

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of April 3, 2019

A regular meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, April 3, 2019 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Spinelli called the meeting to order at 6:34 p.m. He then led the Pledge of Allegiance.

**B. Verify Quorum**

Upon roll call the following were:

Present: Cunningham, Glomp, McGleam, O'Connor, Plahm, Zolecki, Spinelli

Absent: None

Community Development Director Jason Berry, Community Development Manager Mark Herman, Consulting Planner Jamie Tate and Village Trustee Ron Stapleton were also present.

**C. Approval of Minutes – February 6, 2019 Meeting**

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the February 6, 2019 meeting with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS**

Chairman Spinelli welcomed the audience to the meeting. He then asked everyone in the audience to stand and raise his/her right hand. He then administered the oath.

**III. PUBLIC HEARINGS**

**A. 19-04 – 503 SINGER AVENUE VARIATION**

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

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 19-04. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Jamie Tate, Consulting Planner, said the applicant, Matthew Hennebry, is requesting a variation to the UDO (Unified Development Ordinance) to allow a front porch addition to encroach into the required front yard setback. The applicant is planning on to renovate and restore the residence with historical significance and integrity. The applicant is proposing a full restoration of the interior and exterior of the home with a significant rear addition, porch addition, and detached garage. The home currently does not meet the required front yard setback of 25 feet and the addition of a front porch will encroach further into this requirement.

Currently there is a front wood porch that is flush with the front wall of the home which is being used as a stoop or landing rather than a porch. In order to construct a historic and traditional front porch there is no other way but to encroach into the front setback. Today the home sits 14.86 feet from the front property line. The applicant is proposing a front porch that will be approximately 11.8 feet from the front property line. The uncovered stairs leading to the sidewalk along Singer meet the minimum 3 foot setback requirement for steps in all yards.

Mrs. Tate stated the subject property is zoned R-4A Single-Family Preservation and Infill District and it is located in the Historic District. The existing lot will meet the required lot size and width. Per the UDO the required front setback is 25 feet from the property line to the principal structure. There is a provision in the R-4A that allows for a reduced front yard setback if 50% of the block face is proven to have lesser front setbacks. The subject property could then take the average setback for the principal building on the two adjacent properties. Although much of this block has principal structure encroachments of less than 25 feet, the two adjacent properties to the subject property are vacant. If they are built upon they would need to meet the 25 foot front yard setback. She then showed other homes on the block that encroached into the front yard setback. Mr. Hennebry is requesting to encroach into the front yard setback by approximately 14 feet.

For the Standards for Variation you need to look at the UDO section that states the request must be consistent with three standards to be approved. She then read through those standards and staff comments, which the applicant meets all that are applicable. The Comprehensive Plan classifies this site as Infill Residential which talks about redevelopment of older home sites that occur over time and that redevelopment will be consistent with the established character of these neighborhoods. The Comprehensive Plan also talks about in the "Our Home" section about reinvesting in Lemont's housing stock, encouraging infill development, and

preserving architecturally and historically significant buildings in the Historic District.

Mrs. Tate said staff is recommending approval of the front yard setback encroachment variation. Staff believes the addition and renovation will enhance the historic character of the property and district. The addition of the front porch is simple, minimal and appropriate for the style and character of the home, while furthering the goals of the Lemont 2030 Comprehensive Plan.

Chairman Spinelli asked how far will the front steps be from the front property line.

Mrs. Tate said the code states the front steps need to be three feet from the property line and they are at least three feet.

Chairman Spinelli asked when is the Historic Preservation meeting.

Mrs. Tate stated it is April 11<sup>th</sup>. It was scheduled for a previous meeting but they did not have a quorum.

Chairman Spinelli asked what happens if that meeting gets cancelled again.

Mr. Herman, Community Development Manager, said it would go before the Committee of the Whole, but they would like it to go before the Historic Preservation Committee before any official or final approval.

Chairman Spinelli clarified that even if the Village Board approves it, if the Historic Preservation Committee does not then the applicant cannot do it.

Mrs. Tate said yes.

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

### **Applicant Presentation**

Matt Hennebry thanked the Commission for their time. This house has been in his family for a long time and he is the 4<sup>th</sup> generation to own it. He has been researching the house the past couple of years and could not find anything. This has been designed through conversation with his great aunt and his architect.

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

### **Public Comment**

None

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

Commissioner McGleam made a motion, seconded by Commission Zolecki to close the public hearing for Case 19-04. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

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

### **Plan Commission Recommendation**

Commissioner Zolecki made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 19-04, 503 Singer Avenue Variation. A roll call vote was taken:

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

*Nays: None*

*Motion passed*

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to authorize the Chairman to approve the Findings of Fact for Case 19-04 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

## **B. 19-03 TIMBER RUN SUBDIVISION REZONING, PRELIMINARY PUD AND PRELIMINARY PLAT**

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

Commissioner McGleam made a motion, seconded by Commissioner Glomp to open the public hearing for Case 19-03. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Jamie Tate, Consulting Planner, said Taylor Morrison of Illinois is being represented by Mark McLaughlin and are the contract purchaser of the subject property. They are seeking rezoning to R-5A Single-Family Detached and Attached Residential District, a Preliminary PUD and Preliminary Plat of Subdivision. The purpose of the requested zoning entitlements is to allow the construction of a 42 detached single-family home and 52 unit duplex community. Staff is recommending approval with conditions.

The surrounding zoning to the north consists of R-4 Single-Family Detached Residential and to the south is R-1 Single-Family Detached Residential and INT Institutional. The west is vacant and to the east is R-4 Single-Family Residential. The subject property was annexed to the Village on April 10, 2017 for the Vistancia subdivision. At that time it was zoned a combination of R-4 Single-Family Detached and R-5 Single-Family Attached Residential. The Vistancia project consisted of 102 acres with a total of 270 dwelling units divided into two phases. Phase I was approved for 67 single-family detached homes and 54 single-family attached homes. Phase II was approved for 81 single-family detached homes and 68 single-family attached homes. The construction for Vistancia never commenced and final approval was never applied for by the former developer.

The current purchaser of the subject property is proposing to develop the 69.18 acre eastern portion of the Vistancia subdivision with a similar lot and street design. A part of the proposal requires rescinding the Annexation Agreement and replacing it with a Developer's Agreement to be approved by the Village Board. Taylor Morrison is donating the western 28 acre parcel to the Village of Lemont in order to allow more oversight over its future development potential.

Mrs. Tate stated the 94 dwelling units on approximately 69 acres provides an overall density of 1.4 units per acre, but the 28 acre Outlot 104 is being donated to the Village bringing the overall density to 2.3 units per acre. The single-family homes will be on the eastern portion with the duplexes on the western portion. The detached single-family homes will be two-story with a square footage ranging between 2,400 sf to 3,400 sf. The duplex homes will be designed to accommodate ranch and ranch with loft styles ranging in square footage between 1,600 sf and 2,400 sf. Taylor Morrison's single-family and duplexes in Timber Run will be designed to meet the Village's residential design standards, including the newly adopted duplex standards.

There is an appropriate amount of open space and a neighborhood park will be constructed by the developer in the center of the community to be dedicated to the Lemont Park District. The Park District will be involved in the selection of the park equipment and installer. Any leftover money that would have been provided to the park as an impact fee will be given back to the district. Access to Timber Run will be provided via Timber Run Drive located on the northeast portion of the subject property. Public sidewalks will be constructed throughout the development to encourage walkability and to create a connected community.

Mrs. Tate said they did come before the Technical Review Committee on October 3, 2018. At that time, the applicant presented a concept plan that included 80 single-family lots in the R-5A zoning district. The TRC discussed the proposal and provided the applicant with comments. Following the TRC, the applicant revised the subdivision layout to request duplex homes along with single-family detached homes. On November 14, 2018, the revised plan was sent to the TRC and comments were provided to the applicant after the site plan change with no major objections and the applicant then moved forward with submitting an application. The applicant requested a preliminary engineering and zoning UDO review to be performed before turning in the plans that are presented today in order to flush through any major hurdles for the subject property. These preliminary reviews have both been provided in the attachments.

A PUD does provided flexibility which is intended to “encourage development that is more environmentally sensitive, economically viable, and aesthetically pleasing than might otherwise be possible under strict adherence to the underlying zoning district standards”. One variation from the UDO is to provide a park site dedication and fee in lieu and with the PUD they are providing a park site dedication with a fully constructed park site. Staff is recommending approval of this as long as there is a mutual agreement with the Park District. Another requirement is that the pavement width for streets back-to-back curb is 30 feet and 66 feet right-of-way (ROW). They are proposing 30 feet pavement width with 60 feet ROW. The proposed 60 foot ROW is consistent with the prior approved single-family subdivision and the Village Engineer is okay with the request. Another is providing a sidewalk throughout the residential development. No sidewalk is proposed along Timberline Drive on Outlot 100 and 103. Staff recommends installing the sidewalk or providing an escrow for a future sidewalk. There are three requests that apply to the detention ponds. The first is the dry detention shall have a depth of six to eight feet which is greater than the four feet requirement. The basin is proposed at 4:1 and the backslope is 3:1. All of these requests follow the approvals of the previous approved subdivision on the subject property.

Mrs. Tate said the Standards for Rezoning are based on the LaSalle Factors which were established in 1957. She then read through the factors and staff’s analysis which are listed in staff’s report. Another analysis that they look at is consistency with the Comprehensive Plan. The Plan designates the area as Contemporary Neighborhood, which consists of mostly single-family detached homes with some single-family attached homes and multi-family homes incorporated throughout the district. She then read the definition for Contemporary Neighborhood. In the Our Homes section of the plan it talks about achieving and maintaining the right housing mix. It consists of encouraging PUD’s that contain a range of housing products, more single-family attached housing in order to provide the opportunity for families to live near each other at different stages of their lives and allow detached single-family developments on smaller lots. The applicant is proposing to utilize the Village’s newly adopted R-5A zoning district that was a result of the Lemont 2030

plan recommendation. She then read through the PUD objectives and talked about how the proposed development will meet those objectives.

There is one access off of Timberline Drive and a traffic study was performed with the previous Vistancia approval. The Lemont Fire Protection District is satisfied with the boulevard access point off of Timberline Drive. In regards to landscaping, the Village Arborist has reviewed the preliminary plans and has concerns over access in Phase I to Outlot 100 and stormwater basin B. The comments have been provided to the applicant who has not had a chance to reply at this point. The Arborist also had concern about the tree inventory being a little outdated and suggested some staking of certain trees. The arborist also suggested adding some maintenance requirements to the final landscape plan from the UDO and other language to the HOA declarations regarding maintenance of common areas. The Village Ecologist provided a preliminary review and had a note about the native plant guidelines. The Village Ecologist provided the applicant with a checklist of all information that will be needed for final submittal.

Mrs. Tate stated the applicant submitted a rendering of the duplex style type proposed. The duplexes are proposed to be constructed with brick and masonry on a portion of the front elevation, LP Smart Siding and decorative accents. The homes appear to be designed to have the look of detached single-family homes with varying roof peaks therefore helping to blend the duplexes with the detached single-family homes. The applicant has reviewed the Village's anti-monotony requirements and the UDO standards, including the recently adopted duplex design standards. There appears to be about six models, all two-story with a mix of materials, two and three car garage options, and a metal roof accent material to be used on porches and dormers.

The Village Engineer has provided two review letters with comments for the proposed subdivision. The applicant has satisfied all the comments from the first review except stormwater management calculations and information on stormwater detention and volume control, which will be addressed at Final Engineering. The engineer has stated this information forthcoming is acceptable since the proposed Timber Run follows the design criteria from the previously approved Vistancia project. Both the stormwater facilities are either being deeded to the Village of the HOA.

Mrs. Tate said the Fire Marshall mention the two hour separation needed between duplex units or else the applicant may opt to install residential sprinkler systems and also hydrants that might be needed. The Village and Park District have been in communication regarding the proposed park onsite within Timber Run. After reviewing the engineering drawings from Taylor Morrison the Park District is in support of Option 1 which eliminates the retaining wall for the safety and cost along with ongoing maintenance of a retaining wall.

In conclusion, the development is well designed considering the constraints of the site and natural ravine area. The proposal complies with most requirements of the UDO considering the challenges of the site. It meets the lot and dimensional standards of the R-5A and many goals of the Lemont 2030 Comprehensive Plan. Staff is recommending approval with six conditions which are listed in staff's report.

Commissioner McGleam asked if staff can clarify what they are considering tonight.

Mrs. Tate said they considering the rezoning from R-4 to R-5A, the Preliminary PUD and the Preliminary Plat.

Commissioner McGleam stated there was mention of removing an existing annexation agreement.

Mrs. Tate said they are requesting the annexation for Vistancia to be rescinded but that is a policy level and it will be discussed at the Village Board.

Commissioner McGleam asked for staff to clarify the difference of setbacks between the R-4 and the R-5A zoning.

Mrs. Tate stated the R-4 requires side setbacks of 15 feet and R-5A is 10 feet. The front and rear are the same which is 25 feet front and 30 feet in the rear. The R-4 lot size is 12,500 sf with 90 feet wide and the R-5A is 75 feet wide and 10,000 sf.

Commissioner McGleam said the original plan did not include duplexes. He asked if the developer was the one who initiated the change with the duplexes.

Mr. Herman, Community Development Manager stated yes.

Chairman Spinelli asked if the Village had agreed to the deeding of the detention basins and to take liability with the retaining walls.

Mrs. Tate said she spoke with the Village Engineer and he is okay with the plan as it is proposed.

Chairman Spinelli stated historically the Village has accepted detention basins in more of a traditional configuration. He is concerned that if the Village does except these with the retaining walls there is a lot of liability built into this that may have not been considered. He asked staff if they knew what the maximum length of a cul-de-sac is in the code.

Mr. Herman said it is 300 feet.

Chairman Spinelli stated the cul-de-sac that is being presented is 2,600 feet. He asked if there were any concerns with the wetlands or waters of the U.S. for this



development that was part of the Vistancia project. He stated he does not see appropriate buffers on this plan.

Mrs. Tate stated she has not heard.

Chairman Spinelli asked if an updated traffic study was being required since there is only one entrance now.

Mrs. Tate said the Fire Marshall was okay with the access point off of Timberline Drive and was told that there does not need to be an updated study.

Chairman Spinelli stated the Fire Marshall was only looking at access point and not traffic volumes. He is surprised that this development, since it is different than the 2017 development, is not required to provide a traffic study. He said it was indicated the applicant is asking for relief from the ROW width but are willing to maintain the 30 foot back-to-back. He asked if they are willing to provide a utility easement along the ROW line so that public utilities can fit.

Mrs. Tate said she had not heard any concern from the Village Engineer.

Commissioner McGleam said the 27 foot of pavement is going to reduce the parkway by three feet on each side, which moves the front yard setback closer to the street.

Chairman Spinelli stated that is correct. There will be less green space between the sidewalk and curb for utilities. He asked in regards to the retaining walls they are on private property. He is concerned with who is maintaining them, whose liability are they, and are there restrictive easements around them. He asked if any of this was discussed during TRC.

Mrs. Tate said it was not discussed.

Commissioner McGleam stated in the Engineer's comments there are two letters, one from February 25<sup>th</sup> which lists all of his comments and then a follow-up letter dated March 25<sup>th</sup>. It says they only addressed items 8, 11 and he is okay with the applicant's response to 15. He asked what is the disposition to the rest of the comments.

Mrs. Tate said they were all satisfied.

Commissioner McGleam stated he needs to state that in his letters. He asked if the Village Engineer accepted the grading on the detention ponds.

Mrs. Tate stated the Village Engineer stated he is okay with the plan as it is being proposed.

Chairman Spinelli asked if there were any further questions from the Commission for staff. None responded. He then asked the applicant to come forward and make a presentation.

### **Applicant Presentation**

Vince Rosanova, attorney for the applicant, introduced his team that was present this evening. He thanked staff for such a comprehensive presentation. He will elaborate on a few questions that were brought up by the Commission. Taylor Morrison is the nation's fifth largest home builder. They have 316 active development communities in nine states. In over the past four years they have been honored to be named as America's most trusted home builder by Lifestory Research.

The overall density for the proposed Timber Run Subdivision is 94 homes which is a density of 1.4 homes per acre which there are 69 acres. The prior development came in at 270 homes on 106 acres which is almost 2.6 homes per acre. The lot sizes for the single-family detached range from 10,000 sf to 24,000 sf with the average being 13,000 sf. The duplexes range from 12,500 sf to 18,000 sf with the average being at 14,500 sf. Their averages range 30%-50% greater than what is required in the R-5A zoning district. Additionally, they are going to meet all the setback requirements, lot requirements and lot width requirements.

Mr. Rosanova said in regards to the wetland areas they did respect the wetland buffers. The detention basin will be owned by the HOA and they will prepare the restrictive covenant ordinance with that. With the previous approved Vistancia subdivision minimum lot widths were approved at 60 feet and they are at 75 feet. The permitted interior side yard setbacks were approved at 7.5 feet and they are at 10 feet. Rear yard setbacks were approved at 25 feet and they are at 30 feet. The ROW deviation was also approved for the previous subdivision as well. It will leave 15 feet on both sides for easements with water on one side and sewer on the other. He believes their engineer has accommodated those public improvements within those easements. If the Village Engineer determines that additional easements need be required then they will be open to those requests.

Out of the total 69 acres that they are purchasing, only 42 acres of the site will be developed. There are 28 acres along the west property line that will be donated to the Village at no cost and the future use will be determined by the Village as they see fit. They feel the overall low density, the open space areas, the internal orientation, the park site, and proximity to walking trails will provide a unique and desirable housing.

Mr. Rosanova stated the retaining walls will be owned and maintained by the HOA along with the other open space in the community. They did not show a sidewalk along Timberline Drive because their concern is the 54 foot of grade change along the property line. They were not sure that it would be a safe condition and the Village would want it after they reviewed the engineering that is associated with it. There are extensive sidewalks throughout the community and that is the only area they are

proposing to not install a sidewalk. He thanked the Commission for their time and said they are available for any questions.

Chairman Spinelli asked if they are going to provide restrictive easements on the retaining walls and will it be the responsibility of the HOA.

Mr. Rosanova stated yes.

Chairman Spinelli said the HOA should grant an indemnification to those property owners so if anyone gets injured those property owners are indemnified.

Mr. Rosanova agreed.

Chairman Spinelli stated once the engineering drawings have been done for those walls any type of structural type of component needs to be protected by restrictive easement. The Village ordinance requires catch basins or inlets every other lot corner. He asked what was the reasoning for presenting all single-family and then coming back with duplexes.

Mr. Rosanova said the Village's 2030 Plan talks in several areas about providing various housing products to provide a diversity of housing stock for residents at different stages of life so families can live in close proximity of each other. Taylor Morrison did an outstanding job going back to the plan and designing it to appeal to multiple segments of Lemont's population. They have achieved all this while still maintaining the density at 1.4 per acre.

Chairman Spinelli stated the 1.4 per acre is including the property that is being donated to the Village.

Mr. Rosanova said yes. They are purchasing 69 acres and donating 28 acres to the Village and they should get credit for it.

Chairman Spinelli asked if the Village had any plans for this property.

Mrs. Tate stated there are no plans for development at this time.

Commissioner Glomp said this is not an easy property to develop. He has a real safety concern with the access entrance point. It is difficult as to where that entrance can go, but he is concerned with safety.

Scott Barenbrugge, Taylor Morrison, stated that was one thing that they felt was important to maintain the exact alignment. They knew that any modification would reopen that conversation.

Commissioner Glomp said he understands what they are saying, but when you actually drive that and see what is happening there it is dangerous. He is not sure if there is another alternative, but it needs to be looked at.

Mr. Barenbrugge stated it is a point well taken and for them it came down to alternative analysis an optimizing a location with the Timberline frontage. This is the highest possible point that they can build the common entrance to the development so it gives the best advantage point in both directions. They are managing the location of the entrance with a retaining wall that drops down into a detention basin, so they are keeping it as high as possible.

Commissioner Glomp said if someone is coming over the hill they are not stopping. He appreciates what they are trying to do and feels it is a nice development, but he feels they need to look at this.

Commissioner McGleam asked if they would be opposed to securing an updated traffic study.

Mr. Barenbrugge stated they would not be opposed.

Commissioner Cunningham asked if they are in agreement with all the conditions that were presented by staff.

Mr. Barenbrugge said they had commented on the sidewalk issue. The only thing they were questioning was the updated tree study. A tree survey was done within the last two to three years. It is incredible cumbersome and expensive to check every tree that is more than 4 inches. They are honoring the same margin around the edge of development. They will be retagging trees that they already know will be removed. They would like to speak in greater lengths to the arborist to figure out a practical solution to that problem.

Commissioner McGleam asked what is their position about the sidewalk.

Mr. Barenbrugge stated they were looking for additional feedback from the Plan Commission. They wanted to express their concern about the grading along Timberline Drive. The closest sidewalk is at the southeast corner of New Avenue and Timberline Drive so the sidewalk would be going nowhere.

Commissioner McGleam asked if their concern was constructability or safety once it is built.

Mr. Barenbrugge said they can physically construct it, but does it create value for residents, will it be utilized and is it a practical solution. They are not unwilling to construct the sidewalk if that is what is wanted.

Commissioner Zolecki stated they had addressed a lot of the points that have been asked during staff review which is appreciated. He has one comment however, when talking about numbers there was a lot of precedence from the Vistancia and in a lot of ways as a benefit in comparison. The applicant should have delivered a comprehensive comparison if they are going to use that precedence instead of making them dig through 300 documents.

Commissioner McGleam asked if they could go over the exterior materials and where are they at with masonry.

Mr. Barenbrugge said the architectural concepts that were provided are renderings of similar product but not the exact product that is being developed for Timber Run. With Lemont's somewhat unique anti-monotony and architectural standards they want to customize the site for Timber Run. Those plans are all in development and they will be honoring predominant natural materials on the façade. They did express an interest with LP Smart Side siding on the majority of the home, asphalt shingles, accent masonry and they may utilize no more than 15% in gables of a specialty siding.

Commissioner McGleam stated he is not hearing much about brick or stone.

Mr. Barenbrugge said over the years the large masses of brick or stone have become less popular. They will be utilizing masonry as an accent material.

Commissioner McGleam asked staff if there was a requirement for masonry at least on the front elevation.

Mrs. Tate stated no there is not.

Chairman Spinelli said he thought it had to be full wrap of brick on the first floor and the second floor had to be masonry on the front.

Mr. Herman stated he does not recall it being in the code, most of the standards for some of the subdivisions were written into the PUD's.

Chairman Spinelli said since this is being compared to Vistancia, there was a lot more brick being proposed for that development then this development.

Commissioner McGleam stated they debated over it and now they are not even considering it.

Chairman Spinelli said he would recommend at least the front and two sides be brick. There were discussions about key lots that had to have full brick wrap.

Mr. Barenbrugge stated they will make larger expansions of brick as an option because there are still some buyers that want that.

Chairman Spinelli said prior it was never an option, but rather a requirement.

Mr. Barenbrugge stated the dialogue that they have had with staff has been focused around bringing forward a conforming R-5A petition that is a PUD only by virtue of its size and to stick to the standards of the UDO.

Commissioner McGleam asked staff if they could look to see what was approved for Vistancia in regards to masonry.

Mrs. Tate said she will look it up while they continue.

Commissioner Zolecki asked what type of metal accents were they planning on using.

Mr. Barenbrugge stated it is a decorative metal that you would see over a covered entry or porch. It is more expensive than regular asphalt and it is unique. The intent of the code is to not have the whole mass of the roof be metal and create a noise issue.

Commissioner Zolecki asked if he would be opposed to more of a qualitative requirement rather than a quantitative requirement for that aspect.

Mr. Barenbrugge said they would be able to present some example photography of where they utilized the material.

Chairman Spinelli asked if there were any further questions for the applicant from the Commission. None responded. He then asked Larry Rizzo from the Lemont Park District if they wanted to make a comment.

Mr. Rizzo, Director of Parks and Recreation, stated they have a tentative agreement. The Park District is concerned about the retaining walls because of safety and maintenance. They hope with working with the Park District's architect and their engineer they can design a park that will fit this development without retaining walls.

Chairman Spinelli asked if there was anyone in the audience that wanted to make comments or ask questions regarding this public hearing.

### **Public Comment**

Mark Huegelman, 14 Evergreen Court, said Lemont is running out of land that can be developed for housing. He has not had a problem with past developments because most of that land has been prairies. The saddest development was the Jewel at 127<sup>th</sup> and State because there was an oak grove there that was cut down. The same happened with the Target. The land that abuts his property is like an ancient forest. The builders for Vistancia were smart and abandoned the project. There are several reasons why this land should not be developed. This is pristine land that sits next to Township property which is already being preserved by Lemont. There are many

trees that are 100 of years old. Oak groves are non-existent these days and were once a part of the vast savannah. Pepper's Auto Care could have cut the trees down on his property but he did not. The deep gorge that runs through this property is impossible to develop. It was nice that they gave that property to the Village when it can't be developed. There is a natural artisan spring at the end of the gorge where tan iron rich water seeps through the rock.

Mr. Huegelman stated the schools will increase in class size due to the incoming students for this development. The extra tax dollars will not offset the cost of such a dramatic increase. There will be a heavy burden on our taxing bodies in town. He does not see how adding this development is going to help Lemont. An alternative use for this land should be studied by the Village. The land can be used by the Township to extend its holdings. An interpretive center could be built so school children can learn the rich natural history for this area. Other communities use natural resources to bring money into their town and we should be doing the same thing here. Lemont has missed opportunities for holding onto land that would have provided taxable income, examples are Woodridge and Palos. He thanked the Commission for their time.

Jim Connelly, 58 Timberline, said he was present for the Vistancia hearings. He is concerned about what will happen with the remaining 28 acres. He is worried that if it gets developed with duplexes or villas, likes Vistancia was planning, it will increase the density and traffic tremendously.

Chairman Spinelli stated there is no connection with the 28 acres and this development. They are donating that property to the Village and the Village can decide at a later time what they want to do with it.

Mr. Connelly said there is a stub in the development for a connection so there is a potential with the way they have it designed.

Mr. Herman stated there is a stub so if the property does get developed to the west then it should be connected. It is located between Lots 12 and 13. However, there are no current plans at this time for that property. This donated parcel is over 20 acres so if it does get developed it would also have to be developed as a Planned Unit Development and go through the process.

Tim Stieber, 2 Timberline Court, said he likes the name for this subdivision and it is much better than the name Vistancia. He is not against this development, but he is concerned that there is only one egress to this development. There will be 200 extra cars going up and down that hill. There are several bicyclists that travel that hill and with all these cars it is a safety concern. He is also concerned that there is a stub street and the property to the west can be developed later. He would like that stub street closed off and taken out. He has not heard anyone mention a price range for the homes.

Chairman Spinelli stated the reason why they never ask a developer how much they plan on selling the property for is because the developer is going to tell the Village whatever it is they think they want to hear. Their decision is not based on how much the homes will sell for but rather based on the Code and what is best for the community.

Alan Brown, 5 Timberline Place, said this proposal is going to be in his backyard. He asked if there will be a buffer between the two property lines or will these properties come right up to his.

Chairman Spinelli stated their property line starts where his ends. There is a 30 foot rear yard setback.

Mr. Brown said he is also concerned about the traffic, safety and the one access point. He also appreciates the comment about brick because all of the houses in Timberline are brick and not just an accent.

Sarah McDonald, 62 Timberline, stated her and her family loves this open land and all the wildlife that is there. She is concerned what will happen to the wildlife and the deer that are there. She thought the 28 acres would be preserved and is concerned hearing that it does have the potential to get developed. She hopes that the Village will consider preserving that land.

Eric Hamilton, 55 Timberline, said he just purchased his home this past November, so he is their perspective buyer. He loves the masonry on his home. They moved from Naperville in a community where there was a mix of single-family and duplex homes. Part of the reason why they left was because they were looking for a more established community of single-family homes. They watched their community change due to the lack of restrictions from the HOA from income properties. He is concerned that this could happen in this community. He would like to know what the Village's policy is on income property. He does not see how if that happens how it will increase his property value on Timberline. There will be at least 188 cars everyday going in/out of that street. That is a large volume of cars and he does not believe that there are 188 cars currently that go down Timberline Drive. There are 8 different intersections of car traffic, so he is not sure how this intersection does not have a four way stop to control traffic. He does not want to be coming up that hill and have to stop for a stop sign on a snowy day. He is concerned about his children's safety with all the traffic. He is concerned about how this will affect the school system which was another reason why he moved out to Lemont. This subdivision can add an additional 188 students to the district which is a big burden on our school district and will increase class sizes. Again his concerns are the traffic, safety, income property and our schools.

Jeanette Daubaras, 13490 Derby Road, stated she does not live near this subdivision but she also suffers from the duplexes that are going up. There are 40 duplexes on 9 acres going up by her and they weren't going to provide 20 foot rear yard setbacks or



water retention. She understands what these residents are going to be facing. They keep comparing this subdivision to Vistancia, but that subdivision went away. They should be starting from scratch. If there are 42 acres there is no way this could be 1.4 units to an acre.

Chairman Spinelli stated if you take out the 28 acres it will give you 2.3 units to an acre. That does meet the R-5A zoning and the Comprehensive Plan.

Ms. Daubaras asked if Taylor Morrison is purchasing the property then who owns the property.

Mr. Herman said ESBI Lemont, LLC and Timberline Knolls.

Ms. Daubaras stated this area is a natural area. Illinois has an Illinois Natural Area Preservation Act and this area could be dedicated as one of those areas. She then talked about how when the development by her went in the developer had taken all the old trees down and didn't save any on the property. There are approximately 2,000 trees on this property and they will be cutting down over half of them. There will be no trees left and this is what concerns her. Trees play an important part on our weather and everyday lives so we need to protect them. The donation that everyone is talking about was supposed to go to the township, but instead it went to the Village. She knows that all the Village wants is rooftops so they can get more tax dollars.

Dennis Doornbos, 26 Evergreen Place, said he is concerned that this is a 2,600 foot cul-de-sac with one entrance. There is already a safety concern with bicyclist riding on Timberline. He does not understand how they are going to do the detention pond. The traffic study that was done for Vistancia was done during the summer and not when schools were in session. With that traffic study the developer was going to pay for a new left turn lane on New Avenue for Timberline. He has not heard any mention of this. At least with Vistancia there were two exits compared to only one.

Kathy Hendrickson stated she is also concerned about safety. The children will have to find a way to get to the Park District or the school. To use the open space is not really safe for children walking alone. It is not monitored and there is no lighting there. The sidewalk should not be optional and needs to be put in. There should be more lighting around that entrance for the subdivision or a flashing light warning to help with safety. That hill is dangerous and she is definitely concerned about safety. She is not sure what happened with the 28 acres being donated to the open space program. It is up to the owners as to what they want to do with the land and at least it is going to the Village. They are lucky to have the 64 acres that are there and she hopes more people will come out there. She hopes that out of the 28 acres something can go back to the residents. She thanked the Commission for voting in the past for those high density developments. She feels that if they work together they can do a better job overall with planning. Unfortunately, they don't always have their say especially with the trees. She agrees though with Ms. Daubaras that it was a tragedy

at 135<sup>th</sup> and Parker when they cleared all the trees on that property. She asks that they take a close look at the trees and save as many as possible.

Jerry Reid, 72 Timberline, said he is concerned about the retaining wall and what will happen if someone gets hurt. He is concerned someone will try and sue the Village.

Dawn Witbrod, 16670 Sterling Drive, stated she is concerned about property values and the price of these homes. She drives down Timberline several times a day and have slid down the hill in the winter with a big SUV. She is concerned with the amount of traffic on the road. She loves seeing the deer through there and is concerned where they will go. They moved to the area for a reason and do not want to see Lemont turn into Naperville or Orland and prefer the open spaces. She agrees that the homes need at least brick fronts and sides. She thanked the Commission and Commissioner Glomp for his comments about safety. Lastly, she read a list of complaints about Taylor Morrison that she found on the internet.

Ken Bylsma, 4 Timberline Court, said numerous times he has hiked in this area. Along the ravine there are some enormous oak trees and he is concerned that they will have to be removed. He asked what the elevation drop was from a certain house on Timberline to the top of the retaining wall.

Dan LeClaire, GreenTech Engineering, stated it is about 25 to 35 feet within 80 to 90 feet.

Mr. Bylsma said he is concerned about the slope of the road and the safety.

Eric Schmidt, 47 Timberline, stated he wanted to reiterate that this Commission did not recommend Vistancia but the Village Board did approve it. It amazes him that there is so much in this packet from a plan that is three years old and was not approved. Some of it is financial that they want to put the road through the easiest spot and not have to redo the plan. If they choose another area they might lose a lot which will cost them money. The density is very high and the Crain's article that was mentioned earlier is very misleading. Currently the age group of 65 and older is the biggest age group of people moving out of the State right now. He agrees that there has not been any mention about the left turn lane.

There has been a lot of talk about the Village's Comprehensive Plan. On page 63 of the plan it was noted a concern of dispersed large lot development patterns over the region and throughout the nation that lead to campaigns for smart growth and transit orientated development. He does not feel that this development fits either one of those. In the introduction of the Comprehensive Plan it talks about smart growth from the 2002 Plan and cautioned against the pattern of scattered development. "The development pattern that has evolved over the last decade and the specific developments approved during that time frame did not follow the guidance in that Plan". On page 63, the Plan notes that two plans examined redevelopment of the underutilized downtown properties for residential and commercial. In 2004, the

Village embarked on the public transit oriented development that created 82 condos near the Metra Station. Several of these losses are still in stages of vacancy or sale. There are 23 retail store fronts that are vacant there. A decade ago the Plan notes that housing was considered an excellent investment when credit was easy and homes could be purchased. Since 2008, “The regional housing market has changed dramatically, foreclosures have hit the region hard and many properties throughout the region are still vacant and banked owned”. The Plan notes that young people are increasingly mobile and willing to move to new cities and new states for jobs. More commercial companies are moving back to the city and out of the suburbs so young people will be not moving out here. Also, right out of the plan, “Lemont’s existing housing stock continues to age as availability of new homes increases, reinvestment in the older homes in town will remain important. The Village should seek to preserve communities existing housing stock.”

Mr. Schmidt stated on page 81, the plan talks about pursuing mass transit improvements particularly increased Metra service. There has been little growth there which has not been necessarily due to their control. On page 5, “Chicago Metropolitan Agency for Planning calls for more jobs near to where they live, more parks and open space, more plentiful and cleaner water, healthy air, and better quality of life.” The plan suggests local solutions and support of regional aspirations while protecting and enhancing characteristics of Lemont that make the community. On page 9 of the Natural Resources and Recreation section, notes Lemont will be known as a community with exceptional opportunities for outdoor recreation, defining natural characteristics and quality open space, stewardship of natural resources including air, land and water will be paramount to healthy and active living. This development is planning on putting a road through one of Lemont’s defining characteristics which is also a recreation youth sledding hill.

In the Natural Resources and Recreation section on page 43, “Lemont’s natural features and topography have intrinsic value and should not be compromised by development”. In addition, natural areas and ecosystems should be managed to respect natural processes. Ample recreation amenities and connectivity between open spaces contributes to high quality of life and supports healthy living. In regards to the trees, he went through the Vistancia study the last time. In the Comprehensive Plan it states that trees improve the air quality and the Village has taken several measures to ensure that trees are taken into consideration during a development process and new development proposals are required to submit a Tree Preservation Plan. This development wants to use a three year old plan that they did not do. The Vistancia Plan wanted to remove 3,100 trees out of 3,600. He thanked the Commission for their time.

Joseph Murray, 83 Timberline, said he understands this Commission makes the recommendation but he is concerned that the Village will go ahead with the subdivision. He asked if someone from the Lemont Police Department could come in and give their opinion about the new intersection. All of the houses in Timberline have brick and he hopes in order to preserve their home value they will require brick

on these homes. He would recommend that they be required to do another tree study even though they could come in and cut down the trees because they own the land. He also wants to make sure that the Village is not liable for the retaining wall.

Chairman Spinelli asked if there was anyone else that wanted to speak in regards to this public hearing. None responded. He then called for motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to close the public hearing for Case 19-03. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Mrs. Tate pulled up on the overhead the Key Lot Map from the Vistancia project. It showed certain homes that had to have brick and stone on all four sides and optional on some lots.

Commissioner Zolecki stated he would have to go back to his comment earlier that the information that the applicant has provided or the lack there of, and how it is currently presented. They have been reminded that they are here to talk about the R-4 and R-5A, Preliminary PUD and Preliminary Plat. As of right the lot sizes would meet the R-5A but it is not just a simply zoning change and because it is a significant development over 20 acres it is required to be a PUD. With that signifacnce he feels the applicant needs to demonstrate their due diligence to quell the fears and concerns of this Commission and the community. Some of the same points are here that were here with Vistancia which includes safety. That due diligence should include sight lines on Timberline Drive. Another issue is density and this is an irregular parcel with lots varying in sizes. Quality of material is another point, which brick was an issue with Vistancia and they made sure that certain key lots had brick on all four sides. Masonry can be subjective and it can be discussed on how it can bring quality but again there is no due diligence demonstrated to make that evaluation. Growth was another point and there is not a direct tie with the School Board and their plans. There is no data presented to show how it would be able to support this additional growth. Lastly there is no market research showing how this project would be supportive by young people in the market. In the past they have given the applicant the opportunity to table the hearing and be able to come back and address concerns. He feels that there is not enough information presented this evening.

Commissioner Cunningham said this is a completely separate project from Vistancia and there shouldn't be anything carried over. He feels the tree preservation study needs to be redone. There are certain things that are missing and he agrees with Commissioner Zolecki.

Commissioner O'Connor stated there are a lot of open questions at this point.

Commissioner Plahm said his concern is traffic and safety.

Chairman Spinelli asked staff if there was anything missing with the submittal that the ordinance requires for submittals. He said the Commission has mentioned of wanting to see building elevations, materials, tree survey for the portion that they are building on and traffic study.

Mr. Herman stated things involving traffic study, market research, and economic impact studies are listed but not specifically required. Staff can in reasonable circumstances allow a waiver on them. This project has been compared to Vistancia and whether that is appropriate or not, certainly there was some thought that went into it. He is not sure if there would have been much change with a tree preservation plan.

Mr. Barenbrugge said earlier he had mentioned that they will follow-up with the arborist to find a comparable solution to achieve the goal of obtaining current data. They do not want to have to reshoot the areas that will be cleared and developed. What he would suggest is maybe within a 50 foot strip centered on what is proposed currently and evaluate that margin.

Commissioner McGleam clarified with staff that they are only proposing this survey for the portion they are building on and not for the portion they are dedicating.

Mrs. Tate stated that is correct.

Chairman Spinelli stated he is not sure what way to proceed at this time.

Commissioner McGleam said if there is more information that the Commission needs before they can make a vote then it needs to be articulated as to what they are looking for.

Commissioner Zolecki stated it is their responsibility to go through plot by plot to determine what percentage of masonry should be on a house or ask the applicant to come back and comply with some of the common precedence that they had around town and present it.

Mr. Barenbrugge said when it comes to specifics related to the future architectural submittal and building permit, he would ask Village staff to elaborate on how the process is going to work moving forward with the anti-monotony standards and architectural standards. At this point, their understanding is that the Village would prefer that they build through the standard process of utilizing the UDO that the Village adopted. They were not advised to bring permit level detail on architecture, material standards, and planning at this point. They understood that at preliminary level with conforming R-5A that they would be looking at the subdivision, the development's preliminary plans and the PUD based on the size of the property.

Commissioner Zolecki stated he would not consider brochure elevations permit level documents. He asked what is the fenestration, material, articulations for the home sites that face the Timberline development.

Mr. Barenbrugge said it would end up being a mix because a lot of the structural options that they offer are to the rear. The standards even vary and they do not have that material this evening to show the Commission.

Commissioner Zolecki asked if the standard rear elevations that face Timberline have any masonry.

Mr. Barenbrugge stated in the most baseline configuration he would say no.

Chairman Spinelli asked staff if this case is to proceed, normally they would have seen elevations or consider elevations at this stage, if it gets passed through the Village Board can they add building restrictions at Final PUD or are they giving them entitlements now by approving a Preliminary PUD.

Mr. Herman said he does not believe it can be added at Final. It needs to be addressed now or there has to be some language added at Preliminary that it needs to be addressed at Final. In regards to the brick, the Commission can leave it open ended stating that more brick needs to be added or the Commission can be more specific and put a number in there.

Chairman Spinelli stated doing an overlay of this proposal to the previous plan it is comparatively identical and would want to see no less than what was previously required for Vistancia for brick.

Mr. Barenbrugge asked staff what the desired process is and whether or not the intention going forward is to deviate from the standards in the UDO for architecture.

Mr. Herman said there are regulations in the UDO and if the Plan Commission as part of their recommendation for a PUD says they need to see something beyond what is in the code then that is up to the Plan Commission.

Mr. Barenbrugge asked if staff can speak in regards to how this petition was characterized as a PUD.

Mr. Herman stated the intent was to comply with the R-5A zoning. The language in the code makes it a PUD due to its size. The developer has been trying to comply with the UDO.

Mr. Berry said it was heard from the Village Board and the Commission that they don't want variations. They are not asking for any variations and if this was a 19 acre subdivision it can go in by right with the zoning change. In terms of materials when

they talked about R-5A, if brick is something that they want to see on every home in Lemont then it needs to be in the UDO. Developers need to know this when walking in that it will be required.

Chairman Spinelli stated he would agree but this developer is asking the Commission to recommend concessions. Since he has been on this Commission there has always been brick and not brick accents so that is what is not sitting well with him.

Commissioner McGleam said he would agree with staff that this is a perfect R-5A development. Some of these lot sizes are considerably above the R-5A. The developer did a good job fitting two types of products within the R-5A.

Chairman Spinelli stated it sounds like the Commission might be split on their decision. The applicant keeps referring back to what is in the UDO. He is not sure if tabling this and requiring them to provide more information would change anyone's vote. They can either ask the applicant if they want to table this or someone can make a recommendation with conditions on items that they have talked about.

Commissioner McGleam clarified that the further information they would be looking for is masonry, traffic study, and detention basins and retaining walls.

Commissioner Zolecki said they have not seen all four sides of elevation and does not feel that brick makes a home better. There are several successful developments that don't have masonry at all on them and this is subjective. They are adhering to the UDO but there are concessions being requested with the zoning change. This is a required PUD and so this is the process to discuss these types of elements. They had talked about using Vistancia as a comparison to some of the lot sizes and they do range greatly. Overlaying these plans there are not many that are the same. He asked if they could compare the last development to this development.

Mr. Barenbrugge stated comparing gross density and not including the donation to the Village, Timber Run has a net density of 2.23 with 94 units on 42 acres and Vistancia was at 2.6 on 106 acres.

Discussion continued in regards to what additional conditions the Commission would want to add or should the hearing being tabled with more information being brought back.

Chairman Spinelli asked the applicant if they wanted the Commission to vote on this tonight or if they wanted more time to gather further information and come back and present.

Mr. Barenbrugge said he would like the Commission to vote on this tonight.

Chairman Spinelli called for a motion for recommendation.

## **Plan Commission Recommendation**

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 19-03 Timber Run Subdivision Rezoning, Preliminary PUD and Preliminary Plat with the following conditions:

1. Provide a full native planting maintenance and monitoring plan with the Final PUD along with any other required submittals listed in the Village of Lemont Native Planting Guidelines
2. Update the Tree Preservation and Removal Plan to address Village Arborist comments.
3. The developer should provide a sidewalk along Timberline Drive to end at the property line so if this area is ever to develop a more complete pathway system is in place. If anything, an escrow should be established for a sidewalk in the area.
4. Metal roofing can be used as an accent material but cannot account for more than 15% of the total roof. LP Smart Siding can be used as an exterior material.
5. Address the outstanding issues as noted by the Consulting Planner, Village Arborist, Village Engineer, Village Ecologist and Fire Marshall in their attached comment letters.
6. Update the Plat with the correct amount of units.
7. Obtain a new traffic study.
8. Obtain an updated letter from the Village Engineer with the disposition of his comments from his February 25, 2019 letter.
9. The responsibility for maintenance of the retaining wall and detention ponds will be the responsibility of the HOA by declaration. The necessary easements an indemnification must be provided for both retaining walls and the detention ponds.
10. The previously approved masonry for Vistancia and the key lots, and the amount of masonry, will apply to this proposed development.

A roll call vote was taken:

*Ayes: McGleam, Cunningham*

*Nays: O'Connor, Zolecki, Glomp, Plahm, Spinelli*

*Motion denied*

## **IV. ACTION ITEMS**

None

## **V. GENERAL DISCUSSION**

Chairman Spinelli stated Illinois Bar and Grill's electronic sign is not in compliance again. The sign is currently flashing and spinning. He asked if our Code Enforcement Officer can look into this. He asked if there was anything in the code regarding a semi-trailer being parked on driveways. There was one sitting on a driveway for two weeks and nothing was done.



Discussion continued in regards to Code Enforcement.

Chairman Spinelli said there have been several semi-trucks sitting between Jewel and Burger King.

Mr. Berry stated they will let the Police Department know to patrol the area.

Commissioner McGleam asked if there was an update regarding the easement with Ruffled Feathers.

Mr. Berry said he has not heard anything at this time.

## **VI. AUDIENCE PARTICIPATION**

None

## **VII. ADJOURNMENT**

Commissioner McGleam made a motion, seconded by Commissioner Glomp to adjourn the meeting. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*