-family homes could be.
- B. The second purpose clause states “the Comprehensive Plan is a non-binding policy statement on future development within and near the Village. While adherence to the Comprehensive Plan is **not mandatory** (italics mine), PUDs should nevertheless remain in substantial compliance with the densities, land use policies, and other aspects of development outlined in the Comprehensive Plan.”

The question of what is meant by “substantial compliance” should be asked. Bailey’s Crossing, for instance, is an island of R-5 zoning on Archer in an area of single family homes, yet it is within a couple blocks of a commercial district, and so, apparently, is seen “in substantial compliance with” the goals outlined in the CP. Another example is the Limestone townhomes on McCarthy Rd., in an area surrounded by single-family homes and a golf course, but is on a major thoroughfare, and also seems to be “in substantial compliance with” the CP, despite the fact that the CP map does not designate that area to be R-5 zoning, and this property lies within the Southeast of Archer designation mentioned in item I. C, above.

- C. Under the Objectives section of the PUD chapter, among the listed objectives that could be pointed out that correlate well with the PR townhomes are:
2. *To provide a more desirable living environment by preserving and integrating the natural environmental and landscape features of the property into land development.* This characteristic was discussed above, citing the secluded nature of the PR property due to the grove of oaks surrounding it, and the preservation of the existing grades and drainage characteristics.
 3. *To stimulate creative approaches to the residential.....development of land.* Creative, we would assume to mean, that it is a residential solution that is not just like things in its immediate surroundings, while still being attractive and self-sustaining, which is the proposal for PR.
 4. *To encourage and stimulate economic development within the Village.* New residents stimulate economic development.
 5. *To preserve or enhance natural features of the site.* See item C.2, above.
 6. *To provide usable open space areas within a reasonable distance of all dwelling units.* The common areas in a townhome development belong to all the residents; they only have title to their dwelling unit privately.
 - 10 *To encourage the introduction of related and complementary land uses.* Attached residential land use is complementary to detached residential land use.
 11. *To allow a clustering of residential uses on smaller lots to conserve or create open space.* The PR units are clustered, thus creating more common space.

D. Under the heading of Permitted Deviations, it states, in part:

Modifications that deviate from the bulk, density, and design provisions of this ordinance are privileges and will be considered by the Village only in direct response to tangible community benefits received from the PUD.

The paragraph continues by listing the benefits it considers tangible to the community. They are:

1. Exceptional amenities. The PR PUD would provide to its community

the economy and ease of communally-shared expenses for grounds and landscape maintenance, which is not available to a single-family homeowner, and much less expensive.

2. Outstanding architecture. The PR PUD has designed a very attractive and distinctive, yet comfortable architecture, with front doors, garage doors, and carriage lights that show an attention to rich detail.
3. Open space. landscaping, sensitivity to topography, drainage, and mature trees. These topics have been mentioned above, and, along with the engineering and landscape documents submitted to the Board, indicate that PR PUD has provided the high quality of design in these areas that the PUD ordinance is expecting.

To address the concerns of the community members who show up at our public hearings, we would like to offer two suggestions. One, the storm drainage concerns they have voiced have been addressed by the final engineering supervised by the Village Engineer, and the switch to townhomes on the property from single-family homes will not result in any need to make significant design changes from the storm drainage engineering already approved. Secondly, the community objection to seeing buildings on the PR property, when viewed from their property, can be addressed by our providing decorative screen fencing at the property line adjacent to those neighbors who object to the view they have through the oak trees. This need not be a continuous fence. In passing, it is necessary to note that our request for townhome zoning will result, if passed, in the construction of three fewer buildings on the property than the single-family home layout.

To address the concerns of Mr. Antonopoulos, who did not show up at the public hearing, but sent a letter to the PZC, his first two points are refuted by the arguments presented above, which detail the actual provisions of the CP, and the interpretation given them in the past by the Board. The argument presented by Antonopoulos for the supposed drop in property values when townhomes are placed next to single family homes would have a hard time convincing people who live in the many developments in Lemont where the two are mixed from the start. They are not incompatible together. The third argument presented by Antonopoulos is difficult to address since he cites data on housing without a source, and mixes in purported data about multifamily units, which include condos and apartments, which are a different market entirely. In the last analysis, it is the response of the market, not Mr. Antonopoulos's opinion, that determines when the market is saturated for a particular product.

Sincerely,

Bob Hansen
Simpson Builders, LLC