

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING, JANUARY 7, 2008, 7:00 P.M.

Chairman Jirik called the January 7, 2008 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

**PRESENT:** Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

**STAFF PRESENT:** Mr. Jeff O'Brien, Senior Planner

**VISITORS:** Marshall Schmitt, 4923 Seeley Avenue, Downers Grove

Chairman Jirik led the audience in the reciting of the Pledge of Allegiance.

Minutes of the December 3, 2007 - Minutes of the December 3, 2007 Plan Commission meeting were approved on motion by Mr. Matejczyk, seconded by Mr. Webster. Motion carried by voice vote of 9-0.

Chairman Jirik proceeded to explain the protocol for the meeting.

**FILE NO. PC-04-08** A petition seeking Special Use Approval to construct an accessory structure on a lot prior to the construction of a principal structure; property located on the East side of Seeley Avenue, approximately 235 feet North of Warren Avenue, commonly known as 4923 Seeley Avenue, Downers Grove, IL (PIN 09-07-209-010,-011); James F. Russ, Jr., Petitioner; Marshall Schmitt & Linda Matheson, Owners

Mr. Jeff O'Brien, Senior Planner recalled for the commissioners that there was a petition before them in October of 2007 to amend the zoning ordinance to allow for construction of an accessory structure prior to construction of a principal structure. At that time, the petition was forwarded to the Village Council, and the Village Council agreed with many of the concepts discussed by the Plan Commission. However, the Council had concerns about allowing these structure by-right and directed staff to draft the language as a Special Use. Mr. O'Brien referenced ordinance language, which was inadvertently left out of the commissioners' packets and proceeded to read the text. He stated the Council approved the text amendment in December 2007.

The petition before the commissioners was for 4923 and 4927 Seeley Avenue, both 60-foot lots under common ownership. The petitioner owned both lots – 4923 Seeley was improved with a house and garage and 4927 Seeley was vacant. The petitioner was proposing to build a gazebo on the vacant lot at 4927 Seeley. Mr. O'Brien stated the request met the three qualifications for the Special Use. The location of the gazebo on the 4927 Seeley lot will be 10 feet from the south and east property lines and meets the zoning regulations. Elevations of the gazebo were shown. No public comment was received on the petition prior to this hearing.

The Special Use will go with both lots. Staff recommended approval of the request since it met the standards in Section 28.1902 of the Zoning Ordinance subject to staff's conditions in its report.

Commissioner questions followed.

As to a time limitation on the second structure, Mr. O'Brien stated the structure could remain indefinitely, but the petition was being set up so that if the petitioner transferred both properties to a single owner, the gazebo could remain. However, if the two lots were separately transferred to different owners, the gazebo would have to come down prior to the sale of the southern lot. Regarding ordinance language as to the termination of the Special Use and the fact that the Village Council "may" require termination of the Special Use upon the sale of the properties, Mr. O'Brien explained the term "may" was more for discretionary purposes. Turning to staff's recommendations and the amendment to the ordinance, Mr. O'Brien explained that when the Village Council approves the Special Use, they would make the determination of when the condition is to be included. It will also be recorded with the deed at the County Recorder's Office. Mr. Beggs voiced concern on how the proposed text amendment was worded. Mr. Waechtler concurred.

Mr. O'Brien reiterated the text amendment was already approved. The language in the zoning ordinance was vague because it was trying to capture many concepts versus one concept and be flexible to different circumstances. Staff was trying to address concerns raised at the Village Council meeting. Mr. O'Brien confirmed that if the Plan Commission approved the petition, the specific language would apply to this petition only. Mr. Matejczyk supported the petition.

Questions followed on the location of the gazebo and revising the word "demolition" to "removed" in staff's Recommendation No. 2.

Mr. Marshall Schmitt, 4923 Seeley Avenue, Downers Grove, petitioner, was sworn in.

Mr. Schmitt clarified his understanding of the word "may" in the text amendment, which he felt was an inherent ambiguity. He believed the Village Council could address the issue but agreed having flexibility was a positive. As to the Special Use being requested and the requirement that the Special Use be terminated when the two lots are no longer under common ownership, he disagreed with it initially, but he did not see it as a large issue. Mr. Schmitt stated he located the proposed gazebo as proposed in order to integrate it with the landscaping and so that the properties would look as one. Mr. Schmitt stated he did run two electrical lines near the structure and did not see noise as an issue.

Chairman Jirik opened up the meeting to public comment. None followed. Public Comment was closed.

**WITH RESPECT TO FILE NO. PC-04-09, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR APPROVAL OF THE SPECIAL USE FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE ON A LOT PRIOR TO THE CONSTRUCTION OF A PRINCIPAL STRUCTURE SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE PROPOSED GAZEBO SHALL SUBSTANTIALLY CONFORM TO THE PLANS AND SPECIFICATIONS PREPARED BY GAZEBO JUNCTION, INC. AND PLAT OF SURVEY PREPARED BY JENS K. DOE DATED JUNE 17, 2004 ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE CHANGED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES.**

2. **A RESTRICTION SHALL BE RECORDED AGAINST THE PROPERTIES WITH THE DUPAGE COUNTY RECORDER OF DEEDS THAT REQUIRES REMOVAL OF THE GAZEBO PRIOR TO THE SALE OF THE PROPERTIES IF THEY ARE NOT TRANSFERRED SIMULTANEOUSLY TO A SINGLE ENTITY.**

**THE MOTION WAS SECONDED BY MR. MATEJCZYK.**

**ROLL CALL:**

**AYE: MR. BEGGS, MR. MATEJCZYK, MR. COZZO, MRS. HAMERNIK, MR. QUIRK, MRS. RABATAH, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK**

**NAY: NONE**

**MOTION CARRIED. VOTE: 9-0**

Mr. O'Brien announced the next Plan Commission meeting is scheduled for February 4, 2008 and three proposals will be considered -- two communications towers and a townhouse proposal. The commissioners were asked on how they would like the agenda prepared; i.e., hear all three proposals on February 4<sup>th</sup> or split up the agenda. After discussion, the commissioners agreed that staff hold all three petitions on February 4, 2008. However, Chairman Jirik asked that Mr. O'Brien contact him if there appeared to be controversy arising.

Chairman Jirik raised discussion about the Commission holding a meeting with the Mayor and Village Council during the first quarter and stated he would work with staff on the meeting's agenda. He would forward a rough draft agenda to Mr. O'Brien, and Mr. O'Brien would then forward it to the Commissioners for feedback. A suggestion was made that the Chairman provide tentative dates for the meeting. Mr. O'Brien would speak to the Manager's Office for dates.

Chairman Jirik asked if the Commissioners would like an annual update of the village's Zoning Map, Future Land Use Map, and a copy of the Zoning Ordinance. Mr. O'Brien stated staff would provide those updates in March and provide an annual summary of previous recommendations made by this Commission.

Mr. Waechtler stated he would like to see franchise representatives attend meetings in order to answer certain questions. Chairman Jirik agreed but also reminded Mr. Waechtler that the petitioner had an obligation to fulfill by answering questions posed by the Commission, and on the basis that the petitioner was not present to answer those questions, and then the Commission could deny or continue to a date certain. He believed more discussion should take place on this matter.

A question was raised regarding last month's vote on a combined rezoning and annexation. Mr. O'Brien stated that unless they are separate recommendations, then it is recommended to make a singular recommendation on a project. However, if the Commission felt uncomfortable about staff's recommendation, the Commission could make a different motion.

APPROVED

**MRS. HAMERNIK MOVED TO ADJOURN THE MEETING. MRS. RABATAH  
SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 7:55 P.M.**

/s/ Celeste K. Weilandt  
Celeste K. Weilandt  
(As transcribed by MP-3 audio)