



*Village of Faith*

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**VILLAGE BOARD  
COMMITTEE OF THE WHOLE MEETING**

**OCTOBER 18, 2010 - 7:00 P.M.**

- I. **CALL TO ORDER.**
- II. **ROLL CALL.**
- III. **DISCUSSION ITEMS**
  - A. **DISCUSSION OF ANNEXATION AND REZONING NW CORNER MCCARTHY & BELL (RYMEK). (PLANNING & ED)(STAPLETON)(BROWN/JONES)**
  - B. **DISCUSSION OF ANNEXATION AND REZONING SW CORNER MCCARTHY & BELL (PREFERRED PALOS, LLC) (PLANNING & ED)(STAPLETON)(BROWN/JONES)**
  - C. **DISCUSSION OF PROPOSED OUTDOOR STORAGE USE - BILY PROPERTY (FULL CIRCLE GROUP) (PLANNING & ED)(STAPLETON)(BROWN/JONES)**
  - D. **PRESENTATION ON PROPOSED IMPROVEMENTS IN RECREATION BOWL BY LEMONT LITTLE LEAGUE. (ADMINISTRATION)(REAVES)(WEHMEIER/SCHAFFER)**
  - E. **OPEN MEETINGS LAW CHANGE - CONDUCT OF LOCAL MEETINGS. VERBAL UPDATE - NO STAFF REPORT. (ADMINISTRATION)(REAVES)(WEHMEIER/SCHAFFER)**
  - F. **NEIGHBORHOOD WATCH ON WHEELS. (PUBLIC WORKS)(BLATZER)(PUKULA)**
- IV. **UNFINISHED BUSINESS.**
- V. **NEW BUSINESS**
- VI. **AUDIENCE PARTICIPATION.**
- VII. **ADJOURN.**



Village of Lemont  
*Planning & Economic Development Department*

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TO: Committee of the Whole #119-10

FROM: Charity Jones, Village Planner

THRU James A. Brown, Planning & Economic Development Director

SUBJECT: Case 10-13 – NW Corner of McCarthy & Bell – RJ Rymek & Co.

DATE: October 11, 2010

**SUMMARY**

Rich Rymek, agent acting on behalf of the owners of the subject properties, has requested annexation to the Village, rezoning to the B-3, Arterial Commercial zoning district for an approximately 1.7 acre portion of the subject property immediately adjacent to the intersection of McCarthy & Bell Road and rezoning to the R-4, Single-Family Detached Residential zoning district for the remainder of the subject property. Staff recommends approval of the rezoning to R-4 Single-Family Residential, but not to B-3 Arterial Commercial. The Planning & Zoning Commission does not recommend approval of either request.



**CASE HISTORY**

**PZC Public Hearing.** The Planning & Zoning Commission (PZC) conducted a public hearing on the requested rezoning and special use on September 15, 2010. The PZC took public comment on both this case, and case 10-12 (SW corner of McCarthy & Bell) simultaneously. Over thirty nearby residential property owners were present at the hearing. Fifteen spoke in opposition to the rezoning requests. Most speakers expressed general opposition to any commercial use of the subject site. Some expressed specific concerns about traffic safety and how access to the site would be designed. Many speakers also expressed opposition to the minimum lot size allowed in the R-4 zoning district. The PZC members did not support the rezoning requests, but for varying reasons. Some were opposed to commercial use generally, while others were not comfortable approving B-3 zoning without a specific site plan in place. Several members also expressed concern over the proposed R-4 zoning. The PZC voted 0-5 to recommend approval; therefore, the PZC does not recommend approval.

**PROPOSAL INFORMATION**

Case No. 10.13  
 Project Name NW Corner of McCarthy & Bell – RJ Rymek & Co.

General Information	
Applicant	Rich Rymek, RJ Rymek & Co.
Status of Applicant	Agent acting on behalf of the owners of the subject properties.
Requested Actions:	Annexation
Requested Actions:	Rezoning from R-1 to R-4 (20.9 acres)
Requested Actions:	Rezoning from R-1 to B-3 (1.7 acres)
Site Location	Northwest corner of the intersection of McCarthy Road and Bell Road.
Existing Zoning	Cook County, R-3 Single-Family Residence District
Size	987,480 sf; approx. 22.67 acres
Existing Land Use	Vacant & Residential
Surrounding Land Use/Zoning	North: Vacant, Cook Co. R-3 Single-Family Residence District
	South: Residential, Cook Co. R-3
	East: Residential, Cook Co. R-3
	West: Residential, Cook Co. R-3
Comprehensive Plan 2002	The Comp Plan calls for this site to be low density residential (0-2 du/acre).
Zoning History	N/A
Special Information	
Public Utilities	Water and sewer would most likely be extended from the Glens of Connemara, along the ComEd right of way to Bell Road and then north to the subject site. This extension of water and sewer to the site is feasible.
Transportation	Traffic impact study not required.
Physical Characteristics	One single-family home is located on the subject site. The western portion of the site has the most varied topography and the site appears to include an approximately 1.12 acre wetland.

## GENERAL ANALYSIS

**Land Use/Compliance with Comprehensive Plan.** The subject site is within the area recommended to be annexed to the Village by the Comprehensive Plan. The Lemont Comprehensive Plan of 2002 recommends as a long-range goal to "annex, to the extent that is practical, legally defensible, and cost-effective, the remainder of the territory in Lemont Township" (p.18). The Plan also states that the future eastern boundary of the Village should extend to Will-Cook Road, "excepting the portion of Lemont Township already occupied by Willow Springs" (p.18).

The Comprehensive Plan recommends low-density residential development for the subject site. The Comprehensive Plan map designates the subject site and the surrounding properties as low-density residential (0-2 d.u. per acre). Additionally, the Land Use chapter of the Comprehensive Plan includes a section that specifically addresses the area southeast of Archer Avenue (p.33). It states that the area should be generally comprised of low-density single-family subdivisions, that "there will be some small commercial nodes at State & Archer, 127<sup>th</sup> & Archer, McCarthy & Archer, and 131<sup>st</sup> & Bell, but the great majority of the public highway will have a parkway character" (p.33).

*Commercial.* The requested B-3 zoning is consistent with the Arterial Commercial<sup>1</sup> future land use category. Although the subject site is not designated for Arterial Commercial use by the Comprehensive Plan, it is well situated for Arterial Commercial use by the Comprehensive Plan's standards. The Arterial Commercial future land use category is defined as "areas of existing or planned commercial development of an intensity typical of arterial highways and their intersections" (p.23). The subject site is located at the intersection of two arterial roads, as identified by the Comprehensive Plan (p.34). By comparison, the properties at 127<sup>th</sup> & Archer and at 131<sup>st</sup> & Bell are designated by the Comprehensive Plan for Arterial Commercial use, but these intersections each only include one arterial road. The size of the commercial site is also consistent with the Comprehensive Plan's recommendation for "small commercial nodes" southeast of Archer Avenue.

Existing land uses in the area near the subject site have changed since adoption of the Comprehensive Plan in 2002. In 2003, the Lemont High School opened up new athletic fields at the southwest corner of the intersection of 131<sup>st</sup> Street and Bell Road. This site, approximately 25.48 acres, was designated for Arterial Commercial land use in the Comprehensive Plan but it has been developed for noncommercial use. In light of these changed land use patterns, the Village may wish to allocate additional acreage for future commercial development elsewhere along this corridor. If so, the subject site is appropriately located to accommodate Arterial Commercial use.

*Residential.* The requested R-4 zoning is generally consistent with the Comprehensive Plan guidance for this area. The Comprehensive Plan's low-density residential future land use category calls for a gross density of zero to two dwelling units per acre (p.22). The R-4 zoning district does not require a specific density; instead it establishes a minimum lot size

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<sup>1</sup> The Comprehensive Plan map calls this land use category "Arterial Commercial" while the text of the Comprehensive Plan refers to it as "Arterial Business." Although the titles are slightly different, they are the same future land use category.

of 12,500 sf. Theoretically, the minimum lot size of the R-4 zoning district could permit 3.48 dwelling units per acre. However, it is important to remember how density is calculated.

Gross Density is calculated by dividing the number of dwelling units in a development by the development's total area. This total area includes street right of way, detention pond outlots, park facilities, etc. An analysis of six R-4 subdivisions throughout the Village reveals that on average, 35% of the development's total area is devoted to these uses; the residential lots make up the other 65% of the total development area. Based on these figures, and assuming all lots in the proposed subdivision would be the minimum 12,500 sf, the gross density for the subject site would be 2.25 dwelling units per acre. However, it is unlikely that this density would be achieved. The average gross density achieved in the subdivisions studied is 1.9 dwelling units per acre. This is because it is practically very difficult for all lots in a development to be limited to the minimum lot size. See Attachment 3 for further details on the subdivisions studied.

**Compatibility with Existing Land Uses.** The surrounding properties are vacant, forest preserve, or large lot residential development. Adjacent to the subject site to the west are three single family lots, each slightly less than one acre in size.

*Commercial.* Commercial development is not inherently incompatible with adjacent residential uses. However, the requested zoning allows relatively intense commercial use which could create incompatibilities with adjacent residential uses. The smaller size of the site (1.7 acres) will limit the intensity of commercial development to some degree and the developer will have the opportunity to design the proposed development in such a way as to further minimize impacts of commercial use on the adjacent residential lots. Also, the UDO's transition yard requirements are intended to mitigate adverse impacts of commercial development on adjacent residential land use. Although the residential properties are not within the Village limits, any approval of the requested annexation and rezoning should explicitly state that the site will be subject to the transition yard requirements of the UDO.

<b>UDO Section 17.07.030 Transition Yard Requirements</b>	
Yard Depth Required	12 feet
Screening Required	<p>A wood fence with a minimum of 95% opacity and with a minimum height of five feet plus at least two plant units per 100 linear feet; or</p> <p>An earthen berm at least three feet in height plus at least one plant unit per 100 linear feet along the rear lot line and side lot lines; or</p> <p>Four plant units per 100 linear feet plus an additional two evergreen trees per 100 linear feet along the rear lot line and side lot lines.</p>
Use Restrictions	The transition yard shall not be used for parking, loading, servicing, or storage.

*Note: One plant unit equals .5 canopy trees, 1 evergreen tree, 1.5 ornamental trees, and 6 shrubs or ornamental grasses.*

*Residential.* The proposed residential use is detached single-family housing; this is consistent with the nearby properties. The requested zoning allows significantly smaller lots than are currently found anywhere near the subject site, however. This is inconsistent, but not necessarily incompatible with the surrounding properties.

**Aesthetic and Environmental.** U.S. Fish & Wildlife wetlands maps indicate the presence of a 1.12 acre freshwater emergent wetland on the subject site. Emergent wetlands may or may not be classified as open water. The Comprehensive Plan recommends that for areas southeast of Archer Avenue, to "save all open water wetlands and use them as amenities in developments" (p.33). The applicant will be required to follow all necessary procedures to properly address wetlands preservation and/or mitigation. At the time of development of the subject site, the applicant will be required to follow all requirements of the Lemont Unified Development Ordinance to address all site design, aesthetic, and environmental concerns.

**Storm Water Management/Engineering Comments.** The Village Engineer has no objections to the proposed annexation and rezoning. The Village Engineer has discussed a potential route for sewer and water connection with the applicant.

**Fire Department Comments.** The Fire Marshal provided comments on items that would need to be addressed at the time the subject property is developed. He had no comments regarding the requested approvals of annexation and rezoning.

## **CONCLUSIONS & RECOMMENDATIONS**

The requested rezoning to the B-3 zoning district is not consistent with the land use recommendations of the Comprehensive Plan. However, if the Board finds that the Comprehensive Plan land use recommendations for the Bell Road corridor are out of date due to the changes in existing land use since 2002, then the subject site is one potential location that could be considered for additional commercial land use that is appropriately located per the Comprehensive Plan. The Comprehensive Plan requires consistency with its land use chapter; it states that where projects deviate from the land use recommendations of the Plan, then applicants shall present studies or analyses to justify the change (p.7). In the absence of any such justification, staff can not recommend deviation from the Comprehensive Plan.

The requested rezoning to the R-4 zoning district is consistent with the land use recommendations of the Comprehensive Plan. The achievable gross density for the development will most likely not exceed two dwelling units per acre. Although the proposed residential development is of a different intensity than the existing surrounding residential uses, it is of the same type. Therefore, staff recommends approval of the rezoning to the R-4 Single-Family Residential District.

## **ATTACHMENTS**

1. 09-15-10 PZC draft minutes (to be approved on 10-20-10)
2. Correspondence received at 09-15-10 PZC meeting
3. Fire District comments

4. Site photos
5. Density Analysis of R-4 Subdivisions
6. Applicant submittals

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of September 15, 2010

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, September 15, 2010, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Schubert led the Pledge of Allegiance. He then asked everyone to continue standing, and raise his or her right hand. He then administered the oath.

**B. Verify Quorum**

Upon roll call the following were:

Present: Maher, Murphy, O'Malley, Spinelli, Schubert

Absent: Armijo, Erber

Village Planner Charity Jones was also present.

**C. Approve Minutes**

Commissioner Spinelli made a motion, seconded by Commissioner Maher to approve the minutes of the July 21, 2010 with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN COMMENTS**

Chairman Schubert greeted the audience. He then explained that there were several people present that would like to give some input on both cases. He stated that they needed to come up to the podium when asked to speak and to state their name and address. Chairman Schubert then explained that the Board would open both cases to be heard as one. However, they would be voted on separately.

**III. NEW BUSINESS**

**A. Case #10-12: SW Corner of McCarthy & Bell – Preferred Palos, LLC.**

Public hearing for rezoning & special use request to annex 8.7 acres at the southwest corner of the intersection of McCarthy Road and Bell Road to rezone from R-1 to B-3 and to permit a special use for two drive-throughs.

**B. Case #10-13: NW Corner of McCarthy & Bell – RJ Rymek & Co.**



Public hearing for rezoning request to annex 22.6 acres at the northwest corner of the intersection of McCarthy Road and Bell Road to rezone 20.9 acres from R-1 to R-4 and to rezone 1.7 acres from R-1 to B-3.

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to open the public hearing for Case #10-12 and Case #10-13. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Charity Jones stated that they would be hearing both cases at one time, for those people who just walked into the meeting. She said that when it was time for public comments, if anyone had a comment for either case they would be able to step forward at that time. Mrs. Jones then presented, via power point, some site photos of the subject property. She said that the property on the NW corner did contain approximately one acre of wetland on the site. She stated that some of the homes on Galway had mature landscaping along the rear property line. This landscaping could provide a buffer to the developed site if it was developed.

Mrs. Jones stated that both sides are requesting to be annexed. She said that the Comprehensive Plan does recommend for this area to be annexed into the Village of Lemont. She stated that the Village did not have a boundary agreement with Palos Park and Palos has previously expressed interest in extending its western boundary into this area.

Mrs. Jones went over the remaining staff report broken up into three parts: the commercial rezoning request, the residential rezoning request, and the special use request. She stated that the Comprehensive Plans designates this area as low density residential and the text of the plan also reinforces that recommendation. It does include some recommendations for some commercial nodes but does not identify the subject site as one of those nodes. Mrs. Jones stated that there have been some changes in land uses in the area near the subject site since the adoption of the Comprehensive Plan. She stated that the southwest corner of Bell Rd. and 131<sup>st</sup> was designated as commercial. However, in 2003 the Lemont High School opened a new athletic field on that site; that land now is no longer available for commercial use.

Mrs. Jones stated that the B-3 zoning that is being requested is equivalent to the Arterial Commercial Land Use category in the Comprehensive Plan. The Comprehensive Plan states that Arterial Commercial uses should be located at the intersection of arterial roads. She stated that in the Comprehensive Plan, Bell Road and McCarthy are designated as two arterial roads. By comparison, the properties at 127<sup>th</sup> and Archer and 131<sup>st</sup> and Bell are also designated as Arterial Commercial use, but these intersections each only include one arterial road. Mrs. Jones stated that it could be argued that this site has a better location for Arterial Commercial use than some of the properties that were designated in the Comprehensive Plan. She said due to the changed land uses in the area, the Village might wish to allocate additional acreage for

future commercial development elsewhere along this corridor. If so, this site is a potential site that meets the criteria for the Comprehensive Plan.

Mrs. Jones said that B-3 zoning allows for a variety of land uses. Some of these land uses could have a negative impact to adjacent properties. She said that the UDO does require a transition yard when a commercial is adjacent to residential. She stated that because the adjacent residential properties aren't actually in the Village of Lemont it wouldn't be explicit in the UDO that it is required. However, staff would recommend that if the zoning was allowed then the buffering requirements of the UDO be applied to these sites.

Mrs. Jones stated that in conclusion to the commercial analysis, the zoning is not consistent with Comprehensive Plan. However, there have been changes in land uses since the Comprehensive Plan. She stated that if the Commission finds that the plan for the Bell Road corridor is out-of-date due to these changes in existing land use, then the subject site is one potential location that could be considered for additional commercial use.

Mrs. Jones said in regards to the residential zoning, staff agrees that the R-4 zoning is consistent with low-density residential land use recommendation of the Comprehensive Plan. She said that the lot size that is allowed in R-4 is 12,500 square feet, which equates to a gross density of 3.48 dwelling units per acre if the density is calculated by dividing the total lot area by the minimum lot size in R-4. However, once you factor in street right of way, detention, and any other facilities needed in a subdivision, it can take up 35% of the total development area. She said based on that figure, the gross density would be 2.25 dwelling units per acre. This figure is also unlikely, because this would mean that every lot would have to be the minimum of 12,500 square feet.

Mrs. Jones stated that in regards to compatibility with existing land uses, it is the same type of land use, which is single-family detached residential. The R-4 zoning would be much smaller lots than what is currently surrounding the area. She stated that staff feels that the R-4 zoning is consistent with the Comprehensive Plan and is consistent with the surrounding land uses.

As far as the special use, Mrs. Jones stated that the property that is on the southwest corner of McCarthy and Bell requested a special use for two drive-throughs. She said the UDO has specific criteria that would have to be met to approve a special use. The first is that it is necessary for public convenience. Mrs. Jones stated that drive-throughs are convenient, but it is not known at this time what services would be offered. The second is that the public health, safety and welfare would be protected. She said that the UDO has requirements for the designs of drive-throughs to ensure that the public health, safety, and welfare are protected due to vehicular traffic. The third is that it will not cause substantial injury to the value of other property in the neighborhood. Mrs. Jones said that the properties most impacted would be the ones that are adjacent to the site. She said the impact would be based on how the drive-throughs were designed and the location that they are facing. She said the design is unknown at this time, so it

cannot be answered whether this criteria is met. The fourth criteria would be that the special use would not cause excessive demand on Village services. Mrs. Jones stated that there are several drive-throughs in the Village currently, and from experience they do not cause excessive demand. The last criteria would be that it is consistent with the other standards in the UDO. Mrs. Jones stated that the UDO does contain requirements for drive-throughs, and it would have to comply with those requirements. In conclusion, Mrs. Jones stated that it is unknown at this time if the special use meets the criteria of the UDO. Staff recommends that at the time the property is ready to be developed and when the Village has a site plan, the applicant would then reapply for this special use.

Mrs. Jones then showed a couple of photos of the site that were submitted from the applicant.

Chairman Schubert then asked everyone who had walked in late to please stand and raise his or her right hand. He then administered the oath.

Chairman Schubert asked if the developer for the southwest property could please come forward.

Matthew Klein, 322 W. Burlington, LaGrange, stated that he was the attorney for both applicants. He stated that Mrs. Jones covered the application and what the applicants are proposing. Mr. Klein stated that there is not a current plan for any development on either parcels, but he did provide a typical layout of what it could look like if developed. Mr. Klein stated that he was not aware of the wetland that Mrs. Jones mentioned, but would take that into account.

Mr. Klein said that they are proposing commercial for the southwest corner also and provided a typical layout for that corner too. The plan did include two drive-throughs. He stated that the market for many typical shopping centers demand drive-throughs. Mr. Klein stated that they are seriously requesting the drive-throughs be approved at this time so they could market the property and let potential buyers know that the approval is already there. He said that they would come back to the Board at a later date with the design of the center.

Chairman Schubert stated that they specifically asked for two drive-throughs and did they have a business in mind already.

Mr. Klein stated not at this time. He stated that there are some businesses that Preferred Palos has worked with, but no particular business or plan for development are set at this time. Mr. Klein stated that the intersection meets the definition and would be acceptable for commercial development because both roads being arterial. He stated that he provided a map from the Department of Transportation that did a traffic count for that intersection. He stated that traffic has increased in the area. Mr. Klein said that part of the submittal in the package did include potential expansion of water and sewer from the Village north along Bell Road. This expansion would be needed for future

planning and development in the area. Mr. Klein stated that he asks the Commission not only to think about the rezoning into the Village but also about the infrastructure and development of the area.

Chairman Schubert asked who drew the plan and if that person could step forward.

Tom Morabito, 141 W. Jackson, Chicago, stated that he was Vice-President for Preferred Development.

Chairman Schubert then asked what potential hazard were they looking at with the entrances and exits to this property.

Mr. Morabito stated that they haven't looked at that at this time. He said that they are looking at a nine-acre piece of property not a one-acre. He stated that they laid the plan out specific to the topography of the land. Mr. Morabito stated that they kept the detention or open site at the corner, and by doing so they are pushing the access points to the furthest spot on the site. He stated that they were asking for two cuts on nine acres, which was very reasonable. Mr. Morabito did say that they have not talked with the State or County at this time. He said he knows that there is going to be some negotiating with turning lanes and with the widening of the roads.

Chairman Schubert asked the Commissioners if they had any questions at this time. None responded. He asked if anyone in the audience would like to come up and speak.

Dorothy Goushas, 12821 Campbell Street, Lemont, stated that she lived approximately a mile from the intersection. She said looking at the pictures she would have to say that they were taken on a Sunday afternoon at 2:00 p.m. She has lived in this area for 49 years and from 5:00 a.m. to 9:00 a.m. traffic is backed up from Archer to 131<sup>st</sup> Street and that is on a good day. She stated that she would sit for five minutes trying to exit her street in the afternoon. Ms. Goushas stated that Bell Road is the only road that Lockport, Orland, Homer Glen and Lemont use to get to Route 83. She said that there is a new school at 115<sup>th</sup> and Bell Road. It has approximately 200 students and none of them are bused. She stated that there are a lot of traffic problems and fatalities on those roads. Ms Goushas stated that they are going to have to really look at these plans and to also look at what the Lemont High School did with their access points. She said that this is one project they really need to look at.

Mr. Klein stated that the access point would be as far west on McCarthy Road as possible.

Remo Turano, 4 Clearview, in Equestrian Estates, stated that he was on the Board for Equestrian Estates. He said the issue is zoning. He has been a resident for 22 years and he loved the way it looked. He moved from Oak Brook and always envisioned Bell Road to look like 31<sup>st</sup> Street in Oak Brook. Mr. Turano stated that they did not want a drive-up, or a gas station, and they do not want "typical". He said they worry about their property value and how you go from a 48,000 square foot lot to an adjacent lot of

12,000 square feet. He said that his concern is the look and future of that corner. He said that they have watched Lemont grow and it is a city that they would want to be associated with, however this is not the route they would want.

Ken McVickers, 5 Chestnut Court, Lemont, stated that he has lived out in Equestrian Estates for 24 years. He said that he loves Lemont and would not want to raise his children in any other place. He stated that he was the President of the Equestrian Estates Homeowners Association about 13 years ago. At that time, there was another developer that wanted to develop some of this land. He said that they met with the developer, the County, and Lemont Officials. He said they worked out an agreement with the developer to keep the lots at  $\frac{3}{4}$  of an acre. When he brought the plan to the Lemont Board, it was turned down. Mr. McVickers stated that Lemont has not been very good neighbors. He stated that there was an article in the Lemont Suburban Life, in regards to these two cases, and it states "Lemont Officials are concerned that the homes would be built on half-acre lots while surrounding homes sit on acre lots". He said that now it is going to be 12,500 square foot lots. He stated that they couldn't stop progress; however, there would be a huge affect to property values if you put commercial on those corners. He said that he is upset because they had the opportunity to have it residential and have half-acre lots. Mr. McVickers said he doesn't understand what it is they plan on putting on the 1.7 acres on the northwest corner. He said that is the worst place you could have for a commercial site. That whole intersection is a death trap. He said semi-trailers and cars come speeding down there. He said that he recommends not approving these cases. He said he knows that Palos has been after them to be annexed into their town and has even used the ploy of turning those corners into commercial as a threat. He said if you make those corners commercial then the Village is not helping them and it will be long time before their community comes to the Village of Lemont.

Lois Iles, 169 Galway Road, stated that her house has been on the market for a long time. She said some of the comments she has received from people looking at the house are that it is too close to a busy road. She asked staff how could they know that their property values would not go down. Ms. Iles stated that when you turn off of Galway Road to go east on McCarthy, there is a slight incline right before the golf course. She said she doesn't understand how they could have an exit for the golf course, Galway Road and a store before you got to Bell Road. The distance is too short. She stated that the traffic is always backed up on Bell Road from Archer. There are no turn lanes so if traffic is trying to cross to turn they hold traffic up.

Mrs. Jones stated that she would like to address the issue of property values. She said that when she spoke about the impact on property values it was in reference to one of the criteria for special use. She said that the criteria were that the special use would not have a significant negative impact on property values in the neighborhood. Mrs. Jones stated that they did not have a site plan showing where the drive-throughs would be. She said that most negative impacts with drive-throughs are lights and noise and those are highly dependent on how they are situated on the site in relation to the adjacent

property. Mrs. Jones stated that this was the comment about not knowing the impact to the adjacent property and their values.

Beth Butler, 7 Sun Hill Lane, stated in regards to the layout of the detention pond, her concern is that according to township regulations they have to put up landscape barriers with a certain amount of distance. She said that she is unclear as to whether that would fall under Lemont Township or Cook County. She stated that if they are pushing the entrances closer to the houses, how much room does that leave for the barrier. She said the reason for her concern is because there have been times she had to call the police. She said she had to wait 45 minutes for a response from County police. Mrs. Butler asked who is responsible for regulating the distance of space, trees and barriers. She said that her other concern is with traffic and accidents on that corner. She said she lives on the end and doesn't even let her children ride their bikes on the northbound side of the street. She stated that cars come in so fast because they try to cut through the neighborhood. Ms. Butler stated that they now have an Emergency Facility south on Bell Road, so now there are Emergency vehicles whipping down Bell Road every few hours. She stated that this is a catastrophe in the making.

Mrs. Jones stated that if the property were developed as unincorporated and not annexed into Lemont, it would be up to the County. She said if the property was annexed and developed in the Village of Lemont, then staff is recommending that the transition yard requirements would apply. So the developer of that site would be responsible for maintaining a distance that is free and clear, including landscaping to provide a natural buffer and fencing. Mrs. Jones stated that it would depend upon what the Village Board approves.

Ms. Butler said that the Board has to consider that these are people's backyards.

Dan Noonan, 5 Clearview from Equestrian Estates, asked that before any decisions were made on this case, if the Board would go and see how bad the traffic problems are in the morning and afternoon on these roads. He said that there were a lot of negotiations when the school went in on Bell Road. He said he couldn't even imagine how 300 plus stalls for a commercial property would affect the area. Mr. Noonan said he doesn't understand how you can consider a special use for drive-throughs without any plans. He stated that anything with a drive-through would not help the community and it would decrease their property values. Mr. Noonan stated that as far as the residential portion, everything around in the area is one acre or more. He said they would like to keep the area as beautiful as it is with acre plus lot sizes.

Malcolm Derrick, 20 Equestrian Way in Equestrian Estates, stated that he remembers years ago there was a proposal to develop the southwest corner of Bell and McCarthy with 40,000 square foot lots. He said however the Village of Lemont blocked that. He stated that this is another power play between the Village of Lemont and the Village of Palos Park. He stated that in Equestrian they have one-acre lots, and to develop across the street 12,500 square foot lots would be completely out of character. Mr. Derrick

said that he was upset with the presentation that staff had presented. He said that he is adamantly apposed to this proposal.

Eve Markou, 6 Surrey Lane in Equestrian Estates, stated that her back yard faces Bell Road. She said the traffic, especially in the morning, is unreal. She stated that what they are proposing with these two parcels is not right when they have one-acre plus home sites. She stated that she is also adamantly against the proposal.

Greg Gilbertson, 81 Horseshoe Lane in Equestrian Estates, stated that he agreed with all the comments made by his peers. He asked what was the benefit here. He said, for the residents, there is no benefit with developing these two corners. He stated that he has lived here for 23 years. All he can see is increased traffic and decreased property values. He said the Village would get a tax base and revenue. He commends Lemont for the development that they have done. Mr. Gilbertson said that they have the big box stores in the area. Homer Glen, to the south, is a great example of going overboard on commercial. He said they are slaughtering that end of Bell Road. He stated take a look at our strip malls that are empty. He said as a community we don't need commercial on that corner, there is enough in Lemont.

Vicki Melonas, 8 Horseshoe Lane, stated that she is a realtor. She said Lemont is a lovely community and Equestrian Estates as a whole has stood by Lemont. She said Palos has wanted to annex them, but they keep saying no. Now they would like the Village to reciprocate for them. She said being a realtor there are two killers to property values, power lines and if your backyard faces commercial property. She stated that they could drive to Lemont to go shopping, and that they don't need it on their corner.

Dan Bechtloff, 26 Sun Hill Lane, stated that his yard backs up to this southwest lot and finds it shocking that his property value would not go down because of it. He said that there are three blind hills on Bell Road. Two of the hills are on Bell Road and one is on McCarthy. He said that he finds it shocking that they would not expand the streets and expect no increase in accidents. Mr. Bechtloff asked where the 3D graphics were to show what is going to be built. He stated that he finds it hard to believe that they do not know who is going to use the two drive-throughs. He said everything is too vague and he can't believe the Village would approve this without details.

Marcia Lafa, 152 Galway Road, asked if they annexed this property how far are they carrying the water. She asked would they have to get American water and pay \$500 for water. She also asked how much her taxes would be going up.

Mrs. Jones stated that only these properties that they have petitions for would be annexed in at this time. She said water and sewer would be brought up Bell Road where they currently have water and sewer. She told Ms. Lafa that she would stay on well and septic. Mrs. Jones stated that her taxes would not change; it would only affect the properties being annexed.

Ms. Beth Butler stated that she grew up in Palos Park. She said that the pull to Palos Park is the land that is not developed. She said behind the farms are nature preserves that are protected. She said they don't even allow horses through there. She said many people come to this beautiful place of Lemont and Palos because it is so beautiful. Ms. Butler stated that she was so pleased to see what Lemont did to the Quarries. She said that they are cleaning up the garbage in Lemont. She said to make this move would be a step in the opposite direction.

Charles Englund, 20 West 115<sup>th</sup> Street, stated that he is a resident and part of the Lemont Township Planning Commission. He said that Bell and McCarthy Road are not improved for business traffic at this corner. He said they do not need the business on this corner and it would probably be strip malls anyways. He stated that there are a lot strip malls that are currently empty. He said the residential on the north side is too dense for this area. Mr. Englund asked to not approve these two proposals that do not blend with this area. Any development on these two areas should be within the current zoning.

Marsha Hunter, 8 Carriage Lane in Equestrian Estates, stated that she has lived here 21 years. She said within three miles there are seven banks, 14 storefronts that are available for lease and there is more land down on Bell waiting to be developed. She asked why would Lemont want commercial here. It would draw away from the areas on 127<sup>th</sup> and the one at Derby and Archer that the Village is trying to develop and are vacant. She stated that they moved here for the rural feel of the area. She stated that the traffic has already been discussed. Ms. Hunter said that the water and sewer sounded like it was a proposal or is it a done deal.

Mrs. Jones stated that they would have to be annexed. She stated that the Village requires them to have water and sewer for development.

Ms. Hunter asked what would stop the developer from the southwest side, once they get annexed, selling off the parcels and not subjecting them to these regulations and public scrutiny.

Mrs. Jones stated that it would be possible for the developer to do a commercial subdivision on that southwest side. She said that the commercial subdivision would have to go through a public meeting process, but then individual developments would possibly not. She said the most likely scenario is that the development would fall under the Planned Unit Development requirements. She stated that there are certain thresholds of square footage were they would have to go through a special use approval. Mrs. Jones said more likely than not they would have to go through a public hearing process, but there are no guarantees.

Ms. Hunter stated that she received other e-mails from other residents in the area. She asked if she could give them to staff.



Mrs. Jones stated that she would take them and that they would become part of the public record.

Ms. Goushas stated that the Village just recently came down Main Street with water and sewer, but did not include everyone. She said there is no guarantee that Lemont is going to go all the way out to McCarthy.

Mrs. Jones stated that those homes that were not included on route 83 were not part of the Village.

Cindy DeMarie, 3 Galway Court, stated that she has lived here for 23 years. She stated that the nine acres on the southwest corner was supposed to be one-acre lots. She said since then it has changed hands. She would like to thank Equestrian Estates, because her subdivision is just a few people. They appreciate their help and voice in this. She stated that she moved out of Orland Park, because of the congestion. Ms. DeMarie said that the only thing she would want to see on either property is residential. She said that the area is a housing area, and that is the way they would like to keep it.

Chairman Schubert asked if anyone else would like to make a comment. None responded. He then asked if Mr. Klein would like to respond to any of the comments.

Mr. Klein stated that Equestrian Estates is a lovely area. He said it was developed with well and septic, that is the basis for the lot size. He stated that you could also have a lovely area with lot sizes at 12,500 square feet. Mr. Klein stated that there was no inconsistency with Equestrian Estates on one side and a beautiful subdivision in the future with development on the other side. He stated that if the Village chooses to annex these properties, provide the water and sewer in conjunction with the development of the properties, then the lot size they are talking about would be appropriate for development. Mr. Klein stated that traffic has increased here and everywhere else. He said the peaks from the operation of a commercial center would offset the peaks of the residential traffic. He said that there would have to be some modifications to the intersection to improve the traffic situation from what it is now. Mr. Klein stated that the applicants have the desire to become part of the Lemont community with the development of these parcels. He stated that officials from Lemont have contacted both property owners about coming to Lemont and proposing appropriate zoning for these properties.

Mr. Turano asked if they have done any demographics or studies on what kind of impact they would have on area.

Mr. Klein stated that when Preferred acquired the property, they would have looked at the impact. He said they are professional developers and do some assessment before they acquire the property. He said that Mr. Morabito could describe some demographic reasons as to why this property is a viable commercial property. Mr. Klein stated that showing 17,000 cars come down this road would be a good traffic basis for a developer. He stated that also the economics of the Lemont community and the Palos community

that surrounds the area is another basis that a commercial developer looks at. Mr. Klein stated that the economy has had a devastating impact with the development of this site at this moment. He said what they are asking for is to be annexed into Lemont and to be able to work with the Village of Lemont to provide water and sewer to the location. He said as far as the demographics of the corner, they did look at the traffic. Mr. Klein stated that they did not have a specific plan or a specific user. However, they are taking the first step in that process to find a community that this developer wishes to part of for this project. He said also setting the utilities in place for the commercial development and in conjunction to provide utilities to allow residential development to a site that has been vacant for years. He said if the neighbors would like to participate in the water and sewer, he was sure that the Village of Lemont would be receptive.

Mr. Turano said that they have respectably seen the growth in Lemont and it is now in the Board's hands. He said you know that the residents are against this plan. He stated they would like to see residential eventually, but would like to see the area go up not down.

Chairman Schubert stated that he would like to let the Commissioners make any comments at this time. He said he would be the first to speak. He said he has lived here many years and have seen this town grow. He said he believes in growth, but does not agree with what they are proposing for commercial at this time. He stated that the Comprehensive Plan shows that the area is suppose to be low density. Chairman Schubert stated that the B-3 zoning can take on any kind of look and he is not comfortable with that for that area. He said that his feelings are residential on the northwest side with the density being looked at. He stated that for the southwest he does not see commercial there.

Commissioner Maher stated that the objective of the Board is to do things within the Comprehensive Plan. He said that this area is zoned for residential and not commercial. He stated that the Plan is eight years old and one of the things the Village needs to do is revisit the Comprehensive Plan and update it accordingly. Commissioner Maher stated that this is a high congested area and it needs to work things out with the County to improve the traffic situation. He said in general this spot would be good for some commercial as well as residential on the northern side. He stated that he was not sure how much residential could fit on the southern lots. He said either the southern area should be left vacant or changed to commercial because it is so close to the high congestion area. Commissioner Maher stated that it comes down to the Comprehensive Plan and it states that the area should be residential.

Commissioner O'Malley stated this site has potential in the future, but there is a lot of planning that needs to be done to move forward. A traffic study specifically needs to be looked at, which was a big problem for a lot of the residents. He said that at this time he would have to wait and see more information before he could make a decision.

Commissioner Spinelli stated that he was never one to vote on any project that comes before the Board without seeing some kind of plan. He said he understands that it is

hard to get a company to commit to a site, but there is no plan. He stated that he did not have a problem with annexing the properties, however he would recommend annexing them as R-2. This would give them the 45,000 square foot lots and then the petitioners can come back later with a plan. He said then it would be up to the Village Board to make a decision on the property. He stated he did not like letting them come in and get the highest up front without a plan.

Commissioner Murphy stated that she agreed with Commissioner Spinelli. She said that she is not opposed with the annexation, but would not want them to come in at the zoning that they are requesting without a plan. She stated that she doesn't think she would change that corner even with a new Comprehensive Plan. She said that area is low density and she would not want that area to lose the rural character. She said that there are very few areas left to develop in Lemont so they have to be choosier in the future.

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to close the public hearing for Case #10-12 and Case #10-13. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Commissioner Murphy made a motion, seconded by Commissioner Maher to recommend approval for Case #10-12.

Chairman Schubert then read the Findings of Fact for Case #10-12:

1. The requested rezoning is consistent with the intent of the Comprehensive Plan in that it provides commercial space along Bell Road, at the intersection of two arterial roads. Although the requested rezoning deviates from the location of commercial land use proposed in the Comprehensive Plan, this deviation is justified by changes in land use that have taken place along Bell Road since the Comprehensive Plan's adoption in 2002. *All Commissioners did not agree.*
2. Sufficient safeguards exist within the Unified Development Ordinance to mitigate any potential incompatibility of commercial use with surrounding residential land uses. *All Commissioners agreed.*
3. Sufficient safeguards exist within the Unified Development Ordinance to ensure that the proposed special use will be designated so that it protects the public health, safety and welfare. *All Commissioners agreed.*
4. The requested special use will create minimal demands for Village Services. *All Commissioners agreed.*

A roll call vote was then taken for recommendation of approval:

*Ayes: O'Malley*

*Nays: Maher, Spinelli, Murphy, Schubert*

*Motion denied*

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to recommend approval for Case #10-13.

Chairman Schubert then read the Findings of Fact for Case #10-13.

1. The requested commercial rezoning is consistent with the intent of the Comprehensive Plan in that it provides commercial space along Bell Road, at the intersection of two arterial roads. Although the requested rezoning deviates from the location of commercial land use proposed in the Comprehensive Plan, this deviation is justified by changes in land use that have taken place along Bell Road since the Comprehensive Plan's adoption in 2002. *All Commissioners did not agree.*
2. Sufficient safeguards exist within the Unified Development Ordinance to mitigate any potential incompatibility of commercial use with surrounding residential land uses. *All Commissioners agreed.*
3. The requested residential rezoning is consistent with the land use recommendations of the Comprehensive Plan for the subject site. *All Commissioners did not agree.*
4. The request residential rezoning allows for a land use type (single-family detached residential) that is consistent with the existing land use of surrounding properties. *All Commissioners agreed.*

A roll call vote was taken for recommendation of approval:

*Ayes: None*

*Nays: Maher, Spinelli, O'Malley, Murphy, Schubert*

*Motion denied*

#### **IV. GENERAL DISCUSSION**

Mrs. Jones stated that at the Committee of the Whole meeting on Monday night they were going to talk about what it would cost to re-look at the Comprehensive Plan. She said they would also talk about if they want to look at a portion of the Plan or the whole thing and whether to do it in house or get a consultant. She said once they have an idea of a financial commitment from the Village Board then her and Mr. Brown can start a plan of work for the project.

Commissioner Spinelli asked Mrs. Jones if someone could look at the ranch home in Smith Farms at 16601 Harvest. He said it is the only structure being built right now next to the detention basin. He said they put the public walk in across the front of their lot and across the front of the vacant lot west of the house. However they left a 20-foot gap to the existing walk that they put in when they went through the detention basin. Commissioner Spinelli stated that before staff approves occupancy, they need to know who is going to put that 20-foot gap of sidewalk in.

Commissioner Spinelli stated that the final surface needs to be put on the roads in Mayfair Estates. He said that they have enough homes in Mayfair to put the final layer on those roads. He stated that the binder coat is really rough.

Mrs. Jones stated that they are talking with Dr. Evans about several issues in Mayfair.

Commissioner Murphy stated that there is a sewer cover that is broken and needs to be fixed in front of 526 Ledochowski. She said that she has been calling for two years.

Commissioner O'Malley had asked about an article that he read that talks about funds from the State or the County being used for improving the canal.

Mrs. Jones stated that the article was referring to the Canal Corridor Association's Corridor Management Plan. Discussion then continued about this Plan.

Commissioner O'Malley said that a lot of communities are doing some kind ordinance towards foreclosures and how they handle the properties. He asked what Lemont is doing.

Mrs. Jones said that they just adopted a vacant property ordinance that gives the building department a little leverage to get into those buildings and check them out.

Discussion continued about the updating of the Comprehensive Plan and potential commercial zoning areas.

## **V. ADJOURNMENT**

Commissioner Maher made a motion, seconded by Commissioner O'Malley to adjourn the meeting. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*



Equestrian Estates Homeowners Association  
<eehainformation@gmail.com>

## FW: Alert - Zoning Meeting for Bell and McCarthy Roads - COMMENTS

1 message

Magda Chuchra <madziocha@hotmail.com>  
To: eehainformation@gmail.com

Wed, Sep 15, 2010 at 11:06 AM

To the EEA Board Members:

The following are some concerns we had with the proposed annexations:

- Bell Road and McCarthy Road are narrow one lane roads. With the new developments there is a potential of **increased noise and traffic**. Also, if more business develops, the roads may potentially be widened which will be an **added cost to the tax payer**.
- Currently, there are currently approximately **207** single family homes for sale or pending sale and **68** vacant lots for sale in Lemont. This does not include many vacant lots that are not for sale. Some examples include:

\*The Glens of Connemara

- 6 single family homes for sale
- 3 vacant lots for sale

\*Briarcliffe

- 7 single family homes for sale, including 1 **builder abandoned/unfinished home**
- 4 vacant lots for sale

\*The numbers do not include any homes that are currently being constructed and are not on the market for sale.

Because of the current state of the economy, many of the homes have been on the market for a prolonged amount of time and at a reduced cost which drives the value of other homes in the community down.

Many of the subdivisions have been unfinished and have multiple vacant lots or homes that are not finished and are not about to be finished because the builder is in no rush to finish them due to financial hardships or no potential buyer. A subdivision takes years to fully build out and sell especially in today's hard real estate market. Before the community planners approve a subdivision with a reduced lot size of 12,500sq. ft rather than 40,000 sq. ft. they should examine the current state of other such subdivisions. Leaving empty lots or unfinished buildings is unacceptable and serves as an invitation for thieves to explore the areas. Also unfinished subdivisions are esthetically unappealing to potential buyers which prolongs the process of selling the properties.

The Lemont community planners should consider the current state of our economy and put a lot of thought into granting permission to build more homes on the property. Also the added traffic is a big concern for us, as our property sits second from Bell Road and any changes in the traffic pattern would mean an added noise level.

Please bring our concerns to the meeting today. We just moved into EE and value the quiet and carefree lifestyle that the community has to offer.

Thank you

Magdalena & Piotr Chuchra  
4 Carriage Lane  
Lemont, IL 60439  
773-391-1892

Date: Tue, 14 Sep 2010 13:16:53 +0000

To: [madziocha@hotmail.com](mailto:madziocha@hotmail.com)

Subject: Fwd: Alert - Zoning Meeting for Bell and McCarthy Roads

--Forwarded Message Attachment--

From: [eehainformation@gmail.com](mailto:eehainformation@gmail.com)

To: Subject: Alert - Zoning Meeting for Bell and McCarthy Roads

Date: Sun, 12 Sep 2010 01:22:25 -0500

**Equestrian Estates Homeowners Association**

*September 11, 2010*

*This is an email alert concerning an upcoming Lemont Zoning Meeting 9-15-2010*

On September 15, 2010 there will be a meeting of the Village of Lemont Planning and Zoning Commission. At this meeting the Commission will be considering two applications for annexation and rezoning to Lemont of the properties located at the SW and NW corner of Bell and McCarthy Roads. The owner of the SW corner (Preferred Palos, LLC) is requesting a zoning of B-3 (Arterial Commercial) and the owners of the NW corner are requesting a B-3 zoning (1.7 acres) and R-4 zoning (residential with 12,500 sq. ft. minimum) for 20.9 acres. Both properties are presently in Unincorporated Cook County with an R-3 zoning (minimum lot size of 40,000 sq. ft.)

The Village has posted on their website the details of each proposal under their agenda for the September 15<sup>th</sup> meeting. Click on this link ( <http://www.lemont.il.us/archives/40/9-15-10%20Agenda%20Packet.pdf> ) to go directly to the agenda and the report; the report actually begins on page 9 of 54. Please consider attending the meeting to show the Village that we are interested in any development of the two areas and to voice your concerns, questions and opinions. You can also email the Association at [EEHAinformation@gmail.com](mailto:EEHAinformation@gmail.com) with your comments and we will bring them with us to the meeting.

*The Equestrian Estates Homeowners Association Board*

[EEHAinformation@gmail.com](mailto:EEHAinformation@gmail.com)

Hotline: (708) 802-3342

**2 attachments**



image001.png  
6K



image002.jpg  
4K





**Equestrian Estates Homeowners Association**  
<eehainformation@gmail.com>

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## concerns on redevelopment

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**Aurie Wilk <auriemw@comcast.net>**

**Sun, Sep 12, 2010 at 6:47 PM**

To: EEHAINformation@gmail.com

Hi!

Jim and Aurie Wilk at 6 Carriage Ln. cannot be present at your proposed meeting on Wed night but here are some of our concerns. Thank you so much for bringing them to the attention of others during your meeting.

Impact on intersection and surrounding communities on:

1. Increase of criminal activity in area

a. What was increase in criminal activity with the development of Archer & McCarthy shopping centers.

1) all reports via newspapers (Southtown Star) show majority of criminal activity to be on the increase in that area.

2 Increase of traffic -

a. Plan for widening of roads to accommodate proper traffic patterns, especially with drive-thrus as stated, and the impact of wayward vehicles into residential neighborhoods that are presently quiet and non traveled areas.

3. Support for commercial development.

a. Based upon density of population in this area or lack of density, in this area suited for this type of development as a necessity.

1) Is the shopping area at McCarthy & Archer sustaining itself or are you going to have to move vacant property in the near future.

b. Considering that there are shopping centers immediately to the south (@143rd St) is it necessary to reconfigure our residential community into another shopping disaster.

4. Water Retention:

a. Where is all the water overflow going to go--ponds?

1) McCarthy Rd. -east of intersection cannot sustain adequate drainage and

floods, even after snow removal.

As a member of this Homeowner Association I feel we should get very involved in this project.



**Equestrian Estates Homeowners Association**  
<eehainformation@gmail.com>

## Zoning Meeting 9/15/2010

2 messages

**Guenther Schmidt**

**Wed, Sep 15, 2010 at 7:27**

<GSchmidt@spmarchitects.com>

**AM**

To: "EEHAINformation@gmail.com" <EEHAINformation@gmail.com>

I reviewed the attached information regarding the two applications for annexation & re-zoning at Bell & McCarthy Roads. I am against the re-zoning of any R-1 property to B-3 at that location. The proposed site plan for the SW corner of Bell & McCarthy shows a mixed use two story building, bank, another building and parking for 323 cars, which is not an appropriate use for that location and will cause traffic congestion at that intersection.

The re-zoning of the R-3 to R-4 on the NW corner should not be allowed or approved without a site plan that shows the location & size of the residential lots, streets & utility right of ways.

**Guenther Schmidt, AIA**

SPM Architects, Inc.

8104 W. 119th Street, Unit 1230

Palos Park, IL. 60464

708-671-0446 phone

708-671-0558 fax

**Guenther Schmidt**

**Wed, Sep 15, 2010 at 7:35**

<GSchmidt@spmarchitects.com>

**AM**

To: "EEHAINformation@gmail.com" <EEHAINformation@gmail.com>

Correction to my previous e-mail. The existing zoning is R-3 not R-1, so I am

against the re-zoning of any R-3 property to B-3.

**Guenther Schmidt, AIA**

**SPM Architects, Inc.**

8104 W. 119th Street, Unit 1230

Palos Park, IL. 60464

708-671-0446 phone

708-671-0558 fax

**From:** Guenther Schmidt

**Sent:** Wednesday, September 15, 2010 7:27 AM

**To:** 'EEHAinformation@gmail.com'

**Subject:** Zoning Meeting 9/15/2010

[Quoted text hidden]



**LEMONT FIRE PROTECTION DISTRICT**



**BUREAU OF FIRE PREVENTION**

15900 New Avenue  
Lemont, IL 60439  
Business: (630) 257-0191  
Fax: (630) 257-5318  
lemontfire.com

September 1, 2010

Ms. Charity Jones  
Village Planner  
Village of Lemont  
418 Main Street  
Lemont, Illinois 60438

Re: Case 10-13 Northwest Corner of McCarthy and Bell.

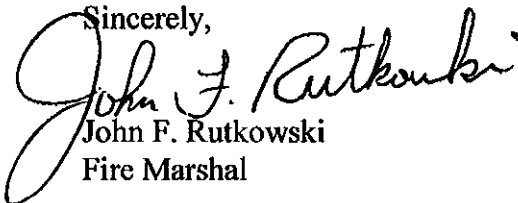
Dear Ms. Jones:

This Department is in receipt of the above mentioned submittal. After reviewing this document, this Department would recommend approval with the stipulation that the following items be incorporated at the time of formal plan submission. They are:

- Adequate accessibility to the property and buildings by emergency vehicles.
- Adequate water supply for any required fire protection systems.
- Adequate water supply and location of hydrants on the property.
- 

A list of specific and detailed requirements will be established when a set of formal plans are submitted indicating the type of buildings and potential occupancy for this property. If you should have any further questions or comments please don't hesitate to contact me.

Sincerely,

  
John F. Rutkowski  
Fire Marshal

Cc: file  
Cc: Chief Churulo



Subject Site as viewed from McCarthy



Subject Site as viewed from Bell

### Density Analysis of R-4 Zoned Subdivisions in Lemont

Subdivision Name	Total Subdivision Size (in acres)	# Dwelling Units	Gross Density (du/acre)	Subdivision Area dedicated to residential lots (in acres)	% of Subdivision dedicated to residential lots	Average Lot Size (sf)
The Glens of Connemara	68.08*	140	2.06	44.88	66%	13,964
Briarcliffe	70.91	128	1.81	42.27	60%	14,384
Smith Farms	10.5	19	1.80	7.18	68%	16,457
Mayfair Estates	28.52	56	1.96	17.62	62%	13,703
Southpointe	11.14	21	1.89	7.72	69%	16,004
Eagle Ridge	11.24	21	1.87	7.26	65%	15,067
<b>AVERAGE</b>			1.90		65%	14,930

\* Glens Total Subdivision Size does not include ComED ROW; if included it would have further reduced the gross density of the development.

# Rezoning Application Form

### APPLICANT INFORMATION

Applicant Name: Std BK TR 12402 (Geno Martin), State Bank Countrywide t/c/t (Michael Finnegan)

Company/Organization: c/o Matthew Klein, attorney

Applicant Address: 322 W Burlington LaGrange IL 60525

Telephone & Fax: 708 354 9840 708 354 9950 (FAX)

E-mail: MMK131@AOL.COM

### CHECK ONE OF THE FOLLOWING:

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

### PROPERTY INFORMATION

Address of Subject Property/Properties: 12801 McCarthy Rd, 12150 Bell Rd

Parcel Identification Number of Subject Property/Properties: 22-26-201-011000 22-26-201-006-0000

Size of Subject Property/Properties: 5.7 Acres, 15.09 Acres

### DESCRIPTION OF REQUEST

Requested Zoning: R-4, B-3 at corner (250' along Bell, 300' along McCarthy)

### REQUIRED DOCUMENTS

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

### FOR OFFICE USE ONLY

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

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

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

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

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

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

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



# Rezoning Application Form

Village of Lemont

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## APPLICATION FEE & ESCROW

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

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

Fee is non-refundable.

### Required Escrow = \$500

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

---

## AFFIRMATION

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

x R. J. Bensch & Co                      Buch Bensch  
Signature of Applicant                      Date

State

County

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

\_\_\_\_\_  
Notary Signature

Given under my hand and notary seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_.

My commission expires this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_.

# Annexation Application Form (with or without rezoning)

**TYPE OF APPROVAL REQUESTED**

CHECK ALL THAT APPLY:

- Annexation and Annexation Agreement
- Rezoning

**APPLICANT INFORMATION**

STR BKTR TR 12402 (Gino Martin), State Bank Countryside t/o/c  
 Applicant Name (Michael Finney)

40 Matthew M Klein, et al  
 Company/Organization

322 W Burlington La Grange IL 60525  
 Applicant Address

708-354-8940                      708 354 0850 (FAX)  
 Telephone & Fax

MM K131@AOL.com  
 E-mail

**CHECK ONE OF THE FOLLOWING:**

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

**PROPERTY INFORMATION**

12801 McCarthy Rd, 12150 Bell Rd  
 Address of Subject Property/Properties

22-26-201-011-0000; 22-26-201-006-0000    5.7 A, 15.89A  
 Parcel Identification Number of Subject Property/Properties                      Size of Subject Property/Properties

**DESCRIPTION OF REQUEST**

Annexation with Annexation Agreement, R-4 zoning with  
 Brief description of the proposed annexation/rezoning

B-3 at corners (250' along Bell, 320' along McCarthy)

**REQUIRED DOCUMENTS**

See Form 506-A, Annexation Application Checklist of Required Materials, for items that must accompany this application.

**FOR OFFICE USE ONLY**

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

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

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

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

# Annexation Application Form

Village of Lemont

## APPLICATION FEE & ESCROW

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

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

**Annexation Application Fee = \$250 (per zoning lot)**

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

**Required Escrow = \$750 for annexation, plus \$500 for rezoning**

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

## AFFIRMATION

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

*[Handwritten Signature]*                      *[Handwritten Date]*

Signature of Applicant

Date

State

County

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

**Notary Signature**

Given under my hand and notary seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_.

My commission expires this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_.

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

PETITION REQUESTING ANNEKATION  
TO THE VILLAGE OF LEMONT

TO: THE VILLAGE CLERK, VILLAGE OF LEMONT, ILLINOIS

The undersigned respectfully represent, state and request as follows:

1. That the undersigned are all of the owners of record of all the land in the following described territory: **SEE ATTACHED**
2. That the undersigned comprise at least 51% of the electors residing within said territory; and that at least 51% of such electors join in this petition.
3. That such territory hereinbefore described is not within the corporate limits of any municipality, but is contiguous to the Village of Lemont, Cook County, Illinois, a municipality organized and existing under the laws of the State of Illinois.
4. That the undersigned, as all owners of record of the aforesaid land and territory and as at least 51% of the electors residing on said land or territory, hereby petition that said territory be annexed to the Village of Lemont, Cook County, Illinois, conditioned upon entry of an annexation agreement acceptable to such Owners.

STATE BANK OF ILLINOIS OWNERS AND ELECTORS  
 TRUST NO 00-7228 VLA 15 PDE  
 BY: FINNEGAN CONSTRUCTION COMPANY  
 Signature: [Signature] Address: 13526 S. ERIN DR  
 Print name: MICHAEL J. FINNEGAN,  
PRESIDENT HOMER GLEN, PL  
 Owner  Elector  60441

Signature: \_\_\_\_\_ Property Address: 12150 Bell  
 Print name: \_\_\_\_\_  
 Owner  Elector  Lemont IL  
22-26-201-011

Signature: \_\_\_\_\_ Address: \_\_\_\_\_  
 Print name: \_\_\_\_\_  
 Owner  Elector

Signature: \_\_\_\_\_ Address: \_\_\_\_\_  
 Print name: \_\_\_\_\_

Owner \_\_\_ Elector \_\_\_

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, the undersigned, being first duly sworn and under oath, depose and say that I am a party to the above petition, have knowledge of the facts stated therein, have read the contents thereof, and that the matters and things therein contained are true in substance and in fact and the signatures on the Petition are the genuine signatures of the persons as represented.

\_\_\_\_\_

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that MICHAEL P. FINNEGAN personally known to me to be the same person whose name is subscribed to this instrument, appeared before me this day in person and acknowledged that HE signed this instrument as HIS own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 24<sup>TH</sup> day of AUGUST 2010



x Sandra J. Kawa

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

PETITION REQUESTING ANNEXATION  
TO THE VILLAGE OF LEMONT

TO: THE VILLAGE CLERK, VILLAGE OF LEMONT, ILLINOIS

The undersigned respectfully represent, state and request as follows:

1. That the undersigned are all of the owners of record of all the land in the following described territory: SEE ATTACHED
2. That the undersigned comprise at least 51% of the electors residing within said territory; and that at least 51% of such electors join in this petition.
3. That such territory hereinbefore described is not within the corporate limits of any municipality, but is contiguous to the Village of Lemont, Cook County, Illinois, a municipality organized and existing under the laws of the State of Illinois.
4. That the undersigned, as all owners of record of the aforesaid land and territory and as at least 51% of the electors residing on said land or territory, hereby petition that said territory be annexed to the Village of Lemont, Cook County, Illinois, conditioned upon entry of an annexation agreement acceptable to such Owners.

OWNERS AND ELECTORS

Signature: Gino Martin Mailing Address: 6549 Fox Ln  
Print name: Gino MARTIN Palos Hts, IL 60463

Owner  Elector

Signature: Cynthia Martin Address: 6549 Fox Ln  
Print name: Cynthia Martin Mailing Address: Palos Hts, IL 60463

Owner  Elector

Signature: \_\_\_\_\_ Property Address: 22-26-201-006  
Print name: \_\_\_\_\_ 12801 McCarthy Rd.

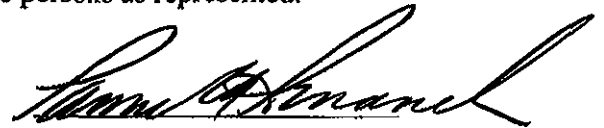
Owner  Elector

Signature: \_\_\_\_\_ Address: \_\_\_\_\_  
Print name: \_\_\_\_\_

Owner \_\_\_ Elector \_\_\_

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

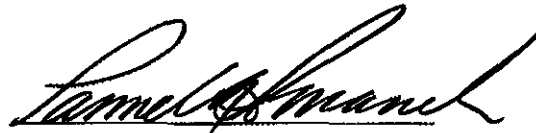
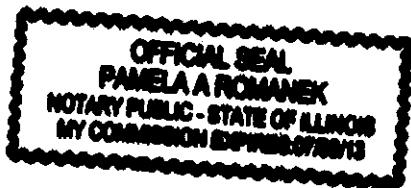
I, the undersigned, being first duly sworn and under oath, depose and say that I am a party to the above petition, have knowledge of the facts stated therein, have read the contents thereof, and that the matters and things therein contained are true in substance and in fact and the signatures on the Petition are the genuine signatures of the persons as represented.



STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that GIND + Cynthia MARTIN personally known to me to be the same person whose name is subscribed to this instrument, appeared before me this day in person and acknowledged that they signed this instrument as their own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 13<sup>TH</sup> day of AUGUST 2010





SCALE: 1" = 20'

**NOTE:**  
 EXISTING FOUNDATIONS, EXISTING BUILDING LOCATIONS, EXISTING UTILITIES, LOCATIONS OF ALL EXISTING AND PROPOSED UTILITIES, AND ALL EXISTING AND PROPOSED STRUCTURES ARE SHOWN AS PROVIDED BY THE SUBJECT COMPANY.

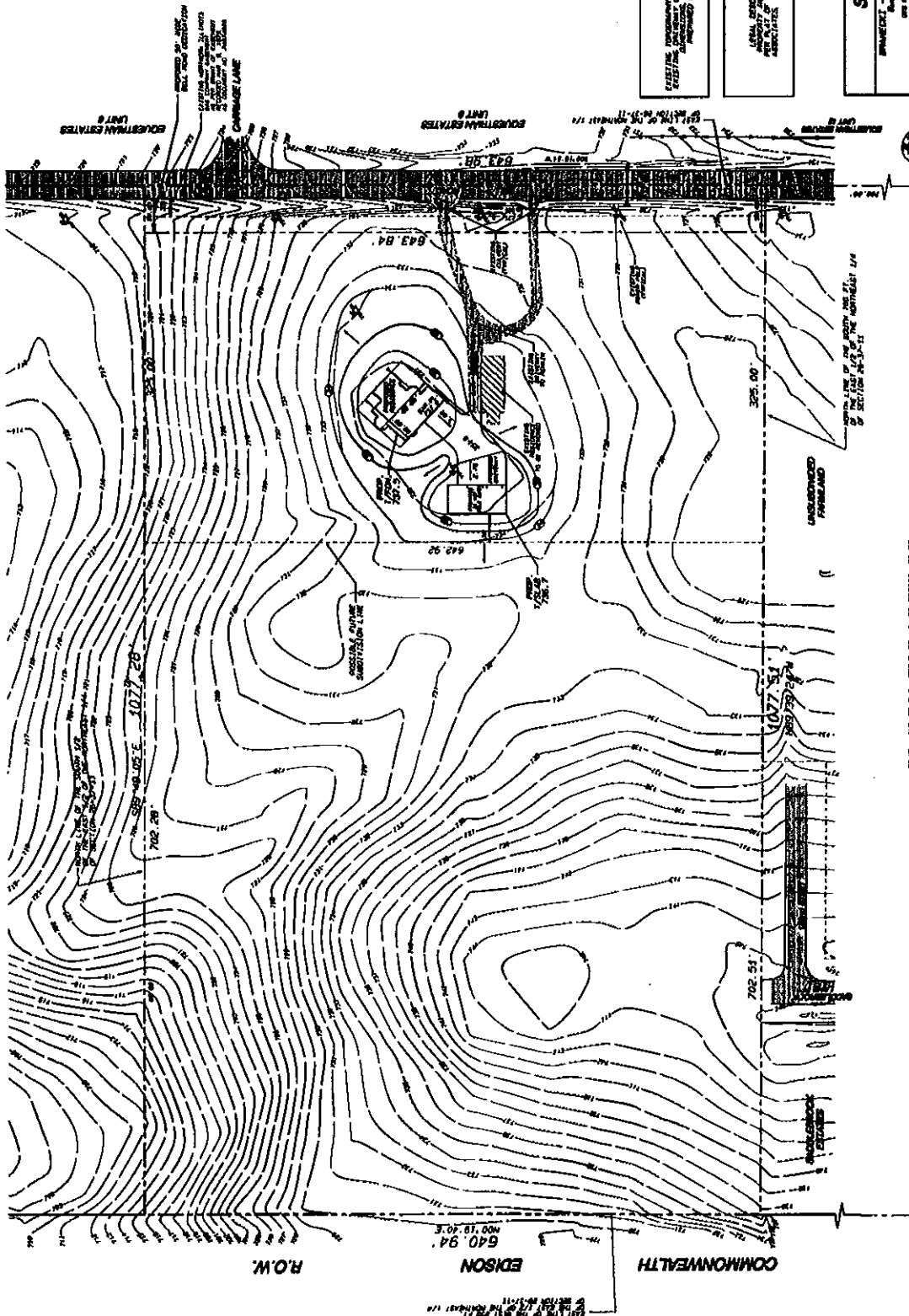
**NOTE:**  
 LOCAL PROPERTY, EXISTING AND PROPOSED, SHALL BE THE RESPONSIBILITY OF THE CLIENT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY THE SUBJECT COMPANY.

**SITE PLAN**

PREPARED BY: J. J. HARRIS & ASSOCIATES  
 ENGINEERS, ARCHITECTS AND PLANNERS  
 1100 N. LAUREL STREET, CHICAGO, ILL. 60610  
 PHONE: (312) 467-2200  
 FAX: (312) 467-2201

DATE: 08/11/11  
 DRAWN BY: J. J. HARRIS  
 CHECKED BY: J. J. HARRIS  
 TITLE: SITE PLAN

PROJECT NO.: 11111111  
 SHEET NO.: 1 OF 1  
 JOB NO.: 11111111



**LEGAL DESCRIPTION**

THE SOUTH ONE HALF (1/2) OF THE FOLLOWING DESCRIBED TRACT:  
 THE SOUTH TWO EIGHTH (2/8) PARTS OF THE WEST ONE HALF (1/2)  
 OF SECTION 28, TOWNSHIP 23N, RANGE 12E, COUNTY OF ILLINOIS,  
 BEING THE SAME AS SHOWN ON THE PLAT OF THE  
 ORIGINAL SURVEY OF THE LAND IN THE COUNTY OF ILLINOIS,  
 P.L.N. 23-28-201-001-001

MAY 13 1984

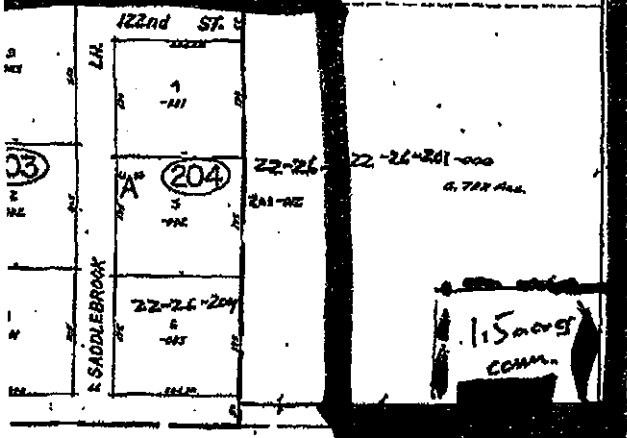


22-26-201-00

201

22-26-201-01

Rymek



W. 1/2 S.W. 1/4 Sec. 25-37-11  
LEMONT

MC CARTHY

RD



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 #118-10

FROM: Charity Jones, Village Planner

THRU James A. Brown, Planning & Economic Development Director

SUBJECT: Case 10-12 – SW Corner of McCarthy & Bell – Preferred Palos, LLC

DATE: October 11, 2010

**SUMMARY**

Matthew Klein, agent acting on behalf of Preferred Palos, LLC, owner of the subject property, has requested annexation to the Village, rezoning to the B-3, Arterial Commercial zoning district, and a special use for two drive-throughs. The Planning & Zoning Commission does not recommend approval of either request.



**CASE HISTORY**

**PZC Public Hearing.** The Planning & Zoning Commission (PZC) conducted a public hearing on the requested rezoning and special use on September 15, 2010. The PZC took public comment on both this case, and case 10-13 (NW corner of McCarthy & Bell) simultaneously. Over thirty nearby residential property owners were present at the hearing. Fifteen spoke in opposition to the rezoning and special use requests. Most speakers expressed general opposition to any commercial use of the subject site. Some expressed specific concerns about traffic safety and how access to the site would be designed. The majority of the PZC members did not support the rezoning and special use requests, but for varying reasons. Some were opposed to commercial use generally, while others were not comfortable approving B-3 zoning without a specific site plan in place. The PZC voted 1-4 to recommend approval; therefore, the PZC does not recommend approval.

**PROPOSAL INFORMATION**

Case No. 10.12  
 Project Name SW Corner of McCarthy & Bell – Preferred Palos, LLC

<b>General Information</b>	
Applicant	Preferred Palos, LLC
Status of Applicant	owner of the subject property
Requested Actions:	Annexation
Requested Actions:	Rezoning from R-1 to B-3
Requested Actions:	Special Use to allow two drive throughs.
Site Location	Southwest corner of the intersection of McCarthy Road and Bell Road.
Existing Zoning	Cook County, R-3 Single-Family Residence District
Size	380,554 sf; approx. 8.7 acres
Existing Land Use	Vacant / greenfield
Surrounding Land Use/Zoning	North: Vacant & Residential, Cook Co. R-3 Single-Family Residence District
	South: Residential, Cook Co. R-3
	East: Recreation, Cook Co. R-3 (Forest Preserve District)
	West: Residential, Cook Co. R-3
Comprehensive Plan 2002	The Comp Plan calls for this site to be low density residential (0-2 du/acre).
Zoning History	N/A
<b>Special Information</b>	
Public Utilities	Water and sewer would most likely be extended from the Glens of Connemara, along the ComEd right of way to Bell Road and then north to the subject site. This extension of water and sewer to the site is feasible.
Transportation	Traffic impact study not required.
Physical Characteristics	The site is vacant and relatively flat with a slope upward toward the single-family lots to the west.
Other	

## GENERAL ANALYSIS

**Land Use/Compliance with Comprehensive Plan.** The subject site is within the area recommended to be annexed to the Village by the Comprehensive Plan. The Lemont Comprehensive Plan of 2002 recommends as a long-range goal to "annex, to the extent that is practical, legally defensible, and cost-effective, the remainder of the territory in Lemont Township" (p.18). The Plan also states that the future eastern boundary of the Village should extend to Will-Cook Road, "excepting the portion of Lemont Township already occupied by Willow Springs" (p.18).

The Comprehensive Plan recommends low-density residential development for the subject site. The Comprehensive Plan map designates the subject site and the surrounding properties as low-density residential (0-2 d.u. per acre). Additionally, the Land Use chapter of the Comprehensive Plan includes a section that specifically addresses the area southeast of Archer Avenue (p.33). It states that the area should be generally comprised of low-density single-family subdivisions, that "there will be some small commercial nodes at State & Archer, 127<sup>th</sup> & Archer, McCarthy & Archer, and 131<sup>st</sup> & Bell, but the great majority of the public highway will have a parkway character" (p.33).

The requested B-3 zoning district is consistent with the Arterial Commercial<sup>1</sup> future land use category. Although the subject site is not designated for Arterial Commercial use by the Comprehensive Plan, it is well situated for Arterial Commercial use by the Comprehensive Plan's standards. The Arterial Commercial future land use category is defined as "areas of existing or planned commercial development of an intensity typical of arterial highways and their intersections" (p.23). The subject site is located at the intersection of two arterial roads, as identified by the Comprehensive Plan (p.34). By comparison, the properties at 127<sup>th</sup> & Archer and at 131<sup>st</sup> & Bell are designated by the Comprehensive Plan for Arterial Commercial use, but these intersections each only include one arterial road.

Existing land uses in the area near the subject site have changed since adoption of the Comprehensive Plan in 2002. In 2003, the Lemont High School opened up new athletic fields at the southwest corner of the intersection of 131<sup>st</sup> Street and Bell Road. This site, approximately 25.48 acres, was designated for Arterial Commercial land use in the Comprehensive Plan but it has been developed for noncommercial use. In light of these changed land use patterns, the Village may wish to allocate additional acreage for future commercial development elsewhere along this corridor. If so, the subject site is appropriately located to accommodate Arterial Commercial use.

**Compatibility with Existing Land Uses.** The surrounding properties are either forest preserve or large-lot residential development. Adjacent to the subject site to the west and south are six single family lots, with an average lot size of just over an acre (44,406 sf). Commercial development is not inherently incompatible with adjacent residential uses. However, the requested zoning and size of the subject site predict relatively intense commercial use which could create incompatibilities with adjacent residential uses. The UDO's transition yard requirements are intended to mitigate adverse impacts of

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<sup>1</sup> The Comprehensive Plan map calls this land use category "Arterial Commercial" while the text of the Comprehensive Plan refers to it as "Arterial Business." Although the titles are slightly different, they are the same future land use category.

commercial development on adjacent residential land use. Although the residential properties are not within the Village limits, any approval of the requested annexation and rezoning should explicitly state that the site will be subject to the transition yard requirements of the UDO.

<b>UDO Section 17.07.030 Transition Yard Requirements</b>	
Yard Depth Required	12 feet
Screening Required	<p>A wood fence with a minimum of 95% opacity and with a minimum height of five feet plus at least two plant units per 100 linear feet; or</p> <p>An earthen berm at least three feet in height plus at least one plant unit per 100 linear feet along the rear lot line and side lot lines; or</p> <p>Four plant units per 100 linear feet plus an additional two evergreen trees per 100 linear feet along the rear lot line and side lot lines.</p>
Use Restrictions	The transition yard shall not be used for parking, loading, servicing, or storage.

*Note: One plant unit equals .5 canopy trees, 1 evergreen tree, 1.5 ornamental trees, and 6 shrubs or ornamental grasses.*

**Aesthetic and Environmental.** No environmental concerns appear evident at this time. At the time of development of the subject site, the applicant will be required to follow all requirements of the Lemont Unified Development Ordinance to address site design, aesthetic, and environmental concerns. Depending on the type and scale of the proposed development, the applicant may be required to acquire a Planned Unit Development (PUD) approval. For example, the concept plan submitted by the applicant includes multiple buildings; Section 17.08.020.3 requires a PUD approval for any development that includes more than one principal building on a lot of record.

**Storm Water Management/Engineering Comments.** The Village Engineer has no objections to the proposed annexation, rezoning and special use. As noted in the attached letter, the Village Engineer has discussed a potential route for sewer and water connection with the applicant.

**Fire Department Comments.** The Fire Marshal provided comments on items that would need to be addressed at the time the subject property is developed. He had no comments regarding the requested approvals of annexation, rezoning and special use.

**STANDARDS FOR SPECIAL USE**

The applicant has requested a special use for two drive throughs. UDO Section 17.04.150.C states that special use requests must be consistent with the following six standards to be recommended by the PZC for approval:

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

**Analysis.** The requested special use could provide convenient services for the public at the subject site. However, it is unknown exactly what services would be provided at this time since no specific plan has yet been submitted.

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

**Analysis.** No specific plans have been submitted at this time. However, the requirements of the UDO (see #5 below) would ensure that pedestrian and traffic safety would be addressed.

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

**Analysis.** The properties that would most directly be affected by the proposed drive throughs would be those located immediately adjacent to the subject site, along Galway Road. Quantified impacts of drive throughs on residential land values are unknown; however, any impact would likely be related to the design of the drive-through and the hours of operation. Both of these items are unknown at this time. Therefore, staff cannot make a determination as to the likelihood of impact on adjacent properties.

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

**Analysis.** Drive-throughs do not create excessive demands on Village services, nor impair the ability of the Village to maintain the peace and provide adequate protection for the citizens.

5. The special use is consistent with standards enumerated elsewhere in this ordinance for the specific use, including planned unit developments.

**Analysis.** The UDO requires that all drive-throughs meet the following requirements:

- Each drive-through facility shall be designed so that the drive-through window is not on a side of a building facing a public street.
- The queue area shall not interfere with other on-site circulation and parking arrangements.
- All pedestrian walkways for a drive-through development shall be clearly marked and enhanced with special paving or markings when they intersect the drive-through aisles.

No site plan is being approved at this time, so the exact locations and configurations of the proposed drive-throughs are currently unknown. When the development is reviewed for PUD or site development permit approval, the proposed drive-throughs should be designed to comply with these requirements of the UDO.

6. The special use meets, as applicable, the standards for planned unit developments found in Chapter 17.08 of this ordinance.

**Analysis.** Not applicable.

## **CONCLUSIONS & RECOMMENDATIONS**

The requested rezoning to the B-3 zoning district is not consistent with the land use recommendations of the Comprehensive Plan. However, if the Board finds that the Comprehensive Plan land use recommendations for the Bell Road corridor are out of date due to the changes in existing land use since 2002, then the subject site is one potential location that could be considered for additional commercial land use that is appropriately located per the Comprehensive Plan. The Comprehensive Plan requires consistency with its land use chapter; it states that where projects deviate from the land use recommendations of the Plan, then applicants shall present studies or analyses to justify the change (p.7). In the absence of any such justification, staff can not recommend deviation from the Comprehensive Plan.

Without a specific site plan to be approved, it is impossible to gauge whether the proposed special use meets the requirements of UDO Section 17.04.150.C. The only circumstance where staff could recommend approval of the drive-throughs would be with the condition limiting the drive-through lanes and windows on the northeast portion of the site, i.e. away from the existing single-family residences, or a specified distance away from the west and south property lines. Such conditions, however, will limit design flexibility and make it difficult to meet the zoning requirements for the placement of drive-throughs away from the street. Another option would be a condition that requires an increase in the Village landscaping and screening requirements. Otherwise, it would be more prudent to pursue drive-through approval at a later date after a site plan has been submitted.

## **ATTACHMENTS**

1. 09-15-10 PZC draft minutes (to be approved on 10-20-10)
2. Citizen Correspondence received at 09-15-10 PZC
3. Village Engineer comments
4. Fire District comments
5. Site photos
6. Applicant submittals

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of September 15, 2010

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, September 15, 2010, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Schubert led the Pledge of Allegiance. He then asked everyone to continue standing, and raise his or her right hand. He then administered the oath.

**B. Verify Quorum**

Upon roll call the following were:

Present: Maher, Murphy, O'Malley, Spinelli, Schubert

Absent: Armijo, Erber

Village Planner Charity Jones was also present.

**C. Approve Minutes**

Commissioner Spinelli made a motion, seconded by Commissioner Maher to approve the minutes of the July 21, 2010 with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN COMMENTS**

Chairman Schubert greeted the audience. He then explained that there were several people present that would like to give some input on both cases. He stated that they needed to come up to the podium when asked to speak and to state their name and address. Chairman Schubert then explained that the Board would open both cases to be heard as one. However, they would be voted on separately.

**III. NEW BUSINESS**

**A. Case #10-12: SW Corner of McCarthy & Bell – Preferred Palos, LLC.**

Public hearing for rezoning & special use request to annex 8.7 acres at the southwest corner of the intersection of McCarthy Road and Bell Road to rezone from R-1 to B-3 and to permit a special use for two drive-throughs.

**B. Case #10-13: NW Corner of McCarthy & Bell – RJ Rymek & Co.**



Public hearing for rezoning request to annex 22.6 acres at the northwest corner of the intersection of McCarthy Road and Bell Road to rezone 20.9 acres from R-1 to R-4 and to rezone 1.7 acres from R-1 to B-3.

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to open the public hearing for Case #10-12 and Case #10-13. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Charity Jones stated that they would be hearing both cases at one time, for those people who just walked into the meeting. She said that when it was time for public comments, if anyone had a comment for either case they would be able to step forward at that time. Mrs. Jones then presented, via power point, some site photos of the subject property. She said that the property on the NW corner did contain approximately one acre of wetland on the site. She stated that some of the homes on Galway had mature landscaping along the rear property line. This landscaping could provide a buffer to the developed site if it was developed.

Mrs. Jones stated that both sides are requesting to be annexed. She said that the Comprehensive Plan does recommend for this area to be annexed into the Village of Lemont. She stated that the Village did not have a boundary agreement with Palos Park and Palos has previously expressed interest in extending its western boundary into this area.

Mrs. Jones went over the remaining staff report broken up into three parts: the commercial rezoning request, the residential rezoning request, and the special use request. She stated that the Comprehensive Plans designates this area as low density residential and the text of the plan also reinforces that recommendation. It does include some recommendations for some commercial nodes but does not identify the subject site as one of those nodes. Mrs. Jones stated that there have been some changes in land uses in the area near the subject site since the adoption of the Comprehensive Plan. She stated that the southwest corner of Bell Rd. and 131<sup>st</sup> was designated as commercial. However, in 2003 the Lemont High School opened a new athletic field on that site; that land now is no longer available for commercial use.

Mrs. Jones stated that the B-3 zoning that is being requested is equivalent to the Arterial Commercial Land Use category in the Comprehensive Plan. The Comprehensive Plan states that Arterial Commercial uses should be located at the intersection of arterial roads. She stated that in the Comprehensive Plan, Bell Road and McCarthy are designated as two arterial roads. By comparison, the properties at 127<sup>th</sup> and Archer and 131<sup>st</sup> and Bell are also designated as Arterial Commercial use, but these intersections each only include one arterial road. Mrs. Jones stated that it could be argued that this site has a better location for Arterial Commercial use than some of the properties that were designated in the Comprehensive Plan. She said due to the changed land uses in the area, the Village might wish to allocate additional acreage for

future commercial development elsewhere along this corridor. If so, this site is a potential site that meets the criteria for the Comprehensive Plan.

Mrs. Jones said that B-3 zoning allows for a variety of land uses. Some of these land uses could have a negative impact to adjacent properties. She said that the UDO does require a transition yard when a commercial is adjacent to residential. She stated that because the adjacent residential properties aren't actually in the Village of Lemont it wouldn't be explicit in the UDO that it is required. However, staff would recommend that if the zoning was allowed then the buffering requirements of the UDO be applied to these sites.

Mrs. Jones stated that in conclusion to the commercial analysis, the zoning is not consistent with Comprehensive Plan. However, there have been changes in land uses since the Comprehensive Plan. She stated that if the Commission finds that the plan for the Bell Road corridor is out-of-date due to these changes in existing land use, then the subject site is one potential location that could be considered for additional commercial use.

Mrs. Jones said in regards to the residential zoning, staff agrees that the R-4 zoning is consistent with low-density residential land use recommendation of the Comprehensive Plan. She said that the lot size that is allowed in R-4 is 12,500 square feet, which equates to a gross density of 3.48 dwelling units per acre if the density is calculated by dividing the total lot area by the minimum lot size in R-4. However, once you factor in street right of way, detention, and any other facilities needed in a subdivision, it can take up 35% of the total development area. She said based on that figure, the gross density would be 2.25 dwelling units per acre. This figure is also unlikely, because this would mean that every lot would have to be the minimum of 12,500 square feet.

Mrs. Jones stated that in regards to compatibility with existing land uses, it is the same type of land use, which is single-family detached residential. The R-4 zoning would be much smaller lots than what is currently surrounding the area. She stated that staff feels that the R-4 zoning is consistent with the Comprehensive Plan and is consistent with the surrounding land uses.

As far as the special use, Mrs. Jones stated that the property that is on the southwest corner of McCarthy and Bell requested a special use for two drive-throughs. She said the UDO has specific criteria that would have to be met to approve a special use. The first is that it is necessary for public convenience. Mrs. Jones stated that drive-throughs are convenient, but it is not known at this time what services would be offered. The second is that the public health, safety and welfare would be protected. She said that the UDO has requirements for the designs of drive-throughs to ensure that the public health, safety, and welfare are protected due to vehicular traffic. The third is that it will not cause substantial injury to the value of other property in the neighborhood. Mrs. Jones said that the properties most impacted would be the ones that are adjacent to the site. She said the impact would be based on how the drive-throughs were designed and the location that they are facing. She said the design is unknown at this time, so it

cannot be answered whether this criteria is met. The fourth criteria would be that the special use would not cause excessive demand on Village services. Mrs. Jones stated that there are several drive-throughs in the Village currently, and from experience they do not cause excessive demand. The last criteria would be that it is consistent with the other standards in the UDO. Mrs. Jones stated that the UDO does contain requirements for drive-throughs, and it would have to comply with those requirements. In conclusion, Mrs. Jones stated that it is unknown at this time if the special use meets the criteria of the UDO. Staff recommends that at the time the property is ready to be developed and when the Village has a site plan, the applicant would then reapply for this special use.

Mrs. Jones then showed a couple of photos of the site that were submitted from the applicant.

Chairman Schubert then asked everyone who had walked in late to please stand and raise his or her right hand. He then administered the oath.

Chairman Schubert asked if the developer for the southwest property could please come forward.

Matthew Klein, 322 W. Burlington, LaGrange, stated that he was the attorney for both applicants. He stated that Mrs. Jones covered the application and what the applicants are proposing. Mr. Klein stated that there is not a current plan for any development on either parcels, but he did provide a typical layout of what it could look like if developed. Mr. Klein stated that he was not aware of the wetland that Mrs. Jones mentioned, but would take that into account.

Mr. Klein said that they are proposing commercial for the southwest corner also and provided a typical layout for that corner too. The plan did include two drive-throughs. He stated that the market for many typical shopping centers demand drive-throughs. Mr. Klein stated that they are seriously requesting the drive-throughs be approved at this time so they could market the property and let potential buyers know that the approval is already there. He said that they would come back to the Board at a later date with the design of the center.

Chairman Schubert stated that they specifically asked for two drive-throughs and did they have a business in mind already.

Mr. Klein stated not at this time. He stated that there are some businesses that Preferred Palos has worked with, but no particular business or plan for development are set at this time. Mr. Klein stated that the intersection meets the definition and would be acceptable for commercial development because both roads being arterial. He stated that he provided a map from the Department of Transportation that did a traffic count for that intersection. He stated that traffic has increased in the area. Mr. Klein said that part of the submittal in the package did include potential expansion of water and sewer from the Village north along Bell Road. This expansion would be needed for future

planning and development in the area. Mr. Klein stated that he asks the Commission not only to think about the rezoning into the Village but also about the infrastructure and development of the area.

Chairman Schubert asked who drew the plan and if that person could step forward.

Tom Morabito, 141 W. Jackson, Chicago, stated that he was Vice-President for Preferred Development.

Chairman Schubert then asked what potential hazard were they looking at with the entrances and exits to this property.

Mr. Morabito stated that they haven't looked at that at this time. He said that they are looking at a nine-acre piece of property not a one-acre. He stated that they laid the plan out specific to the topography of the land. Mr. Morabito stated that they kept the detention or open site at the corner, and by doing so they are pushing the access points to the furthest spot on the site. He stated that they were asking for two cuts on nine acres, which was very reasonable. Mr. Morabito did say that they have not talked with the State or County at this time. He said he knows that there is going to be some negotiating with turning lanes and with the widening of the roads.

Chairman Schubert asked the Commissioners if they had any questions at this time. None responded. He asked if anyone in the audience would like to come up and speak.

Dorothy Goushas, 12821 Campbell Street, Lemont, stated that she lived approximately a mile from the intersection. She said looking at the pictures she would have to say that they were taken on a Sunday afternoon at 2:00 p.m. She has lived in this area for 49 years and from 5:00 a.m. to 9:00 a.m. traffic is backed up from Archer to 131<sup>st</sup> Street and that is on a good day. She stated that she would sit for five minutes trying to exit her street in the afternoon. Ms. Goushas stated that Bell Road is the only road that Lockport, Orland, Homer Glen and Lemont use to get to Route 83. She said that there is a new school at 115<sup>th</sup> and Bell Road. It has approximately 200 students and none of them are bused. She stated that there are a lot of traffic problems and fatalities on those roads. Ms Goushas stated that they are going to have to really look at these plans and to also look at what the Lemont High School did with their access points. She said that this is one project they really need to look at.

Mr. Klein stated that the access point would be as far west on McCarthy Road as possible.

Remo Turano, 4 Clearview, in Equestrian Estates, stated that he was on the Board for Equestrian Estates. He said the issue is zoning. He has been a resident for 22 years and he loved the way it looked. He moved from Oak Brook and always envisioned Bell Road to look like 31<sup>st</sup> Street in Oak Brook. Mr. Turano stated that they did not want a drive-up, or a gas station, and they do not want "typical". He said they worry about their property value and how you go from a 48,000 square foot lot to an adjacent lot of

12,000 square feet. He said that his concern is the look and future of that corner. He said that they have watched Lemont grow and it is a city that they would want to be associated with, however this is not the route they would want.

Ken McVickers, 5 Chestnut Court, Lemont, stated that he has lived out in Equestrian Estates for 24 years. He said that he loves Lemont and would not want to raise his children in any other place. He stated that he was the President of the Equestrian Estates Homeowners Association about 13 years ago. At that time, there was another developer that wanted to develop some of this land. He said that they met with the developer, the County, and Lemont Officials. He said they worked out an agreement with the developer to keep the lots at  $\frac{3}{4}$  of an acre. When he brought the plan to the Lemont Board, it was turned down. Mr. McVickers stated that Lemont has not been very good neighbors. He stated that there was an article in the Lemont Suburban Life, in regards to these two cases, and it states "Lemont Officials are concerned that the homes would be built on half-acre lots while surrounding homes sit on acre lots". He said that now it is going to be 12,500 square foot lots. He stated that they couldn't stop progress; however, there would be a huge affect to property values if you put commercial on those corners. He said that he is upset because they had the opportunity to have it residential and have half-acre lots. Mr. McVickers said he doesn't understand what it is they plan on putting on the 1.7 acres on the northwest corner. He said that is the worst place you could have for a commercial site. That whole intersection is a death trap. He said semi-trailers and cars come speeding down there. He said that he recommends not approving these cases. He said he knows that Palos has been after them to be annexed into their town and has even used the ploy of turning those corners into commercial as a threat. He said if you make those corners commercial then the Village is not helping them and it will be long time before their community comes to the Village of Lemont.

Lois Iles, 169 Galway Road, stated that her house has been on the market for a long time. She said some of the comments she has received from people looking at the house are that it is too close to a busy road. She asked staff how could they know that their property values would not go down. Ms. Iles stated that when you turn off of Galway Road to go east on McCarthy, there is a slight incline right before the golf course. She said she doesn't understand how they could have an exit for the golf course, Galway Road and a store before you got to Bell Road. The distance is too short. She stated that the traffic is always backed up on Bell Road from Archer. There are no turn lanes so if traffic is trying to cross to turn they hold traffic up.

Mrs. Jones stated that she would like to address the issue of property values. She said that when she spoke about the impact on property values it was in reference to one of the criteria for special use. She said that the criteria were that the special use would not have a significant negative impact on property values in the neighborhood. Mrs. Jones stated that they did not have a site plan showing where the drive-throughs would be. She said that most negative impacts with drive-throughs are lights and noise and those are highly dependent on how they are situated on the site in relation to the adjacent

property. Mrs. Jones stated that this was the comment about not knowing the impact to the adjacent property and their values.

Beth Butler, 7 Sun Hill Lane, stated in regards to the layout of the detention pond, her concern is that according to township regulations they have to put up landscape barriers with a certain amount of distance. She said that she is unclear as to whether that would fall under Lemont Township or Cook County. She stated that if they are pushing the entrances closer to the houses, how much room does that leave for the barrier. She said the reason for her concern is because there have been times she had to call the police. She said she had to wait 45 minutes for a response from County police. Mrs. Butler asked who is responsible for regulating the distance of space, trees and barriers. She said that her other concern is with traffic and accidents on that corner. She said she lives on the end and doesn't even let her children ride their bikes on the northbound side of the street. She stated that cars come in so fast because they try to cut through the neighborhood. Ms. Butler stated that they now have an Emergency Facility south on Bell Road, so now there are Emergency vehicles whipping down Bell Road every few hours. She stated that this is a catastrophe in the making.

Mrs. Jones stated that if the property were developed as unincorporated and not annexed into Lemont, it would be up to the County. She said if the property was annexed and developed in the Village of Lemont, then staff is recommending that the transition yard requirements would apply. So the developer of that site would be responsible for maintaining a distance that is free and clear, including landscaping to provide a natural buffer and fencing. Mrs. Jones stated that it would depend upon what the Village Board approves.

Ms. Butler said that the Board has to consider that these are people's backyards.

Dan Noonan, 5 Clearview from Equestrian Estates, asked that before any decisions were made on this case, if the Board would go and see how bad the traffic problems are in the morning and afternoon on these roads. He said that there were a lot of negotiations when the school went in on Bell Road. He said he couldn't even imagine how 300 plus stalls for a commercial property would affect the area. Mr. Noonan said he doesn't understand how you can consider a special use for drive-throughs without any plans. He stated that anything with a drive-through would not help the community and it would decrease their property values. Mr. Noonan stated that as far as the residential portion, everything around in the area is one acre or more. He said they would like to keep the area as beautiful as it is with acre plus lot sizes.

Malcolm Derrick, 20 Equestrian Way in Equestrian Estates, stated that he remembers years ago there was a proposal to develop the southwest corner of Bell and McCarthy with 40,000 square foot lots. He said however the Village of Lemont blocked that. He stated that this is another power play between the Village of Lemont and the Village of Palos Park. He stated that in Equestrian they have one-acre lots, and to develop across the street 12,500 square foot lots would be completely out of character. Mr. Derrick

said that he was upset with the presentation that staff had presented. He said that he is adamantly apposed to this proposal.

Eve Markou, 6 Surrey Lane in Equestrian Estates, stated that her back yard faces Bell Road. She said the traffic, especially in the morning, is unreal. She stated that what they are proposing with these two parcels is not right when they have one-acre plus home sites. She stated that she is also adamantly against the proposal.

Greg Gilbertson, 81 Horseshoe Lane in Equestrian Estates, stated that he agreed with all the comments made by his peers. He asked what was the benefit here. He said, for the residents, there is no benefit with developing these two corners. He stated that he has lived here for 23 years. All he can see is increased traffic and decreased property values. He said the Village would get a tax base and revenue. He commends Lemont for the development that they have done. Mr. Gilbertson said that they have the big box stores in the area. Homer Glen, to the south, is a great example of going overboard on commercial. He said they are slaughtering that end of Bell Road. He stated take a look at our strip malls that are empty. He said as a community we don't need commercial on that corner, there is enough in Lemont.

Vicki Melonas, 8 Horseshoe Lane, stated that she is a realtor. She said Lemont is a lovely community and Equestrian Estates as a whole has stood by Lemont. She said Palos has wanted to annex them, but they keep saying no. Now they would like the Village to reciprocate for them. She said being a realtor there are two killers to property values, power lines and if your backyard faces commercial property. She stated that they could drive to Lemont to go shopping, and that they don't need it on their corner.

Dan Bechtloff, 26 Sun Hill Lane, stated that his yard backs up to this southwest lot and finds it shocking that his property value would not go down because of it. He said that there are three blind hills on Bell Road. Two of the hills are on Bell Road and one is on McCarthy. He said that he finds it shocking that they would not expand the streets and expect no increase in accidents. Mr. Bechtloff asked where the 3D graphics were to show what is going to be built. He stated that he finds it hard to believe that they do not know who is going to use the two drive-throughs. He said everything is too vague and he can't believe the Village would approve this without details.

Marcia Lafa, 152 Galway Road, asked if they annexed this property how far are they carrying the water. She asked would they have to get American water and pay \$500 for water. She also asked how much her taxes would be going up.

Mrs. Jones stated that only these properties that they have petitions for would be annexed in at this time. She said water and sewer would be brought up Bell Road where they currently have water and sewer. She told Ms. Lafa that she would stay on well and septic. Mrs. Jones stated that her taxes would not change; it would only affect the properties being annexed.

Ms. Beth Butler stated that she grew up in Palos Park. She said that the pull to Palos Park is the land that is not developed. She said behind the farms are nature preserves that are protected. She said they don't even allow horses through there. She said many people come to this beautiful place of Lemont and Palos because it is so beautiful. Ms. Butler stated that she was so pleased to see what Lemont did to the Quarries. She said that they are cleaning up the garbage in Lemont. She said to make this move would be a step in the opposite direction.

Charles Englund, 20 West 115<sup>th</sup> Street, stated that he is a resident and part of the Lemont Township Planning Commission. He said that Bell and McCarthy Road are not improved for business traffic at this corner. He said they do not need the business on this corner and it would probably be strip malls anyways. He stated that there are a lot strip malls that are currently empty. He said the residential on the north side is too dense for this area. Mr. Englund asked to not approve these two proposals that do not blend with this area. Any development on these two areas should be within the current zoning.

Marsha Hunter, 8 Carriage Lane in Equestrian Estates, stated that she has lived here 21 years. She said within three miles there are seven banks, 14 storefronts that are available for lease and there is more land down on Bell waiting to be developed. She asked why would Lemont want commercial here. It would draw away from the areas on 127<sup>th</sup> and the one at Derby and Archer that the Village is trying to develop and are vacant. She stated that they moved here for the rural feel of the area. She stated that the traffic has already been discussed. Ms. Hunter said that the water and sewer sounded like it was a proposal or is it a done deal.

Mrs. Jones stated that they would have to be annexed. She stated that the Village requires them to have water and sewer for development.

Ms. Hunter asked what would stop the developer from the southwest side, once they get annexed, selling off the parcels and not subjecting them to these regulations and public scrutiny.

Mrs. Jones stated that it would be possible for the developer to do a commercial subdivision on that southwest side. She said that the commercial subdivision would have to go through a public meeting process, but then individual developments would possibly not. She said the most likely scenario is that the development would fall under the Planned Unit Development requirements. She stated that there are certain thresholds of square footage were they would have to go through a special use approval. Mrs. Jones said more likely than not they would have to go through a public hearing process, but there are no guarantees.

Ms. Hunter stated that she received other e-mails from other residents in the area. She asked if she could give them to staff.



Mrs. Jones stated that she would take them and that they would become part of the public record.

Ms. Goushas stated that the Village just recently came down Main Street with water and sewer, but did not include everyone. She said there is no guarantee that Lemont is going to go all the way out to McCarthy.

Mrs. Jones stated that those homes that were not included on route 83 were not part of the Village.

Cindy DeMarie, 3 Galway Court, stated that she has lived here for 23 years. She stated that the nine acres on the southwest corner was supposed to be one-acre lots. She said since then it has changed hands. She would like to thank Equestrian Estates, because her subdivision is just a few people. They appreciate their help and voice in this. She stated that she moved out of Orland Park, because of the congestion. Ms. DeMarie said that the only thing she would want to see on either property is residential. She said that the area is a housing area, and that is the way they would like to keep it.

Chairman Schubert asked if anyone else would like to make a comment. None responded. He then asked if Mr. Klein would like to respond to any of the comments.

Mr. Klein stated that Equestrian Estates is a lovely area. He said it was developed with well and septic, that is the basis for the lot size. He stated that you could also have a lovely area with lot sizes at 12,500 square feet. Mr. Klein stated that there was no inconsistency with Equestrian Estates on one side and a beautiful subdivision in the future with development on the other side. He stated that if the Village chooses to annex these properties, provide the water and sewer in conjunction with the development of the properties, then the lot size they are talking about would be appropriate for development. Mr. Klein stated that traffic has increased here and everywhere else. He said the peaks from the operation of a commercial center would offset the peaks of the residential traffic. He said that there would have to be some modifications to the intersection to improve the traffic situation from what it is now. Mr. Klein stated that the applicants have the desire to become part of the Lemont community with the development of these parcels. He stated that officials from Lemont have contacted both property owners about coming to Lemont and proposing appropriate zoning for these properties.

Mr. Turano asked if they have done any demographics or studies on what kind of impact they would have on area.

Mr. Klein stated that when Preferred acquired the property, they would have looked at the impact. He said they are professional developers and do some assessment before they acquire the property. He said that Mr. Morabito could describe some demographic reasons as to why this property is a viable commercial property. Mr. Klein stated that showing 17,000 cars come down this road would be a good traffic basis for a developer. He stated that also the economics of the Lemont community and the Palos community

that surrounds the area is another basis that a commercial developer looks at. Mr. Klein stated that the economy has had a devastating impact with the development of this site at this moment. He said what they are asking for is to be annexed into Lemont and to be able to work with the Village of Lemont to provide water and sewer to the location. He said as far as the demographics of the corner, they did look at the traffic. Mr. Klein stated that they did not have a specific plan or a specific user. However, they are taking the first step in that process to find a community that this developer wishes to part of for this project. He said also setting the utilities in place for the commercial development and in conjunction to provide utilities to allow residential development to a site that has been vacant for years. He said if the neighbors would like to participate in the water and sewer, he was sure that the Village of Lemont would be receptive.

Mr. Turano said that they have respectably seen the growth in Lemont and it is now in the Board's hands. He said you know that the residents are against this plan. He stated they would like to see residential eventually, but would like to see the area go up not down.

Chairman Schubert stated that he would like to let the Commissioners make any comments at this time. He said he would be the first to speak. He said he has lived here many years and have seen this town grow. He said he believes in growth, but does not agree with what they are proposing for commercial at this time. He stated that the Comprehensive Plan shows that the area is suppose to be low density. Chairman Schubert stated that the B-3 zoning can take on any kind of look and he is not comfortable with that for that area. He said that his feelings are residential on the northwest side with the density being looked at. He stated that for the southwest he does not see commercial there.

Commissioner Maher stated that the objective of the Board is to do things within the Comprehensive Plan. He said that this area is zoned for residential and not commercial. He stated that the Plan is eight years old and one of the things the Village needs to do is revisit the Comprehensive Plan and update it accordingly. Commissioner Maher stated that this is a high congested area and it needs to work things out with the County to improve the traffic situation. He said in general this spot would be good for some commercial as well as residential on the northern side. He stated that he was not sure how much residential could fit on the southern lots. He said either the southern area should be left vacant or changed to commercial because it is so close to the high congestion area. Commissioner Maher stated that it comes down to the Comprehensive Plan and it states that the area should be residential.

Commissioner O'Malley stated this site has potential in the future, but there is a lot of planning that needs to be done to move forward. A traffic study specifically needs to be looked at, which was a big problem for a lot of the residents. He said that at this time he would have to wait and see more information before he could make a decision.

Commissioner Spinelli stated that he was never one to vote on any project that comes before the Board without seeing some kind of plan. He said he understands that it is

hard to get a company to commit to a site, but there is no plan. He stated that he did not have a problem with annexing the properties, however he would recommend annexing them as R-2. This would give them the 45,000 square foot lots and then the petitioners can come back later with a plan. He said then it would be up to the Village Board to make a decision on the property. He stated he did not like letting them come in and get the highest up front without a plan.

Commissioner Murphy stated that she agreed with Commissioner Spinelli. She said that she is not opposed with the annexation, but would not want them to come in at the zoning that they are requesting without a plan. She stated that she doesn't think she would change that corner even with a new Comprehensive Plan. She said that area is low density and she would not want that area to lose the rural character. She said that there are very few areas left to develop in Lemont so they have to be choosier in the future.

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to close the public hearing for Case #10-12 and Case #10-13. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Commissioner Murphy made a motion, seconded by Commissioner Maher to recommend approval for Case #10-12.

Chairman Schubert then read the Findings of Fact for Case #10-12:

1. The requested rezoning is consistent with the intent of the Comprehensive Plan in that it provides commercial space along Bell Road, at the intersection of two arterial roads. Although the requested rezoning deviates from the location of commercial land use proposed in the Comprehensive Plan, this deviation is justified by changes in land use that have taken place along Bell Road since the Comprehensive Plan's adoption in 2002. *All Commissioners did not agree.*
2. Sufficient safeguards exist within the Unified Development Ordinance to mitigate any potential incompatibility of commercial use with surrounding residential land uses. *All Commissioners agreed.*
3. Sufficient safeguards exist within the Unified Development Ordinance to ensure that the proposed special use will be designated so that it protects the public health, safety and welfare. *All Commissioners agreed.*
4. The requested special use will create minimal demands for Village Services. *All Commissioners agreed.*

A roll call vote was then taken for recommendation of approval:

*Ayes: O'Malley*

*Nays: Maher, Spinelli, Murphy, Schubert*

*Motion denied*

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to recommend approval for Case #10-13.

Chairman Schubert then read the Findings of Fact for Case #10-13.

1. The requested commercial rezoning is consistent with the intent of the Comprehensive Plan in that it provides commercial space along Bell Road, at the intersection of two arterial roads. Although the requested rezoning deviates from the location of commercial land use proposed in the Comprehensive Plan, this deviation is justified by changes in land use that have taken place along Bell Road since the Comprehensive Plan's adoption in 2002. *All Commissioners did not agree.*
2. Sufficient safeguards exist within the Unified Development Ordinance to mitigate any potential incompatibility of commercial use with surrounding residential land uses. *All Commissioners agreed.*
3. The requested residential rezoning is consistent with the land use recommendations of the Comprehensive Plan for the subject site. *All Commissioners did not agree.*
4. The request residential rezoning allows for a land use type (single-family detached residential) that is consistent with the existing land use of surrounding properties. *All Commissioners agreed.*

A roll call vote was taken for recommendation of approval:

*Ayes: None*

*Nays: Maher, Spinelli, O'Malley, Murphy, Schubert*

*Motion denied*

#### **IV. GENERAL DISCUSSION**

Mrs. Jones stated that at the Committee of the Whole meeting on Monday night they were going to talk about what it would cost to re-look at the Comprehensive Plan. She said they would also talk about if they want to look at a portion of the Plan or the whole thing and whether to do it in house or get a consultant. She said once they have an idea of a financial commitment from the Village Board then her and Mr. Brown can start a plan of work for the project.

Commissioner Spinelli asked Mrs. Jones if someone could look at the ranch home in Smith Farms at 16601 Harvest. He said it is the only structure being built right now next to the detention basin. He said they put the public walk in across the front of their lot and across the front of the vacant lot west of the house. However they left a 20-foot gap to the existing walk that they put in when they went through the detention basin. Commissioner Spinelli stated that before staff approves occupancy, they need to know who is going to put that 20-foot gap of sidewalk in.

Commissioner Spinelli stated that the final surface needs to be put on the roads in Mayfair Estates. He said that they have enough homes in Mayfair to put the final layer on those roads. He stated that the binder coat is really rough.

Mrs. Jones stated that they are talking with Dr. Evans about several issues in Mayfair.

Commissioner Murphy stated that there is a sewer cover that is broken and needs to be fixed in front of 526 Ledochowski. She said that she has been calling for two years.

Commissioner O'Malley had asked about an article that he read that talks about funds from the State or the County being used for improving the canal.

Mrs. Jones stated that the article was referring to the Canal Corridor Association's Corridor Management Plan. Discussion then continued about this Plan.

Commissioner O'Malley said that a lot of communities are doing some kind ordinance towards foreclosures and how they handle the properties. He asked what Lemont is doing.

Mrs. Jones said that they just adopted a vacant property ordinance that gives the building department a little leverage to get into those buildings and check them out.

Discussion continued about the updating of the Comprehensive Plan and potential commercial zoning areas.

## **V. ADJOURNMENT**

Commissioner Maher made a motion, seconded by Commissioner O'Malley to adjourn the meeting. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*



Equestrian Estates Homeowners Association  
<eehainformation@gmail.com>

PZC hearing

## FW: Alert - Zoning Meeting for Bell and McCarthy Roads - COMMENTS

1 message

Magda Chuchra <madziocha@hotmail.com>  
To: eehainformation@gmail.com

Wed, Sep 15, 2010 at 11:06 AM

To the EEA Board Members:

The following are some concerns we had with the proposed annexations:

- Bell Road and McCarthy Road are narrow one lane roads. With the new developments there is a potential of **increased noise and traffic**. Also, if more business develops, the roads may potentially be widened which will be an **added cost to the tax payer**.
- Currently, there are currently approximately **207** single family homes for sale or pending sale and **68** vacant lots for sale in Lemont. This does not include many vacant lots that are not for sale. Some examples include:

**\*The Glens of Connemara**

- 6 single family homes for sale
- 3 vacant lots for sale

**\*Briarcliffe**

- 7 single family homes for sale, including **1 builder abandoned/unfinished home**
- 4 vacant lots for sale

**\*The numbers do not include any homes that are currently being constructed and are not on the market for sale.**

**Because of the current state of the economy, many of the homes have been on the market for a prolonged amount of time and at a reduced cost which drives the value of other homes in the community down.**

**Many of the subdivisions have been unfinished and have multiple vacant lots or homes that are not finished and are not about to be finished because the builder is in no rush to finish them due to financial hardships or no potential buyer. A subdivision takes years to fully build out and sell especially in today's hard real estate market. Before the community planners approve a subdivision with a reduced lot size of 12,500sq. ft rather than 40,000 sq. ft. they should examine the current state of other such subdivisions. Leaving empty lots or unfinished buildings is unacceptable and serves as an invitation for thieves to explore the areas. Also unfinished subdivisions are esthetically unappealing to potential buyers which prolongs the process of selling the properties.**

The Lemont community planners should consider the current state of our economy and put a lot of thought into granting permission to build more homes on the property. Also the added traffic is a big concern for us, as our property sits second from Bell Road and any changes in the traffic pattern would mean an added noise level.

Please bring our concerns to the meeting today. We just moved into EE and value the quiet and carefree lifestyle that the community has to offer.

Thank you

Magdalena & Piotr Chuchra  
4 Carriage Lane  
Lemont, IL 60439  
773-391-1892

Date: Tue, 14 Sep 2010 13:16:53 +0000

To: [madziocha@hotmail.com](mailto:madziocha@hotmail.com)

Subject: Fwd: Alert - Zoning Meeting for Bell and McCarthy Roads

--Forwarded Message Attachment--

From: [eehainformation@gmail.com](mailto:eehainformation@gmail.com)

To: Subject: Alert - Zoning Meeting for Bell and McCarthy Roads

Date: Sun, 12 Sep 2010 01:22:25 -0500

**Equestrian Estates Homeowners Association**

*September 11, 2010*

This is an email alert concerning an upcoming Lemont Zoning Meeting 9-15-2010

On September 15, 2010 there will be a meeting of the Village of Lemont Planning and Zoning Commission. At this meeting the Commission will be considering two applications for annexation and rezoning to Lemont of the properties located at the SW and NW corner of Bell and McCarthy Roads. The owner of the SW corner (Preferred Palos, LLC) is requesting a zoning of B-3 (Arterial Commercial) and the owners of the NW corner are requesting a B-3 zoning (1.7 acres) and R-4 zoning (residential with 12,500 sq. ft. minimum) for 20.9 acres. Both properties are presently in Unincorporated Cook County with an R-3 zoning (minimum lot size of 40,000 sq. ft.)

The Village has posted on their website the details of each proposal under their agenda for the September 15<sup>th</sup> meeting. Click on this link ( <http://www.lemont.il.us/archives/40/9-15-10%20Agenda%20Packet.pdf> ) to go directly to the agenda and the report; the report actually begins on page 9 of 54. Please consider attending the meeting to show the Village that we are interested in any development of the two areas and to voice your concerns, questions and opinions. You can also email the Association at [EEHAinformation@gmail.com](mailto:EEHAinformation@gmail.com) with your comments and we will bring them with us to the meeting.

*The Equestrian Estates Homeowners Association Board*

[EEHAinformation@gmail.com](mailto:EEHAinformation@gmail.com)

Hotline: (708) 802-3342

**2 attachments**



**image001.png**  
6K



**image002.jpg**  
4K





**Equestrian Estates Homeowners Association**  
<eehainformation@gmail.com>

## concerns on redevelopment

**Aurie Wilk <auriemw@comcast.net>**  
To: EEHainformation@gmail.com

**Sun, Sep 12, 2010 at 6:47 PM**

Hi!

Jim and Aurie Wilk at 6 Carriage Ln. cannot be present at your proposed meeting on Wed night but here are some of our concerns. Thank you so much for bringing them to the attention of others during your meeting.

Impact on intersection and surrounding communities on:

1. Increase of criminal activity in area
  - a. What was increase in criminal activity with the development of Archer & McCarthy shopping centers.
    - 1) all reports via newspapers (Southtown Star) show majority of criminal activity to be on the increase in that area.
2. Increase of traffic -
  - a. Plan for widening of roads to accommodate proper traffic patterns, especially with drive-thrus as stated, and the impact of wayward vehicles into residential neighborhoods that are presently quiet and non traveled areas.
3. Support for commercial development.
  - a. Based upon density of population in this area or lack of density, in this area suited for this type of development as a necessity.
    - 1) Is the shopping area at McCarthy & Archer sustaining itself or are you going to have to move vacant property in the near future.
  - b. Considering that there are shopping centers immediately to the south (@143rd St) is it necessary to reconfigure our residential community into another shopping disaster.
4. Water Retention:
  - a. Where is all the water overflow going to go--ponds?
    - 1) McCarthy Rd. -east of intersection cannot sustain adequate drainage and

floods, even after snow removal.

As a member of this Homeowner Association I feel we should get very involved in this project.



**Equestrian Estates Homeowners Association**  
**<eehainformation@gmail.com>**

## Zoning Meeting 9/15/2010

2 messages

**Guenther Schmidt**

**Wed, Sep 15, 2010 at 7:27**

**<GSchmidt@spmarchitects.com>**

**AM**

To: "EEHAINformation@gmail.com" <EEHAINformation@gmail.com>

I reviewed the attached information regarding the two applications for annexation & re-zoning at Bell & McCarthy Roads. I am against the re-zoning of any R-1 property to B-3 at that location. The proposed site plan for the SW corner of Bell & McCarthy shows a mixed use two story building, bank, another building and parking for 323 cars, which is not an appropriate use for that location and will cause traffic congestion at that intersection.

The re-zoning of the R-3 to R-4 on the NW corner should not be allowed or approved without a site plan that shows the location & size of the residential lots, streets & utility right of ways.

**Guenther Schmidt, AIA**

SPM Architects, Inc.

8104 W. 119th Street, Unit 1230

Palos Park, IL. 60464

708-671-0446 phone

708-671-0558 fax

**Guenther Schmidt**

**Wed, Sep 15, 2010 at 7:35**

**<GSchmidt@spmarchitects.com>**

**AM**

To: "EEHAINformation@gmail.com" <EEHAINformation@gmail.com>

Correction to my previous e-mail. The existing zoning is R-3 not R-1, so I am

against the re-zoning of any R-3 property to B-3.

**Guenther Schmidt, AIA**

**SPM Architects, Inc.**

8104 W. 119th Street, Unit 1230

Palos Park, IL. 60464

708-671-0446 phone

708-671-0558 fax

**From:** Guenther Schmidt

**Sent:** Wednesday, September 15, 2010 7:27 AM

**To:** '[EEHAinformation@gmail.com](mailto:EEHAinformation@gmail.com)'

**Subject:** Zoning Meeting 9/15/2010

[Quoted text hidden]



# *Frank Novotny & Associates, Inc.*

825 Midway Drive ♦ Willowbrook, IL ♦ 60527 ♦ Telephone: (630) 887-8640 ♦ Fax: (630) 887-0132

*Civil Engineers/  
Municipal Consultants*

August 6, 2010

Ms. Charity Jones  
Planner  
Village of Lemont  
418 Main Street  
Lemont, Illinois 60439

Re: **Case 10-012**  
**McCarthy & Bell**

Dear Charity:

I have reviewed the Case packet for Case 10-12 and do not have any objections to the project.

We have been working with the applicant to implement a plan to bring sanitary sewer and water mains to the site, via the Glens of Connemara, West Shore Pipeline, the First Church of the Nazarene, and the applicant property. The Case packet includes a map of the proposed plan.

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

Sincerely,

**FRANK NOVOTNY & ASSOCIATES, INC.**

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

JLC/dn

Enclosure

cc: Mr. Ben Wehmeier, Administrator  
Mr. James Brown, Planning & Econ. Development Director  
File No. 09321



**LEMONT FIRE PROTECTION DISTRICT**



**BUREAU OF FIRE PREVENTION**

15900 New Avenue  
Lemont, IL 60439  
Business: (630) 257-0191  
Fax: (630) 257-5318  
lemontfire.com

August 02, 2010

Ms. Charity Jones  
Village Planner  
Village of Lemont  
418 Main Street  
Lemont, Illinois 60438

Re: Case 10-12 Commercial Annexation for McCarthy and Bell Road.

Dear Ms. Jones:

This Department is in receipt of the above mentioned submittal. After reviewing this application and related documents, the following items need to be addressed or clarified. They are:

- A looped water main around the perimeter of the property is strongly recommended.
- Location of fire hydrants shall be at 300 feet intervals.
- As a reminder the steamer ports on these hydrants shall be equipped with a five inch storz fitting with a cover/cap. The cover cap shall be connected to the hydrant with a 0.125 vinyl coated aircraft cable.
- These hydrants shall be so located within ten feet from the roadway.
- Since each of these buildings shall be protected throughout by an approved automatic sprinkler system, the exterior fire department connection shall be so located within 75 feet of a hydrant.

These items need to be addressed and incorporated in the plans at the time of submittal for permit application for site development. If you should have any further questions please don't hesitate to contact me.

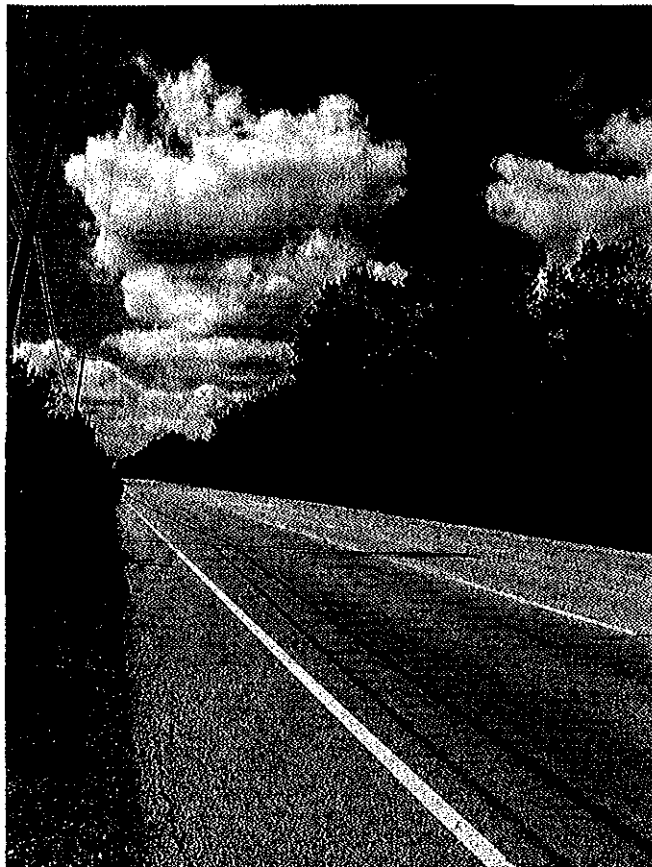
Sincerely,

  
John F. Rutkowski  
Fire Marshal

cc: file  
cc: Chief Churulo



Subject Site



Looking West on McCarthy from Subject Site



NE corner of Bell & McCarthy – Equestrian Estates



SE corner of Bell & McCarthy – Forest Preserve District





Subject Site as viewed from Galway



Adjacent Property to the west

# Annexation Application Form (with or without rezoning)

## TYPE OF APPROVAL REQUESTED

**CHECK ALL THAT APPLY:**

- Annexation and Annexation Agreement
- Rezoning

## APPLICANT INFORMATION

Applicant Name: Preferred Palos LLC by Matthew Klein ally

Company/Organization: Preferred Development Co  
325 Floor  
141 W Jackson Chicago IL

Address: 322 W Burlington  
La Grange IL 60525

Telephone & Fax: 312-327-2700 312-987-1101 FAX  
708-354-8840  
708-354-8850 FAX

E-mail: tom@preferreddevelopment.com MMK131@AOL.COM

**CHECK ONE OF THE FOLLOWING:**

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

## PROPERTY INFORMATION

Address of Subject Property/Properties: SW Corner McCarthy & Bell

Parcel Identification Number of Subject Property/Properties: 22-26-401-032-0000

Size of Subject Property/Properties: Approx 8.69 Acre

## DESCRIPTION OF REQUEST

Brief description of the proposed annexation/rezoning: Annex & Zone B-3 - M Special Use

## REQUIRED DOCUMENTS

See Form 506-A, Annexation Application Checklist of Required Materials, for items that must accompany this application.

## FOR OFFICE USE ONLY

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

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

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

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

# Annexation Application Form

Village of Lemont

## APPLICATION FEE & ESCROW

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

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

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

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

Required Escrow = \$750 for annexation, plus \$500 for rezoning

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

## AFFIRMATION

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

X 

Signature of Applicant

6/29/10

Date

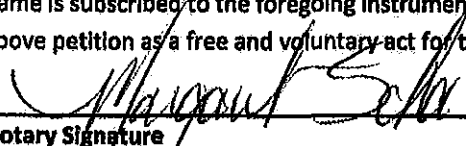
Illinois

State

Cook

County

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



Notary Signature



Given under my hand and notary seal this 28<sup>th</sup> day of June A.D. 20 10

My commission expires this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

Village of Lemont

Planning & Economic Development Department

418 Main Street Lemont, Illinois 60439

phone (630) 257-1595

fax (630) 257-1598

Rezoning Application Form

APPLICANT INFORMATION

Preferred Pubs LLC

Applicant Name

Preferred Development

Company/Organization

141 W Jackson, 35th Floor

Applicant Address Chicago, IL 60606

312-327-2780

Telephone & Fax 312-987-1101 FAX

tom@preferreddevelopment.com

E-mail

by Matthew Klein - attorney

322 W Burlington  
La Grange, IL 60525

708-354-8840

8850 FAX

mmk131@401.com

CHECK ONE OF THE FOLLOWING:

Applicant is the owner of the subject property and is the signer of this application.

Applicant is the contract purchaser of the subject property.

Applicant is acting on behalf of the beneficiary of a trust.

Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

SW corner McCarthy & Ball

Address of Subject Property/Properties

22-26-401-032-0000

Parcel Identification Number of Subject Property/Properties

Approx 0.69 Acre

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Requested Zoning: B-3 with SU

REQUIRED DOCUMENTS

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

FOR OFFICE USE ONLY

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

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

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

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

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

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

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

# Rezoning Application Form

Village of Lemont

## APPLICATION FEE & ESCROW

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

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

Fee is non-refundable.

### Required Escrow = \$500

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

## AFFIRMATION

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

*[Handwritten Signature]*

Signature of Applicant  
*Illinois*

State

*6/28/10*  
Date  
*Cook*

County

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

*[Handwritten Signature]*  
Notary Signature

Given under my hand and notary seal this *28<sup>th</sup>* day of *June* A.D. 20 *10*

My commission expires this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_



# Special Use Application Form

### APPLICANT INFORMATION

Preferred Palms, LLC  
Applicant Name

Preferred Development  
Company/Organization

141 W Jackson, 35th Floor  
Applicant Address Chicago IL 60606

312-327-2700 314 987-1101 FAX  
Telephone & Fax

tom@PreferredDevelopment.com  
E-mail

### CHECK ONE OF THE FOLLOWING:

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

### PROPERTY INFORMATION

Sw corner McCarthy & Bell  
Address of Subject Property/Properties

22-26-401-032-000  
Parcel Identification Number of Subject Property/Properties

Approx 669 sq ft  
Size of Subject Property/Properties

### DESCRIPTION OF REQUEST

Allow two drive throughs as part of B-3 shopping center  
Brief description of the proposed special use  
development

### REQUIRED DOCUMENTS

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

FOR OFFICE USE ONLY	
Application received on: _____	By: _____
Application deemed complete on: _____	By: _____
Current Zoning: _____	
Fee Amount Enclosed: _____	Escrow Amount Enclosed: _____

# Special Use Application Form

Village of Lemont

## APPLICATION FEE & ESCROW

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

### Required Escrow = \$500

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

## AFFIRMATION

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

  
Signature of Applicant

6/28/10  
Date

State

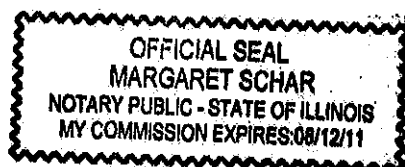
County

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

  
Notary Signature

Given under my hand and notary seal this 28<sup>th</sup> day of June A.D. 20 10.

My commission expires this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_.



# Special Use Criteria Worksheet

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

Please describe below how your variation request meets the criteria of UDO Section 17.04.140.C. Attach additional sheets if necessary.

## UDO Section 17.04.140.C.1

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

Full retail development of primary commercial gateway to town and west end of Palms requires provision for drive through for financial pharmacy or food service.

## UDO Section 17.04.140.C.2

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

The future drive through lanes will be so designed

## UDO Section 17.04.140.C.3

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

No negative impact from commercial development of long planned commercial corner will result from incorporating drive through lanes in initial site development plan.



**UDO Section 17.04.140.C.4**

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

*No excessive demand or impairment will result from requested special use.*

**UDO Section 17.04.140.C.5**

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

*The requested special use is consistent.*

**UDO Section 17.04.140.C.6**

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

*The special use meets such standards and is consistent with commercial development at the location.*

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF COOK        )

PETITION FOR ANNEXATION

TO THE VILLAGE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF LEMONT  
COOK COUNTY, ILLINOIS

The undersigned respectfully represent, state and request as follows:

1. That the undersigned are all of the owners of record of all the land in the following described territory:        **SEE ATTACHED**
2. That the undersigned comprise at least 51% of the electors residing within said territory; and that at least 51% of such electors join in this petition.
3. That such territory hereinbefore described is not within the corporate limits of any municipality, but is contiguous to the Village of Lemont, Cook County, Illinois, a municipality organized and existing under the laws of the State of Illinois.
4. That the undersigned, as all owners of record of the aforesaid land and territory and as at least 51% of the electors residing on said land or territory, hereby petition that said territory be annexed to the Village of Lemont, Cook County, Illinois, conditioned upon entry of an annexation agreement acceptable to such Owners.

OWNERS AND ELECTORS

Preferred - Palos, LLC  
By: Thomas Morabito  
Managing Member

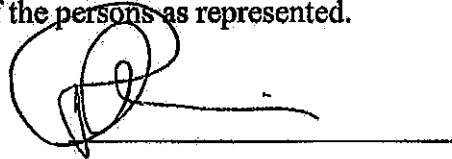
Signature:   
Print name: Thomas Moabito

Address: 141 W Jackson, 35<sup>th</sup> Floor  
Chicago, IL 60604

Owner     Elector

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

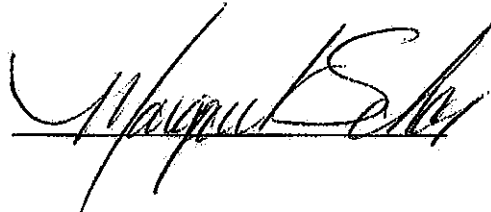
I, the undersigned, being first duly sworn and under oath, depose and say that I am a party to the above petition, have knowledge of the facts stated therein, have read the contents thereof, and that the matters and things therein contained are true in substance and in fact and the signatures on the Petition are the genuine signatures of the persons as represented.



STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_ personally known to me to be the same person whose name is subscribed to this instrument, appeared before me this day in person and acknowledged that \_\_\_\_\_ signed this instrument as \_\_\_\_\_ own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 28<sup>th</sup> day of June 2010.



**EXHIBIT A**

**LEGAL DESCRIPTION**

A tract of land in the North  $\frac{1}{2}$  of the East  $\frac{1}{2}$  (except the west 250.00 feet thereof) of the Southeast  $\frac{1}{4}$  of Section 26, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois. Bounded and described as follows: Beginning at a Point on the North line of the Southeast  $\frac{1}{4}$  of said Section 26, 796.00 feet east of the West line of the West line of the East  $\frac{1}{2}$  of said Section 26, thence south along a line that is parallel with the said West line of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Section 26, a distance of 746.00 feet east of the West line of said East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Section 26; thence south along a line parallel with the West line of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Section 26 a distance of 276.00 feet; thence west along a line parallel to the Southeast to the Northwest corner of Sunhill Subdivision Unit #1 as recorded April 8, 1981, as Document No. 25833414 in Cook County, Illinois. Thence East along the North line of Sunhill Subdivision Unit #1, a distance of 500 feet to the East line of the Southeast  $\frac{1}{4}$  of said Section 26; thence North along said East line of the Southeast  $\frac{1}{4}$  of Said Section 26, a distance of 710.86 feet to the Northeast corner of the Southeast  $\frac{1}{4}$  of said Section 26, thence west along the North line of the said Southeast  $\frac{1}{4}$  of Section 26, a distance of 531.41 feet to the place of beginning.

# ALTA/ACSM LAND TITLE SURVEY SHOWING TOPOGRAPHY

GRAPHIC SCALE



(IN FEET)  
1 inch = 40 ft.

## LEGAL DESCRIPTION

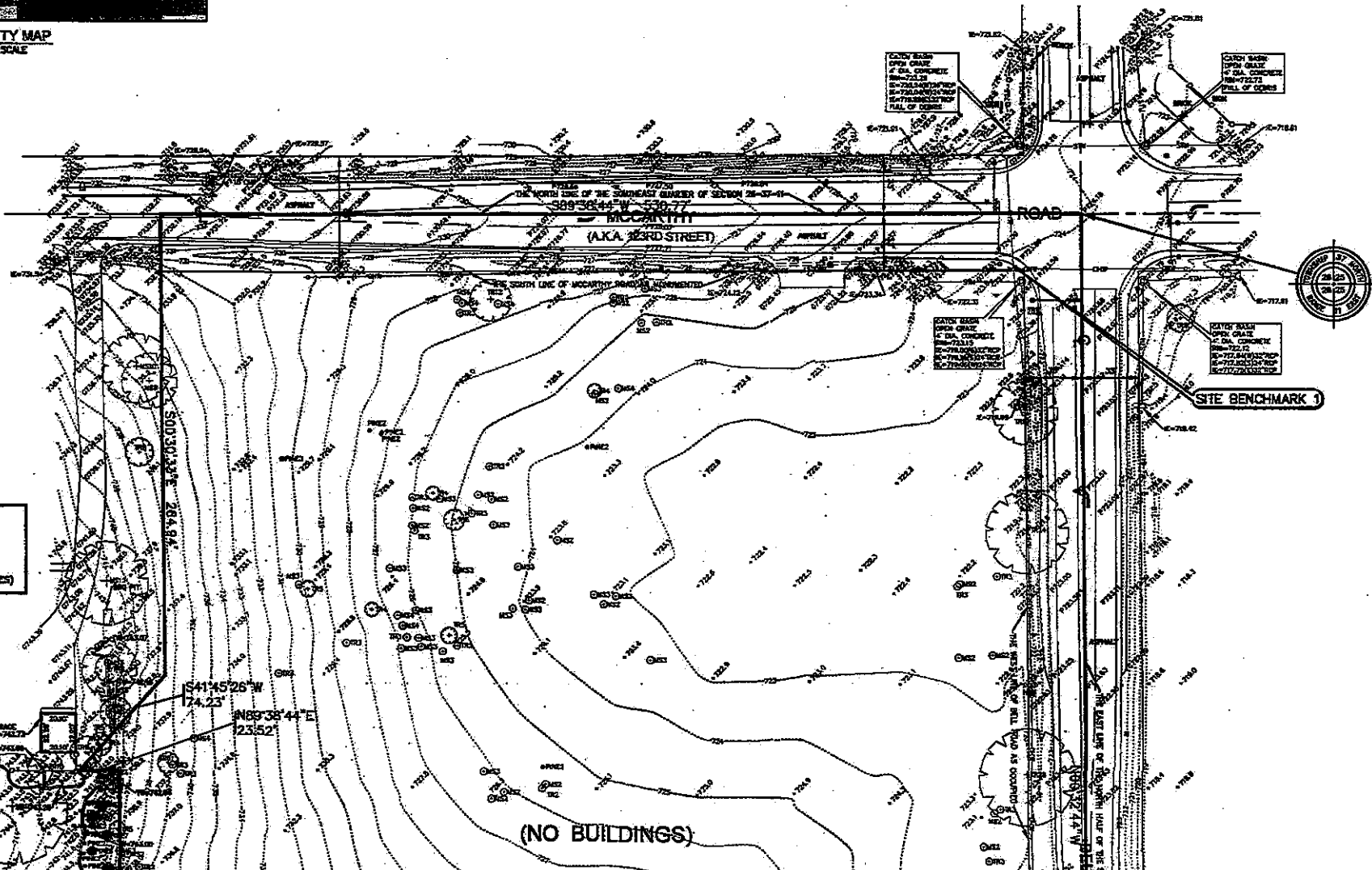
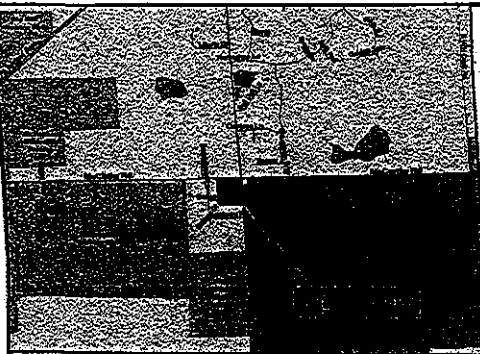
A TRACT OF LAND IN THE NORTH 1/2 OF THE EAST 1/4 (EXCEPT THE WEST 250.00 FEET THEREOF) OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH RANGE 11 EAST OF THE 10TH PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, 750.00 FEET EAST OF THE WEST LINE OF THE WEST 1/2 OF SAID SECTION 28; THENCE SOUTH ALONG A LINE THAT IS PARALLEL WITH THE SAID WEST LINE OF THE SAID WEST 1/2 OF SAID SECTION 28 AND 750.00 FEET EAST OF THE WEST LINE OF SAID SECTION 28 TO THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE EAST ALONG A LINE PARALLEL WITH THE SAID WEST LINE OF THE SAID WEST 1/2 OF SAID SECTION 28 A DISTANCE OF 274.88 FEET; THENCE SOUTHWEST ALONG A LINE PARALLEL TO THE SOUTHWEST CORNER OF SAID SECTION 28 TO THE POINT OF BEGINNING; OR, BEGINNING AT THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 28 A DISTANCE OF 524.41 FEET TO THE EAST CORNER OF SAID SECTION 28; THENCE SOUTH ALONG SAID EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28 A DISTANCE OF 70.00 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 28; THENCE WEST ALONG THE NORTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 28, A DISTANCE OF 524.41 FEET TO THE POINT OF BEGINNING.

\*APPARENT TYPOGRAPHICAL ERRORS CORRECTED BY SURVEYOR

## UTILITY STATEMENT

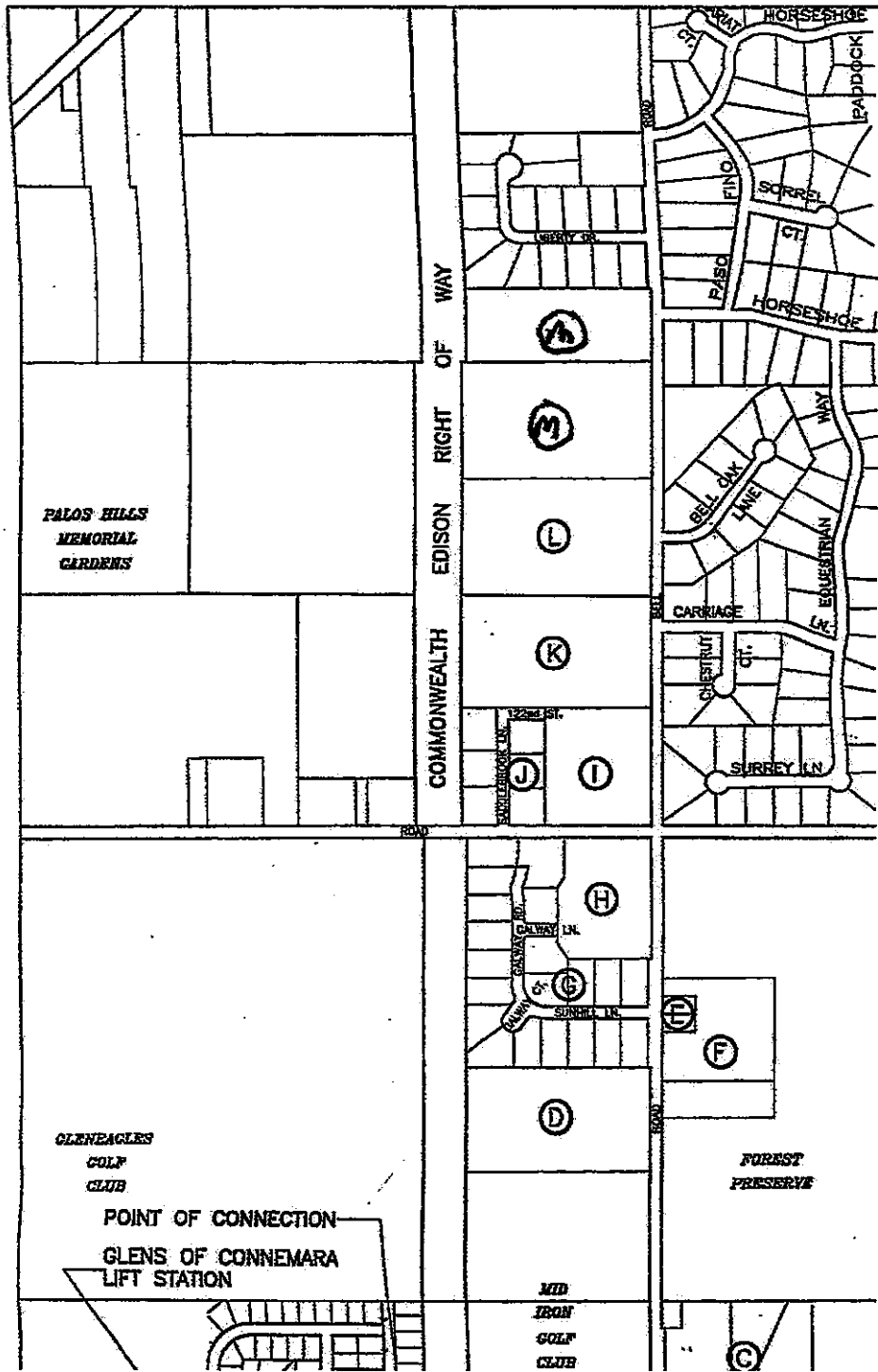
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM YEARS FIELD EXPERIENCE AND TESTING OPERATIONS. SAID UTILITIES ARE SHOWN AS SUPPOSED TO EXIST. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE EXACTLY LOCATED AS SHOWN. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE EXACTLY LOCATED AS SHOWN. ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM AVAILABLE INFORMATION, THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UTILITIES SHOWN. HOWEVER, HE WAS NOT PHYSICALLY LOCATED THE UNDERGROUND LINES.

VICINITY MAP  
NO SCALE



**AREA SUMMARY**  
(TO HEAVY LINES)  
338,733 SQUARE FEET  
OR  
7.68 ACRES  
(BASED ON MEASURED VALUES)

Atter



SCALE: 1"=1000'

**VILLAGE OF LEMONT**

**BELL ROAD SANITARY SEWER & WATER MAIN EXTENSION**

**SERVICE AREA AND FLOW RATES OF 12725 SOUTH BELL ROAD LIFT STATION**

		FLOW (gpd)
(A)	West Shore Pipeline	5 PE 500
(B)	Lemont Fire Protection District	3 PE 300
(C)	First Church of the Nazarene	20 PE 2,000
(D)	Carolyn Kwasniewski (Residential) 14.7 Acre @ 1.5 DU/AC = 22 SFH @ 3.5	7,700
(E)	Carolyn Kwasniewski Wayne Kwasniewski Keith Huges	3.5 PE 1,050 3.5 PE 3.5 PE
(F)	Kwasniewski (Residential) 10.3 Acre @ 1.5 DU/AC = 15 SFH @ 3.5 = 52.5 PE	5,250
(G)	Sun Hill Estates (Residential) 20 SFH x 3.5 = 70 PE	7,000
(H)	Commercial Parcel 8 Acres =	100 PE 10,000
(I)	Commercial Parcel 8.9 Acres =	120 PE 12,000
(J)	Residential Parcel 6 SFH @ 3.5 PE	2,100
(K)	Residential Parcel 15 Acres @ 1.5 DU/AC = 22 SFH @ 3.5 PE	7,700
(L)	Residential Parcel 15.6 Acres @ 1.5 DU/AC = 23 SFH @ 3.5 PE	3,050

Total Lift Station Flow..... 58,650  
58650 gpd = 41 gpm Avg. Flow, 164 gpm max. Design Flow

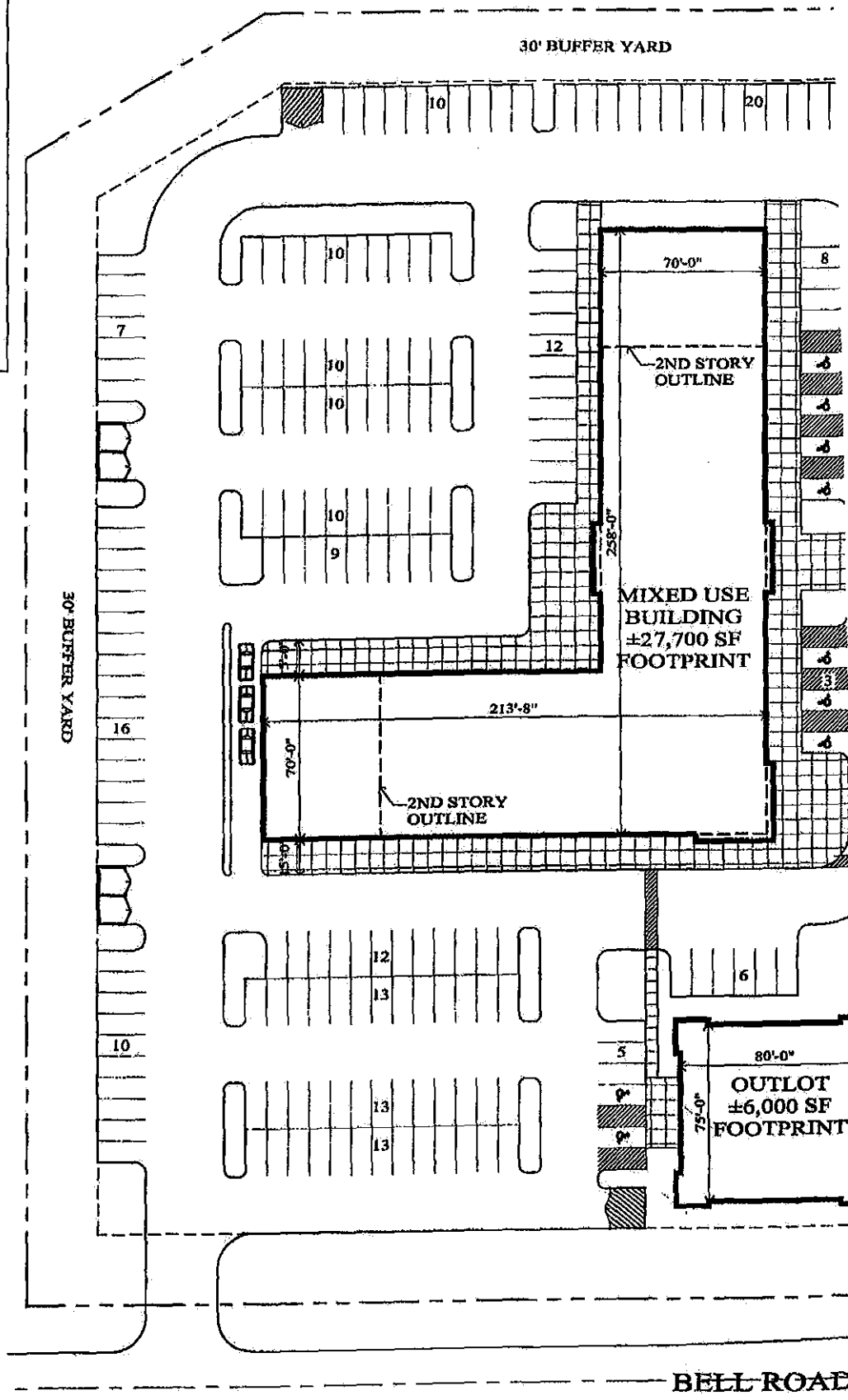
DU = Dwelling Unit (Single Family Home)

OTHER DESIGN FLOW TRIBUTARY TO EXISTING 8" PVC @ 0.5% GRADE AT POINT OF CONNECTION ON DUNMORE DRIVE

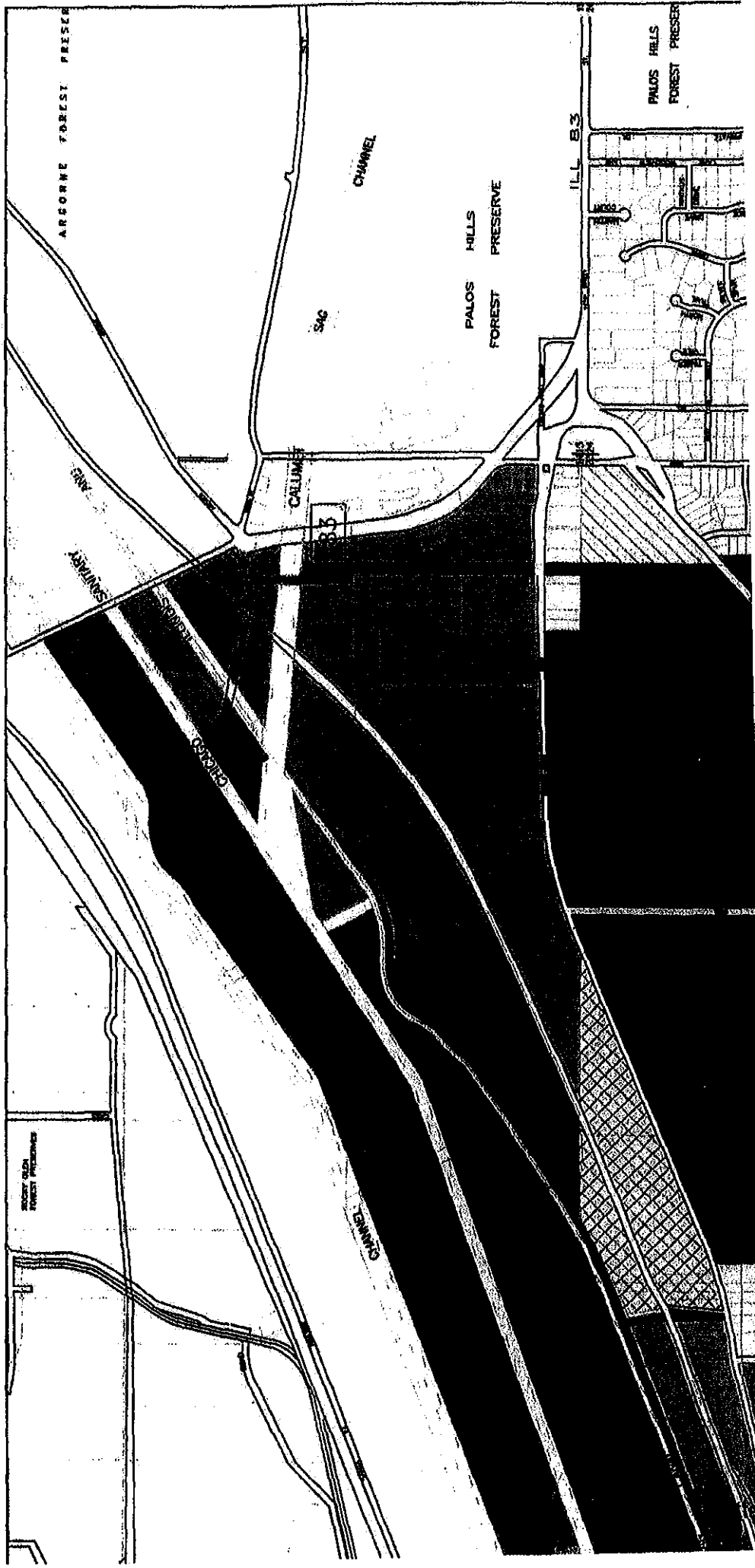


# PROJECT DATA

SITE AREA	±8.69 ACRES
BUILDING AREA:	
MIXED USE BUILDING GROUND LEVEL	±27,000 SF
SECOND LEVEL	±5,200 SF
BANK	±6,000 SF
OUTLOT	±59,200 SF
TOTAL BUILDING AREA	±59,200 SF
DETENTION	±0.88 ACRES
PARKING REQUIRED:	
MIXED USE BUILDING (1 PER 200 SF)	240 STALLS
BANK (1 PER 200 SF)	26 STALLS
OUTLOT (1 PER 200 SF)	30 STALLS
TOTAL	296 STALLS
PARKING PROVIDED:	
INCLUDING HANDICAP:	±323 STALLS
	±11 STALLS









Village of Lemont  
*Planning & Economic Development Department*

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

TO: Committee of the Whole #120-10  
FROM: James A. Brown, Planning & Economic Development Director  
THRU  
SUBJECT: Full Circle Group / Biley Property  
DATE: October 13, 2010

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**SUMMARY**

Mark Hannah of Full Circle Group has been negotiating to purchase the Biley junkyard. He has inquired about the possibility of rezoning the property and receiving special use approval for outdoor storage. He is specifically interested in container storage and/or aggregate (e.g. sand) storage. I informed him that based on previous applications that the Board would probably be reluctant to approve the aggregate storage on the site. I was unsure whether the Board would consider container storage. We thought it best that he raise the proposal directly with the trustees before pursuing purchase, engineering, or applications for rezoning and special use.

**DISCUSSION**

Under what circumstances, if any, would the trustees favorably consider the rezoning and special use for outdoor storage of (1) containers and (2) sand and aggregate? Mr. Hannah will be at the meeting and bring some air photos and/or maps of the area.

# **Village Board**

## **Agenda Memorandum**

Item #

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**to:** Mayor & Village Board

**from:** Ralph Pukula, Director of Public Works

**Subject:** Neighborhood Watch on Wheels

**Date:** 10-11-2010

### **BACKGROUND/HISTORY**

Lemont has Neighborhood Watch programs currently active in many village neighborhoods. The Public Works Department shares the same concern as the Police Department for the well being and safety of the residents. We see an opportunity to take Neighborhood Watch to a new level by beginning a new Public Works program, **Neighborhood Watch on Wheels.**

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

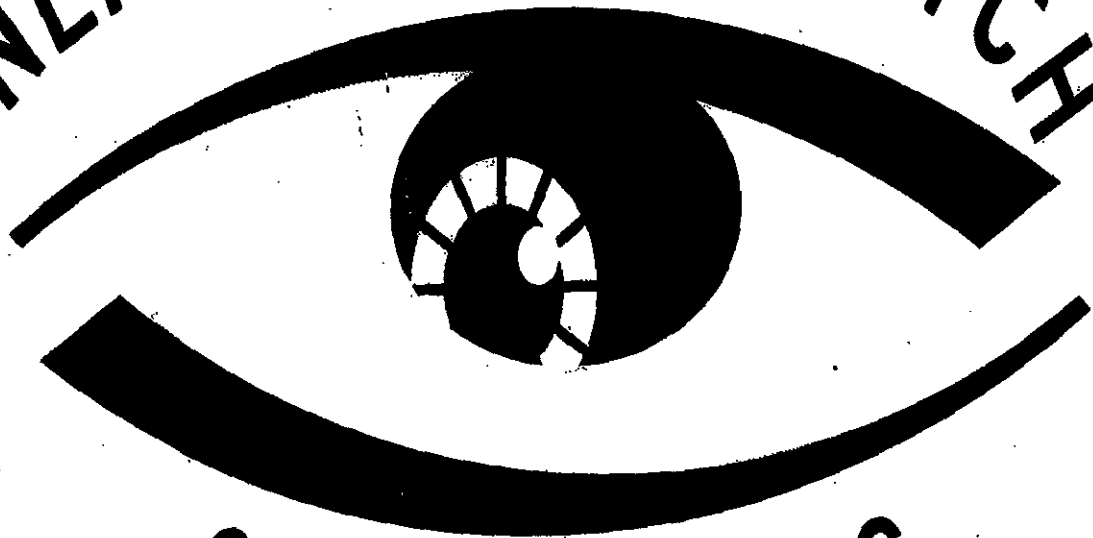
The goal of the program is to assure Lemont residents that the Public Works Dept. will report any suspicious activity to the Lemont Police Dept. immediately. The Public Works Dept. is involved in many different activities in many different locations at all times of the day. By attending meetings with residents and Sgt. Thompson, communication and involvement, the Public Works Dept will add a positive contribution to these programs.

### **ATTACHMENTS (IF APPLICABLE)**

This decal will be placed on Village vehicles to promote the Neighborhood Watch on Wheels program. A press release will be provided for the website and Lemont news media.

**LEMONT P.W**

**NEIGHBORHOOD WATCH**



**ON WHEELS**