

APPROVED

MINUTES OF THE REGULAR MEETING OF THE NEW LENOX BOARD OF TRUSTEES

**New Lenox Village Hall,
One Veterans Parkway
Monday November 23, 2015
#15-31**

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:02 p.m. by Mayor Baldermann in the Council Chambers of the New Lenox Village Hall.

ROLL CALL

Upon Roll Call by the Clerk, the following members of the corporate authorities answered “Here” or “Present”:

Trustees Finnegan, Madsen, Smith, Butterfield, Bowden, Johnson and Mayor Baldermann

QUORUM

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

OTHER OFFICIALS IN ATTENDANCE

Also in attendance were the Administrator Kurt Carroll, Village Clerk Laura Ruhl, Finance Director Kim Auchstetter, Public Works Director Brian Williams, Police Chief Bob Sterba, Building and Zoning Administrator Warren Rendleman, Village Planner Jeff Smith and Attorney Chris Spesia

RECOGNITION – Aldi, Inc.

Mayor Baldermann and the Village Board, along with Nancy Dye, Economic Development Coordinator, recognized Aldi for being designated as the 2015 Retailer of the Year by the Illinois Merchants Association.

PUBLIC HEARING – Amendment to Annexation Agreement - Calistoga

Mayor Baldermann opened the Public Hearing at 7:06 pm. Village Clerk Ruhl provided proof of notice.

At that time there was no one from the audience to speak on this item.

Ms. Ellis reported this request is for the residential portion of Calistoga where the original developer sold a bulk of the property and retained a small portion. Both the new owner and the original developer are parties to this Amendment. If the changes are approved it would apply to the whole development with exception of three lots on which homes have already been built. The primary reason for amending the Annexation Agreement is to be able to develop the property with a more traditional single-family home in place of the current restriction that caps a maximum of 2-bedrooms ranch units.

All of the impact fees were based on a 2-bedroom townhome calculation so the Amendment would reflect the current fees for a typical single-family home based on the number of bedrooms. There was also a minimum 1,500-square foot required; if approved they will be allowed up to four bedrooms or more in a typical single-family home where the minimum square footage would default to what the Zoning Ordinance requires which is 1,800 square feet for a ranch and 2,000 square feet for any other dwelling type. The Annexation Agreement also had photos or pictures of what the typical homes needed to look like. Similar to other single-family residential developments, under this Amendment there would not be any pre-approved building elevations. Ms. Ellis presented a PowerPoint showing the three existing homes which would not be subject to the Amendment. In addition, the amendment would reflect a Phase 5 so the Annexation Agreement included property that was not included in the original preliminary P.U.D. plat. The original Annexation Agreement allowed for 165 lots but was not reflected on the approved preliminary P.U.D. plat.

The petitioner had nothing to add.

The Village Board would have comments or questions on the ordinances under Order of Business section of this agenda.

At this time Mayor Baldermann closed the Public Hearing at 7:09pm.

CONSENT AGENDA

Motion to Approve 9 items on the CONSENT AGENDA #15-31 was made by Trustee Madsen and seconded by Trustee Bowden.

- A - Minutes of the Council of the Whole Meeting – October 19, 2015
- B - Surety Reduction – Insite/LA Fitness Public Improvements
- C - Surety Reduction – Vancina Lane Public improvements
- D - Resolution #15-31 adopting a Policy for the Inclusion of Contribution Language in All Annexation Agreements and Determining Contributions up through December 31, 2016.
- E - Raffle License for 2016 – Providence Catholic High School
- F - Raffle License for 2016 – Lincoln Way HS District 210 Foundation
- G - Raffle License for 2016 – St. Jude Church and School
- H - Raffle License for 2016 – The Friends of the New Lenox Library
- I - Raffle License for 2016 – Lincoln Way Area Business Women’s Organization

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Smith, Madsen, Butterfield, Finnegan Bowden, Johnson and Mayor Baldermann
ABSTAIN:	<u>0</u>	Trustee Johnson – Item A
NAYS:	<u>0</u>	
ABSENT:	<u>0</u>	

The motion carried.

ORDER OF BUSINESS**Consideration of an Ordinance Authorizing an Amendment to an Annexation Agreement – Calistoga – 1st Read****Consideration of Ordinance Granting an Amendment to a Special Use for a Preliminary P.U.D. Plat – Calistoga Residential – 1st Read****Consideration of an Ordinance Granting an Amendment to Special Use for a Final P.U.D. Plat for Calistoga Unit 1 – 1st Read**

At this time Mayor Baldermann asked for Village Board comments or questions on these agenda items.

Trustee Smith asked if the Village is opening the P.U.D.

Ms. Ellis stated the Village is amending the P.U.D. and having a Public Hearing on the Annexation Agreement.

Trustee Smith questioned the lot sizes saying we will end up with the majority of the lot sizes at 8,200 square feet which is about 2,000-3,000 square feet less than the smallest lots we have in town. He said if approved we will allow the developer to build 1,800-2,000 square foot homes on extremely small lots which we've not seen since the late 70's. The original premise of this development was for a retirement community and the tax breaks were because of the commercial development. The original development no longer exists and we have a brand new issue here. Trustee Smith stated he would like the Transportation Fees to be paid. Many years ago the Village Board discussed that the farther New Lenox grows out, the bigger the lots get. The reason this project was originally approved was because it was proposed to be for residents over 55 years old and would have no impact on the schools. If the new developer wants to change the development then everything should go back to a traditional P.U.D. and redevelopment. If not, this development will not be fitting for New Lenox.

Trustee Butterfield agreed with Trustee Smith saying the lot sizes are not appropriate for the house sizes. We changed some of the fees back but not all of them.

Ms. Ellis said the Transportation Fee waiver was due to the developer having to fund the Laraway Road improvements.

Trustee Smith said that developer is no longer here.

Ms. Ellis noted that the original developer still has a portion of this.

Mr. Carroll stated there is a section of the development that has already been platted and has the roads, so it makes it difficult to get back to the size lots for at least that portion of the development.

Trustee Smith went on to discuss another development with issues similar to this one.

Trustee Bowden asked if there are existing homes in the area and if they are two bedroom homes.

Ms. Ellis said there were three lots that were built on that are two-bedroom ranches.

Trustee Bowden asked how many total lots for the whole development.

Ms. Ellis stated 165 lots including the three that have been built.

Trustee Bowden asked if it would be possible to stay consistent with the pre-developed area that already has the streets in and keep them at two-bedroom homes, and as it expands out then have it re-designed to have larger lots and have the transition from the middle to the outer portion of the subdivision.

Ms. Ellis stated this is something that was discussed with the new developer.

Trustee Bowden said she could almost agree if this was R-2, but being lesser than the smallest lot the Village allows for a single-family home she doesn't believe this is the right location. If they could finish the area that has the streets and the roadways with the smaller homes and lots and as they move forward with this development come back to the Board with a new design so it at least meets the R-2 District, she wouldn't have that big of an issue with it and would be more comfortable.

Tom Scofield, TLS Management, representing the property owners REO Funding Solutions and Lincolnway Investments that retained Phase 4 addressed the Board saying they have heard several times that this property was intended to be a 55 and older senior development but the reality is that the property is not. There are no age restrictions or no restrictions preventing a family from moving into this subdivision. He said they are not coming before the Board asking for a whole new project or special concessions but are taking an existing project with the approved lot sizes to build single-family homes. Although despite them being called townhomes the reality is they were single-family homes, they are asking for the ability to build more than two bedrooms in the homes. The three existing homes have two bedrooms and also have dens that could, with a closet, be considered a third bedroom. The owners are also not the specific builder, they are a land investment company and will market the lots to builders. Therefore, they can't come to the Village Board with a specific elevation and product to see exactly how these homes will look. The honest truth is we are not exactly sure. The reality is this project could continue building two bedroom homes if that's what the market dictates. They just want the ability to be able to build a product that the market will be able to absorb and be a successful development. Mr. Scofield said Laraway Road is expanding up and down except for this site.

Mayor Baldermann stated the subdivisions that are expanding and doing well are on larger size lots.

Trustee Smith asked if these homes will or could have 3-car garages.

Mr. Scofield answered there has been a trend not to build 3-car garages and to only build 2-car garages. If you look at other homes in other communities you will see the footprint actually would fit on this size lot. It's only an 8-foot difference between this lot frontage and an 80-foot lot which would be standard for this zoning district.

Ms. Ellis stated the R-2A District with the 80-foot lot has typical side yard setbacks of 10-foot and 15-foot and the P.U.D. allowed 10-foot and 10-foot. They could make the argument that it's a 3-foot difference in the building footprint.

Trustee Bowden said we as a Village Board decided that single-family homes belong on larger lots. What the petitioner is suggesting does not fit the criteria of what this Board believes a single-family home belongs on. We eliminated the R-2 and went to R-2A because we consciously wanted New Lenox homes on larger lots. The petitioner has not shown the Board why we should approve this amendment.

Mr. Scofield stated they are not asking to change the product type.

Trustee Butterfield commented they are changing from a 2-bedroom to a 3-4-bedroom which is a huge difference.

Trustee Smith stated if the developer had come to the Village Board originally wanting to build 3-4-bedroom homes the Village Board would not have approved the lot size.

Ms. Ellis said the other reason for capping the development at 2-bedrooms was to feel comfortable with the reduced impact fees.

Trustee Smith said originally the developer came to the Board with a 2-bedroom unit, reduced the fees and set up for empty nesters.

Mayor Baldermann said the Village Board would certainly like to see the area grow for a number of reasons but the Village Board agrees these lot sizes are too small to be granting 3-4 bedroom homes.

Mr. Scofield asked if this proposal was reconsidered and in the future proposed section met the R-2A District, there would not be a problem.

Mayor Baldermann stated the Village Board cannot speculate on something we cannot see. He suggested working with Staff and they will be able to tell you what they think the Board will be open to. Mayor Baldermann told Mr. Scofield the Board wants to work with the developer on this project, we want to see residential growth. He added he is always welcome to get back on the agenda.

Consideration of an Ordinance Amending Section 18-2 of International Building Code – Construction Value – 1st Read

Mr. Rendleman reported this draft ordinance is amending our building permit fee structure by adopting the August 2015 Building Valuation Report as published by the International Code Council. The table is a slight increase of 1% over last year. This ordinance is currently on the Capital Development Board website as required by state law.

No comments or questions from the Village Board.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported on the upcoming December 6th Christmas in the Commons.

Mayor Baldermann congratulated and good luck to Lincolnway West Football Team.

Mayor Baldermann reported on “Celebrate and Shop New Lenox”

VILLAGE ATTORNEY

No report.

VILLAGE ADMINISTRATOR

No report.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$3,722,520.59. In addition this disbursement, is needed for bi-weekly payroll in the amount of \$351,005.00 and a monthly payroll in the amount of \$5,391.67 paid on November 13, 2015.

Motion was seconded by Trustee Madsen

Upon roll call, the vote was:

AYES: 7 Trustees Smith, Madsen, Butterfield, Finnegan
Bowden, Johnson and Mayor Baldermann

NAYS: 0

ABSENT: 0

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

No comments or questions from the floor.

TRUSTEE COMMENTS

Trustee Smith

Trustee Smith commented the Public Works Department for a great job snow plowing.

Trustee Smith congratulated Lincolnway West Football Team.

Trustee Finnegan

Trustee Finnegan welcomed back Trustee Johnson from maternity leave.

Trustee Finnegan wished everyone a safe and Happy Thanksgiving.

Trustee Madsen

Trustee Madsen thanked Public Works for a good job on the snow removal.

Trustee Madsen wished everyone Happy Thanksgiving.

Trustee Bowden

Trustee Bowden reminded residents of the last time for leaf pick up.

Trustee Bowden thanked Public Works for a job well done.

Trustee Bowden asked residents to keep an eye out for and support your neighbors.

Trustee Butterfield

Trustee Butterfield congratulated Lincolnway West.

Trustee Butterfield welcomed back Trustee Johnson.

Trustee Johnson

Trustee Johnson asked resident to “Celebrate and Shop New Lenox”

RECESS TO EXECUTIVE SESSION

Motion to recess from Regular Session to Executive Session at 7:36 pm was made by Trustee Bowden and seconded by Trustee Johnson

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Smith, Madsen, Butterfield, Finnegan Bowden, Johnson and Mayor Baldermann
NAYS:	<u>0</u>	
ABSENT:	<u>0</u>	

The motion carried.

RECONVENE TO REGULAR SESSION

All members of the corporate authorities previously in attendance before executive session including, Kurt Carroll, Chris Spesia and Village Clerk Laura Ruhl were in attendance when the Board reconvened at 7:52pm.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on November 23, 2015 adjourned at 7:53pm.

Laura Ruhl, Village Clerk