VILLAGE OF DOWNERS GROVE
PLAN COMMISSION

VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE

June 4, 2018
7:00 p.m.

AGENDA

1. **Call to Order**

    a. **Pledge of Allegiance**

2. **Roll Call**

3. **Approval of Minutes** – May 7, 2018

4. **Public Hearings**

    a. **18-PLC-0017:** A petition seeking approval for the Right-of-Way Vacation of an Alley. The adjacent properties are zoned R-4, Residential Detached House 4. The subject property is located on the south side of Gierz Street and runs north-south between the properties at 523 and 509 Gierz Street, and 4732 Douglas Road, approximately 120 feet west of Douglas Road, Downers Grove, IL (PINs 09-08-213-016, -017, -034, -035). Timothy O-Neil, Petitioner, Village of Downers Grove, Owner.

5. **Adjournment**

<u>THIS TENTATIVE REGULAR AGENDA MAY BE SUBJECT TO CHANGE</u>

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING

MINUTES FOR MAY 7, 2018

1. CALL TO ORDER:

Chairman Rickard called the May 7, 2018 meeting of the Plan Commission to order at 7:00 p.m. and led in reciting the Pledge of Allegiance.

2. ROLL CALL:

PRESENT: Ch. Rickard, Mr. Boyle, Ms. Gassen, Mr. Kulovany, Ms. Majauskas, Mr. Maurer, Mr. Quirk, Ms. Rollins

ABSENT: Ms. Johnson, Ex. Officio members Miller, Livorsi & Menninga

STAFF: Planning Manager Rebecca Leitschuh
Sr. Village Planner Scott Williams
Director Community Development Stan Popovich

Ch. Rickard reminded everyone present to silence any electronic devices during the meeting, and noted that copies of the Agenda are available on the shelves at either side of the Chamber.

VISITORS: Elaine Kindt, Kindt & Assoc., 1325 Chapman, Darien
Michael Hansen, Watermark Engineering, 2631 Ginger Woods, Aurora
Pete Walsh, Walsh Development, Inc., 4353 Hampton, Western Springs
Kim Heller, Baird & Warner, 724 Ogden, Downers Grove
M. Crowell, Lemont
Kathleen Turza, Baird & Warner, 724 Ogden, Downers Grove
Michael Mueller, 1 N 174 Northway Drive
Mary Braatz, 5928 Carpenter, Downers Grove
Patti Gibbons, Baird & Warner, 724 Ogden, Downers Grove
William Ponstein, 6012 Hillcrest, Downers Grove
Jim Krusenoski, 853 Maple, Downers Grove
Richard Samonte, 6025 Osage, Downers Grove

3. APPROVAL OF MINUTES: March 5, 2018 meeting

Mr. Kulovany asked that on page 10 in the second paragraph the “e” in the spelling of his name be removed.

Ms. Gassen moved, seconded by Mr. Kulovany to approve the minutes for the March 5, 2018 meeting as corrected.

The Motion to approve the minutes as corrected passed, with Mr. Quirk abstaining.

Ch. Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body for the petitions on the Agenda. On the Agenda are two public hearings, and a discussion on Plan Commission meeting formats. Staff will make its presentation, followed by the Petitioner. The Commission will comment on the petition, raise questions to Staff and/or the Petitioner, and then the public will be given an opportunity to comment. Once the Public Hearing portion of the meeting is closed, the Plan Commission members will deliberate to recommend approval, recommend approval with conditions, or recommend denial of the individual petition. That recommendation will be forwarded to the Village Council with the minutes, exhibits and all documentation from the public hearing on the specific petition. The Village Council will make final decisions at a future date. Ch. Rickard reviewed the subject matter of the two public hearing petitions on the Agenda, and then asked all individuals intending to speak during any of the public hearings to rise and be sworn in.

4. PUBLIC HEARINGS

18-PLC-0012: A petition seeking approval of a Planned Unit Development, a Zoning Map Amendment from R-1, Residential Detached House 1 to R-5/PUD, Residential Attached House 5/Planned Unit Development, and a Final Plat of Subdivision, to construct a 13 unit townhome development. The property is currently zoned R-1, Residential Detached House 1. The property is located on the west side of Fairview Avenue, between 60th and 61st Streets, commonly known as 6000 and 6014 Fairview Avenue, Downers Grove, IL (PIN 09-17-405-010). Kindt and Associates, Petitioner and John Gray, Owner.

Village Senior Planner Scott Williams described the request before the Commission for a Planned Unit Development on a 2-1/2 acre parcel located on the west side of Fairview Avenue. The petition is to construct 13 townhomes on Fairview between 60th and 61st Streets. He provided a detailed description of the petition as noted in Staff's Report (the Report) dated May 7, 2018, pages 1-11, which contains Staff's review of the Petitioner's application related to its compliance with Village Ordinance requirements. The site is located directly across from property on the east side of Fairview that belongs to the Village of Westmont.

The subject property contains two detached houses. The dimensions of the property are 536 feet wide by 202 feet deep, and the site will contain the

entire residential subdivision. The stormwater drainage area will be located in an out lot. There is also a 10' easement over the storm sewer line as noted in Staff's Report. The site plan depicts the required setbacks based on the lot width, as well as the PUD elements that the Petitioner is requesting. Mr. Williams described rain gardens that will eventually drain into the outlot for stormwater control. There will be two full access points off of Fairview as a private road, and that roadway will have permeable pavers. Displaying the landscape plan, Mr. Williams said the Petitioner would be adding street trees along the right-of-way on Fairview. The five multi-family buildings will be located on one lot of record. Mr. Williams displayed photographs of the proposed elevation for the buildings under consideration. He explained that the Petitioner's proposal is for 13-unit townhomes in five separate buildings. Each unit will have at least three bedrooms with an optional fourth bedroom on the 2nd floor.

Mr. Williams described the property as zoned R-1 Residential Detached House 1, with a mix of R-1, R-2 and R-3 surrounding single-family residential zoning. The Village of Westmont is located directly across to the east on Fairview. Mr. Williams said he spoke with the Planner there and the single-family homes in Westmont across from the subject property are R-2 single-family detached housing designation. The Village of Downers Grove's Future Land Use Plan describes the subject property as single-family detached residential housing. Mr. Williams further explained that the Village's Comprehensive Plan (recently adopted in June of 2017) identifies the subject site as single family detached residential in a modified grid pattern as shown in Staff's Report. The petitioner has requested a change in zoning to R-5/PUD (Residential Attached House 5/Planned Unit Development) to allow the proposed townhome construction. Mr. Williams noted that the Village's Future Land Use Plan depicts the property as single-family detached. The Comprehensive Plan also identifies single-family detached homes as the predominant land use for that site. One of the goals expressed in the approved Comprehensive Plan is to preserve and enhance single-family neighborhoods.

With regard to the zoning criteria, Mr. Williams pointed out that all of the surrounding land uses are single-family detached residential uses. The Zoning Ordinance does allow for a single-family subdivision proposal. Staff believes the proposal changes the character of the neighborhood and does not serve the purpose as a transitional zoning area. He noted that, as stated in Staff's Findings of Fact on pages 7-9 of the afore-mentioned Staff Report, the proposal as submitted is not consistent with the Comprehensive Plan, the Village's Land Use Plan or the Plan's Residential Area Plan.

Mr. Williams stated that the proposed PUD, rezoning, and plat of subdivision is not compatible with the Comprehensive Plan, the Future Land Use Plan and the Residential Area Land Use Plan, the Zoning Ordinance or the

Subdivision Ordinance, and the proposal does not provide additional public benefits that PUDs should provide. Based on its findings, Staff recommends denial of the proposal

Mr. Quirk asked a question about a slide stating that “welfare” was not met. Planning Manager Rebecca Leitschuh said that the zoning law term “welfare” refers to respecting existing laws and maintaining norms within a community, such as the compatibility of a use with other uses in a specified area in addition to environmental degradation.

Mr. Kulovany referenced comments he made via email. He asked whether Staff would be in favor of the petitioner changing the request to either R-2 or R-3 zoning. Mr. Williams replied that they have an out lot to consider, as well as stormwater drainage, with additional analysis needed. Mr. Kulovany asked whether the lots would support the required onsite stormwater detention under the current requirements. Mr. Williams said he did not know, but based on the lot dimension they could currently have five single-family zoning lots at 100 feet wide with room for an outlot. Ms. Leitschuh said that was not the item under review, and that they really don’t know whether it would comply without reviewing plans, although everything must comply with the stormwater ordinance.

Mr. Kulovany then asked about the input from Westmont citizens and whether it should be considered by Plan Commission. Mr. Williams replied yes, and that he has received calls from Westmont residents. Ch. Rickard added that Westmont residents who reside within 250’ of the property received legal notification of this petition and they have the right to be heard. Ms. Leitschuh said the Village can take their testimony into account and wants surrounding uses to be compatible according to the Comprehensive Plans; however, the Village does not regulate over Westmont.

Mr. Kulovany inquired as to how many dwelling units in the Village are zoned R-5 or R-5A. Ms. Leitschuh responded that there are about 800 parcels zoned R-5 or R-5A, ranging from 2 to 600 dwelling units (Oak Trace). Mr. Kulovany then addressed page 41 of the Comprehensive Plan, which discusses the need for multi-family living for empty nesters, younger families and seniors. He asked whether Staff feels there are enough R-5 or R-5A properties that meet that zoning in Downers Grove. Mr. Williams and Mr. Leitschuh both replied there is no way to adequately answer that question as it would require a full housing analysis conducted by a private entity. The Comprehensive Plan is a high level document that spells out certain goals identified through the planning process, but the requested level of analysis does not currently exist.

Mr. Quirk raised a question regarding Standard 3 on pages 8 and 9 of Staff’s Report, which Staff stated has been met about property values. Ms. Leitschuh

thanked him for ensuring consistency in the report and presentation, and said this is one of seven special items under consideration, not all of them having to be met. It is one element of the various elements to be considered in the overall request. Mr. Quirk then asked whether Standard 5 is or is not met, to which Ms. Leitschuh said it doesn't apply to this specific request and is not relevant to the specific petition.

Mr. Quirk brought up the subdivided vacant land to the north and overall implications for modernizing the housing stock and the impact on housing values along Fairview Avenue. Ms. Leitschuh said Staff couldn't speak to the properties to the north that have already been subdivided, as there are many different components to be considered. For the specific subject property, Staff said that the uses as identified by the recently updated Comprehensive Plan are still identified as single-family detached single-family residential uses.

Ms. Rollins raised a question about setbacks, and Mr. Williams explained that the R-5 designation is a function of lot width and is less restrictive than the existing R-1 residential zoning. Mr. Williams said they are looking at this proposal as one lot under the PUD process, and the proposed side setbacks represents a PUD deviation.

Ms. Leitschuh noted when identifying a street yard (front yard), it is the area that fronts or runs parallel to the street, while the rear yard would be directly behind the property, opposite the front yard. However, in this situation what ends up being a side yard by definition is actually serving as the rear yard for two of the five buildings. That is why they are coming in with a PUD with an irregular building arrangement.

Mr. Maurer clarified that the rear yard of two of the buildings abuts the side yards of adjacent properties due to the location of the private street. Mr. Williams also discussed the R-5 bulk requirements and there is no maximum limit to the side setback requirement.

Mr. Quirk asked whether other lot reconfigurations where presented to staff and reviewed. Mr. Williams mentioned one particular proposal had internal side lot lines between the buildings. Ms. Leitschuh followed by stating the applicant could address this question better. Ms. Rollins sought clarify on staff's involvement at the review stage.

Mr. Quirk followed about the density of a nearby multi-family development.

Mr. Boyle raised a question as to Item (6) on page 9 of Staff's Report and how the value to the community was determined, whether it is based on the monetary value or zoning. Mr. Williams replied it is based on zoning and the Comprehensive Plan's attempt to have a harmonious interaction among the land uses. Ms. Leitschuh said it is not just about the use itself, but also about

the use in proximity to its location. There is no disagreement that multi-family is valuable as a housing option for the community; however, for this particular location, per the appropriately zoned uses, the area is still solely surrounded by single-family residential. The use is not compatible with the surrounding uses and the guiding regulations of the Comprehensive Plan and the Zoning Ordinance.

There being no further comments for Staff at this time, Ch. Rickard called upon the petitioner to make its presentation.

Petitioner, Ms. Elaine Kindt of Kindt & Assoc., 1325 Chapman, Darien, reviewed the request before the Plan Commission. She noted that the development is being named in honor of former Village Mayor Clyde Absher who served as a commissioner from 1944-1947 and as Mayor from 1947-1955. Ms. Kindt said she has been involved in developing over 400 homes and is a 4th generation builder. Their proposal is to construct 13 townhomes with permeable pavers and a private driveway, and each home will have front and rear porches. She described the materials used for the construction of the townhomes including natural stone and architectural shingles, noting that sample materials were available for the Commission's review. The townhomes have master bedrooms on the first floor with options for a fourth bedroom on the second floor. This provides an option for families with aging parents who can occupy the first floor area bedroom. The first floor is open concept. She quoted the price level as between $550,000-$575,000.

Ms. Kindt said that they believe their project meets the requirements and goals of the Comprehensive Plan. She said she understands that Staff does not believe this project meets Village standards; however, Ms. Kindt opined that the Comprehensive Plan addresses the need for this type of housing in the Village. Eighty percent of residential properties in Downers Grove are owner-occupied single-family homes. Single-family residential areas must remain flexible and consider context. There may be situations where single-family attached and multi-family uses may be appropriate within single-family detached areas. For example, street frontage, lot depth and the presence of neighboring non-residential uses should be considered on a case-by-case basis for other types of compatible residential development. In addition, the senior population will see the largest increase with ages 65-74 growing by 25% and ages 75 and up by 16%. The largest increase of households is projected to occur among households aged 55 to 74.

The Petitioner continued stating that the age and income shifts projected to occur among the Village's household population might have an impact on the local demand for a range of housing products. The number of households in the 35-54 year-old age is decreasing and the empty nester household is growing. Typical empty nester households comprise a significant proportion of those purchasing multi-family units. The anticipated growth in the Village's

household population over the age of 55 may be accompanied by an increased demand for multi-family housing products. Ms. Kindt emphasized that the Land Use Plan is a general guideline for growth and development within the Village and provides a foundation for further decision-making and is not a site development plan. While the detailed document provides specific guidance on land use decisions, it is also intended to be sufficiently flexible to accommodate unique or compelling circumstances, and the consideration of creative approaches to developments that are consistent with the overall policies and guidelines in the Comprehensive Plan. The petitioner noted that multi-family residential areas provide a wider variety of housing options to Village residents, especially to young households, empty nesters and senior citizens, all of which have been identified as a growing market in the Village. Multi-family residential developments are commonly found along arterial streets and often provide a transitional land use between single-family residential units and commercial uses. The Petitioner quoted an article from the 1978 Downers Grove reporter on the passing of former Mayor Clyde Absher, for whom this development is being named.

Mr. Quirk asked regarding the configuration of the lots and other plans. The applicant discussed a different Plat of Subdivision arrangement with a lot based on the foundation footprint of the unit. Mr. Quirk highlighted the biggest deviation is the side setback. Ms. Leitschuh responded that the first version submitted by the Petitioner had independent lots for each building with frontage to a public road. The Village no longer allows the creation of private roads because of ownership and maintenance issues. She referred to the site plan showing a public right of way (Fairview) that disconnects an entire development from their detention basin. It results in an island of private detention completely surrounded by public Village land. In an effort to not create this island, the development would lose its legal frontage to Fairview. The location of the detention basin is complicated, and that is why they chose one development with all stormwater services connected and one PUD for one lot. A later version submitted by the petitioner creates legal lots around the footprints of the homes. Ms. Leitschuh explained that this did not meet any subdivision dimensions, but the applicant could later obtain PINs from the County for each individual housing unit.

Mr. Kulovany asked under this configuration whether the ownership would be considered condominium. Ms. Leitschuh replied that it is one main lot with multiple owners, under County taxing with legal ownership of the building. It would not include subdividing of the land. Ms. Majauskas asked whether they are condominiums or townhomes and the Petitioner stated that each individual home would have its own individual PIN number and ownership. Ch. Rickard said they are actually proposing two lots, one of which is for the PUD and 13 townhomes, and the second lot for the stormwater. Ms. Leitschuh explained that there would be two legal descriptions, one for each lot as regulated by the Subdivision Ordinance. In the case of a duplex, the

two owners would each have a separate PIN number for their duplex, which is how the County assesses the tax for the property. How the Petitioner will split the proposed buildings for this site is not something that the Village is involved in, but relates to how the County assesses it.

Ch. Rickard said the Plan Commission and Village look at zoning issues, whether the zoning class, configuration and use is appropriate to the area. The physical description of the development including number of bedrooms, materials used, floor plans, etc., does not matter. This is a zoning and a use issue, and an issue regarding the PUD site plan.

Ms. Majauskas clarified that it would be one lot with multi-family housing with the common areas divided however they choose to do so, and the second lot would be the detention area.

Ms. Leitschuh said when you create multi-family lots out of one lot, you would create a separate outlot for stormwater use.

Mr. Quirk stated one lot simplifies ownership/responsibilities, but wanted to discuss a configuration with smaller lots leading to a less restrictive side setback requirement. He also highlighted the design and architectural style as it relates to housing values. Ch. Rickard responded by focusing on the plan and how it relates to the criteria.

Mr. Boyle inquired if the owner was available and if they considered other uses for the property. Ms. Kindt responded they had, but the current layout and site plan makes the most sense based on stormwater considerations. She also mentioned that other builders had looked into a single-family development and determined it was not feasible.

Mr. Boyle asked about the stormwater infrastructure requirements for a potential single family development. Ms. Leitschuh emphasized an outlot detention would still be required.

Ms. Majauskas asked what would be the highest number of residences that could be placed on the property if this property were to remain single-family zoning. Mr. Williams answered with based on 100’ width, five would be the maximum.

Mr. Kulovany added that if the Plan Commission were asked to change the zoning to R-2 they could put six 85’ lots in, or seven lots in R-3, and he wondered why the Petitioner chose not to stay within the residential zoning. The Petitioner replied that this was the type of home that is being sought in Downers Grove.

There being no further comments, Ch. Rickard called upon the public for any comments or questions.

1. Richard Samonte, 6025 Osage has resided in Downers Grove since 1962. He asked what will separate the townhomes from the adjacent lots, and whether the Petitioner will install a fence. He was informed that there is currently no fence planned. Mr. Samonte then asked whether the Petitioner has done any time studies of middle-school children cutting through that property to get to O'Neill School. Staff said no such study has been done. Mr. Samonte said the Petitioner would be interested to find out the kind of movement that takes place there, especially as it deals with middle-school-aged children. He asked that some sort of fence barrier be placed between the townhomes and the single-family residences that abut the development. He believes there is usually an 8' fence limitation. Mr. Williams said since this is residential zoning, the maximum is 6' height for fencing. Mr. Samonte suggested higher than 6'. He asked what approximate tax revenue would come out of this development and Mr. Williams said they did not know that at this time.

Ch. Rickard said at this level that information is probably not been gathered yet. This proposal will go before the Village Council at a later date. Mr. Samonte said he asked that question because he was a past School Board member and his daughter is on the School Board now. Ms. Leitschuh replied that Staff is happy to answer all the questions that will be posed, however, she suggested that Staff keep a rolling list of the questions raised and they will respond to those questions. As to school donations, anytime there is new residential housing added, there will be required school and park donations, totaling about $53,000 for District 58, $21,000 for District 99, and $105,000 for the Park District. She noted that an ex-officio member said he would be in support of the proposal for the additional tax donation.

2. William Ponstein of 6012 Hillcrest Court said he owned five lots about 200' north of this property, and under current zoning the subject property would be about the same as his lots that he is trying to sell. He said as of now, he is against the proposal. The people on Osage would be looking at the back of a 400' long building, which will drastically change their view. As for the existing property being blighted, he thought there should be rules in the Village to encourage the present homeowners to fix their property. He is also against any reduction in the side yard setback, as he thinks the 10% should hold. He sees this as spot zoning between all R-3 zoning, and the Comprehensive Plan says the same thing.

He discussed the history of his property in response to Mr. Quirk. He replied to Mr. Kulovany that his property did not go through a rezoning. He said they subdivided the lots in about 2003 or so.

3. Sherry Laskas of 6003 Fairview lives across from the proposed development. She said that the water issues there are major and there is flooding. That property should remain single-family detached homes, in-line with what she through Mayor Absher would have advocated. The neighbors would love to see something done to clean the area, but putting in townhomes will not keep with the Village's Comprehensive Plan for single-family homes. She said they purchased their property because they wanted single-family homes, and she doesn't think the Mayor would like multi-family homes in that area.

4. Sonya Bills of 6005 Osage said she lives behind the subject property. She's not happy with the proposal. She would like to see single-family homes. Her worry is also with flooding. Her lot does not flood at this time, but the giant building may cause her flooding problems. She has had issues in the past with the property owners. She's not sure that just anything would be better than what they have now and is concerned with the huge building.

5. Debra Smego of 6009 Osage said her property backs up to the proposed development. She reiterated what others said about the storm sewer problems. They don't experience flooding right now, but she is also concerned about privacy issues. They will be building close to her property line and she would lose privacy and might affect her home's value.

6. Martha Sheer of 6006 Osage Avenue asked whether the property is considered unincorporated, because when they've called the police the Downers Grove Police do not respond but the State police respond. Ms. Leitschuh replied that it is incorporated and is within the municipal limits. She will check about police protection and provide that information to the resident. Ms. Sheer said she is in the 55-74 year-old range and if she were to purchase a townhome it would not be on Fairview Avenue. There are issues with kids walking through the property. She then asked who would manage building inspections, etc., if the property was unincorporated. Her concern is that the property is properly maintained. Ms. Leitschuh said that it would be followed-up with the Community Development Department Code Enforcement Officers, and they should be contacted. She will get back to Ms. Sheer about the Police/Fire response. Ms. Sheer added that the traffic will be a nightmare on Fairview Avenue with this number of units. She doesn't support this plan.

The Petitioner responded that no cars will be backing out onto Fairview, but will be driving straight out onto Fairview. They do not intend to build a fence between the properties but would use landscaping for screening.

Michael Hansen of Watermark Engineering, 2631 Ginger Woods Parkway, Aurora, is the Engineer for the site and discussed the stormwater plan, saying they would provide storage for onsite and offsite flow in three different areas on the site including the rain garden, detention area and piping. He explained

how the water would flow through the site. The site is designed for 100-year storage. Mr. Maurer asked what a rain garden is. Mr. Hansen explained that a rain garden is a catch basin with native plantings above grade that collects rainwater runoff from a variety of sources. In response to Mr. Kulovany, he responded that no part of their property drains onto adjacent property.

Ms. Kindt said that people don't want to live on Fairview in single-family homes with small children. Empty nesters don't have small children. This location on Fairview is more for townhome development than it is for single-family housing.

There being no further input from the audience, Ch. Rickard closed the opportunity for further public comment.

Ms. Majauskas said she agrees with Staff and the neighbors, as it feels as though the subdivision is being plopped down in the middle of single-family homes. The Comprehensive Plan is there for a reason, and citizens and developers can rely on that Plan. This development is changing the Plan to fit itself into the area. She is hearing talk that there is a need for multi-family senior housing, but she has not seen any study, survey or any evidence to verify the need. She says there is multi-family housing being built in the Village right now that is not selling quickly either. She thinks if this is approved they will be setting a dangerous precedent, very early in the new Comprehensive Plan.

Ms. Gassen said she also agreed with Staff. She has not seen any other multi-family development in the adjacent properties and by doing this they would have to be prepared to recommend approval on all the properties in that area.

Mr. Kulovany said he disagrees, and thinks there is a bias towards single-family homes versus high quality townhomes. He attended most of the meetings of the Comprehensive Plan Committee and the Plan Commission was involved in looking at the Comprehensive Plan. He doesn't recall any discussion of Fairview Avenue and grew up in that area. He thinks if any area is transitional that would support a high quality proposal it's Fairview. He further clarified that we're not talking about low-income apartments, we're not talking about Section 8; the type of person that could afford $550,000 $575,000 is going to be a respectable person who would certainly take care of their property. Two blocks to the north of the area is a church which looks like a commercial building. Mr. Ponstein's property has been vacant for many years. There are multi-family residences kitty-corner from the site in Westmont. Mr. Kulovany noted that multi-family housing in Downers Grove has sold right away. Looking at the Comprehensive Plan it says that younger couples, empty nesters and senior citizens have been identified as growing markets in the Village and multi-family units are found along arterial streets

like Fairview Avenue. Going another block south on Fairview there is a commercial district. His point is that the Comprehensive Plan did not look at this neighborhood in detail. He doesn't think Downers Grove is paying attention to the market place as necessary. He would like to hear real estate people speak to that issue of the market value, and he is in favor of this.

Mr. Quirk said he looked at some research along Fairview Avenue conducted around the year 2000. Just south of 63rd Street there was subdivision annexed in at R-3 and another classified at R-5. Last year there was a petition for the senior community south on Fairview increasing the density on Fairview and resulting in a $100 million investment in that site. He thinks big single-family lots are not going to make sense on Fairview. Solutions like this will. Mr. Quirk said the Village has catalytic sites in the Comprehensive Plan that make sense and can solve the problem. Thoughts on density have changed. His question is whether it impacts the community in a positive or negative way. He wished there was a way to make this less of a variation to the standard, even though it's very difficult on a 550' wide lot. It creates management challenges. He commented on the properties for sale on Fairview, enormous lots next to the Racquet Club that people have tried to buy and nobody can make it work. He thinks the Village may be passing over great opportunities where private citizens are willing to invest. Mr. Quirk noted that they have seen apartment projects that have redrawn our density tolerances in the downtown and massive outside investment has gone in. He commented that he would like to defer to those people that the banks would like to lend to who understand the market better than he does. He sees this as a common sense approach that we need to figure out. He expressed his desire to find a way to place some conditions to a recommendation for this to be approved, such as a 6' fence for residents, or a PUD, or dedicating sidewalks for students to go from Westmont to O'Neill. Mr. Quirk did not think this would change the characteristics of the neighborhood and it could be a catalytic project somewhere along Fairview.

Ch. Rickard noted that Staff has obviously not supported the project, but he suggested if it looks like the majority is in favor of approving it, it might be better tabling this or continuing it so that Staff has the ability to go back and suggest or recommend some modifications to the Plan.

Mr. Quirk referred to other petitions where Staff recommended denial and the Board recommended approval for various reasons. He suggested giving Staff the opportunity to take another month to craft recommendations for approval could result in citing specific conditions, and the Village Council ultimately would have the opportunity to say yes or no.

Ch. Rickard noted that people are sharing their thoughts, but he would like them to speak to the standards as well since that would be helpful too. The ultimate question is whether they meet the standards.

Ms. Rollins said she struggles with the request to change the zoning from R-1 to R-5 and feels like there are multiple layers they are asking for. She didn't see another option where the proposal is for R5 without variations.

Ch. Rickard explained that the reason for a PUD is not just to improve density but also to get more of a creative layout and provide more flexibility. He thinks this is being done just to maximize the property and get as much on it as they can. He doesn't see any other benefit to it other than trying to maximize the investment. This will look vastly different than everything else going up on Fairview. That's not necessarily bad but it is a lot different.

Mr. Maurer said he would like some time for Staff to reconsider this with the Petitioner. He referred to a meeting held on May 18th of this year. This is a quiet location and if there is an opportunity to make this work, he'd love to see something like this work on that property, but he'd like to see Staff look at it again.

Ch. Rickard said they should prepare some guidelines for Staff. Ms. Leitschuh indicated that they would have to provide very specific guidance. From Staff's perspective it is multi-family zoning in a single-family area. Conditions can be worked out, but for Staff to go back she doesn't think the Staff review will necessarily be all that different.

Mr. Kulovany suggested that if the Petitioner came forward with seven lots and R-3 this discussion wouldn't be necessary He doesn't want to be insensitive to the neighbors, but if the property has been on the market for three years there has to be a reason. The petition may want to work on the proposal more.

Ms. Leitschuh said her sense is that based on what is before the Commission they should make a recommendation one way or the other. The Petitioner has put their time and money into making this proposal. She thinks the Commission should make some type of recommendation. If the property were split into lots it would be a substitution of nonconformities, so whether it's multiple lots or what is before the Commission, it's still the same use. It does not change the fact that there is a street separating a stormwater detention basin and that is why Staff did not support a truly dedicated public street. This is a private driveway. No matter the options that have been raised, Staff would still not be open to changing its recommendation.

Ms. Rollins clarified if all the options brought to staff had the same layout and site plan. The building locations and sizes did not change, and Ms. Rollins expressed an interest in seeing a different configuration with the layout and size of the proposed building.

Ms. Majauskas said that the density here is much different with 13 units, than for five single-family homes not shown on this plan. This does not match what the Comprehensive Plan envisions.

Ch. Rickard agreed after additional discussion that the Commission should vote on this so the Petitioner understands why the Commission doesn't feel it complies. Ms. Leitschuh replied that she thinks the Petitioner is owed some kind of response from the Commission. If there are concrete things they can make in a Motion, the Petitioner can go back and reconsider their petition.

Mr. Boyle asked if the Comprehensive Plan address housing values and changes in the market related to the current use. Ms. Leitschuh responded that the Comprehensive Plan is more general except for certain catalyst sites. She added the zoning ordinance looks at if there is possible value, not the highest value.

Mr. Quirk moved that the Plan Commission recommend approval to the Village Council for a petition seeking approval of a Planned Unit Development, a Zoning Map Amendment from R-1, Residential Detached House 1 to R-5/PUD, Residential Attached House 5/Planned Unit Development, and a Final Plat of Subdivision for Plan Commission Case 18-PLC-0012 subject to the plans as submitted to the Plan Commission for property located on the west side of Fairview Avenue between 60th and 61st Streets commonly known as 6000 and 6014 Fairview Avenue.

Mr. Kulovany seconded the Motion with an Amendment that the Petitioner works with Staff to create a landscaping plan that would create a significant and adequate screening from the adjacent properties.

AYES: Mr. Quirk, Mr. Kulovany, Mr. Boyle
NAYS: Ms. Gassen, Ms. Majauskas, Mr. Maurer, Ms. Rollins, Ch. Rickard
The Motion failed 5:3.

Ch. Rickard said that the Plan Commission recommendation to the Village Council will be to deny the request. There will be another Public Hearing by the Village Council at a future date.

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18-PLC-0011: A petition seeking approval of text amendments to all articles of Chapter 28 (Zoning Ordinance) of the Municipal Code of the Village of Downers Grove, except Article 1, Introductory Provisions and Article 13, Administration and Enforcement. Village of Downers Grove, Petitioner.

Mr. Stan Popovich, Director of Community Development, stated that the Village is requesting an amendment to various sections of the Zoning Ordinance to implement the Downtown Regulatory Framework and to clarify other sections of the Zoning Ordinance. He began by focusing on the downtown zoning districts, which were discussed during the Comprehensive Plan Update and Downtown Regulatory Framework. The Framework was approved in January of 2018 by the Village Council. The next step is to amend the Zoning Ordinance to meet the regulatory framework and the goals of the Comprehensive Plan. He provided a background review of the discussions held by the Comprehensive Plan Committee, Plan Commission, Council, downtown property owners, and Staff to arrive at the recommendations for text amendments. To use a flight analogy, the Comprehensive Plan is at 40,000 feet, the Framework at 10,000 feet, and the Zoning Ordinance is on the ground for day to day operations.

The Framework envisioned four districts; however, after multiple public meetings, it was determined that 90% of the Framework can be attained maintaining DB and DT districts with slight modifications and the new addition of a Downtown Core (DC) district. Both bulk and use modifications are proposed. Director Popovich emphasized that no properties are being rezoned at this time, and that only text amendments are before the Commission for their review.

Director Popovich detailed the proposed changes to the Zoning Ordinance text intended to implement the Framework as discussed in the staff report, including adding DC to bulk requirements (Table 4-2), the use table (Table 5-1) and the sign chapter. In addition to typical discussions, staff is requesting additional Commission discussion on three specific items: attached and two-unit houses in the DB, Bed & Breakfasts in the DB, and assembly uses in the downtown.

Mr. Popovich then reviewed the second category of amendments. These included clarifying only one building is allowed on a single lot of record; changes to the Personal Improvement Services use category in Section 5; minor changes to the use table; extending the downtown parking exemption to the Fairview Concentrated Business District; reducing the required minimum driveway width from 10 feet to nine feet and authorizing driveway width reductions as administrative adjustments. Additionally, the modifications include a provision under mechanical screening requirements to consider the setback distance from the building façade, and some minor modifications to permitted encroachments and definitions.

Ch. Rickard opened up the floor for Commission discussion. Mr. Maurer said Council's direction was to decrease intensity of multi-family, yet by changing apartments in DB/DT from a Special Use to Permitted, it seemed counter to

that interest. Mr. Kulovany was concerned that developers could just pull permits if the bulk standards were addressed. Ms. Gassen said it would be difficult to meet the suggested density numbers, when they should be encouraging density in the downtown. Mr. Maurer was not supportive of increased density, and supported leaving the approval process as a Special Use. Ms. Majauskas thought the Special Use helped to control downtown, and discussions, like tonight, were needed to keep control of it. Ms. Gassen commented that the Marquis on Maple development met all density/bulk requirements, and only came before the Commission because it was a Special Use. Without the Special Use process, there would have been no public input. Mr. Quirk disagreed with the current density requirement, saying it won't enable development and that he still supports greater density. About the downtown, he stated, "It's urban." He likes the 35 foot height cap for DT. Mr. Kulovany said the younger generation is not as concerned with internal space, but want amenities.

There being no further comments, Ch. Rickard called upon the public for any comments or questions.

1. Willis Johnson, 603 Rogers, expressed concern about the overall process as he tries to keep track of the repeated changes over the course of the downtown discussions and proposed amendments. He is unclear of what the final results will be.

2. Jim Krusenoski, 853 Maple, said he does not want zero foot setbacks and 60 foot tall buildings across the street from his property, a single family Victorian home. He supports keeping apartments/condos as a Special Use.

There being no further input from the audience, Ch. Rickard closed the opportunity for further public comment.

Ms. Majauskas opined that attached and two-unit housing should definitely be removed from DB, but DT is a different discussion. She said in her opinion duplexes are asking for trouble in so many ways, and she questioned why they would allow that. She would be in favor of a four-unit condo-type structure but not a duplex.

Mr. Quirk stated that condos are different than apartments, as condos are residential whereas apartments are really commercial structures. He thinks apartments are appropriate but that townhomes/duplexes should not be allowed in a downtown business area. Ch. Rickard agreed to remove attached housing from DB and leave in DT. There was no opposing comment, although Ms. Majauskas said she didn't know if she agreed because she believes duplexes spell disaster in so many different ways. She said if everyone else agrees, however, they can move on.

The Commission also agreed that Bed and Breakfast should be removed from DB, and come in as a Special Use in DT. Ms. Gassen stated that makes sense because an older home to be modified as a B&B is more of a transitional thing. Mr. Quirk stated the next step would be to discuss AirBNBs.

The Commission agreed to maintain Assembly as a Special Use.

Ms. Gassen reintroduced the request to keep condo/apartments as a Special Use. Concern was expressed as to the minimum lot area per dwelling unit numbers submitted, with Mr. Maurer stating that “1800 was really high” Ms. Gassen acknowledged she was concerned what Village Council might change the numbers and decrease the density, but not provide an additional level of review by changing apartments/condos from a Special Use to a Permitted use.

Mr. Kulovany said he was surprised there has not been any public discussion, but based on the public sentiment, he thinks it was clear that the public wanted to look at these things beforehand. He thinks this is moving totally against public sentiment. They should have the opportunity to take a look at this and ask meaningful questions. The idea that a fence goes up and they start digging a hole, and then people say, “Oh, what are they building? We didn’t even know they were going to do that. At least here they can come to a public hearing.”

Ms. Rollins agreed that this should be kept as a Special Use, and if the Village Council chooses to change that, that is their prerogative, but at least it brings it to the table for discussion. Ms. Gassen said she would not be concerned if the density numbers are hard to attain, but if those change then in favor of a Special Use.

Ms. Majauskas said she was in favor of keeping the density low. She said the Village can always say that they can build a smaller unit, however, once you get several tiny condos you are suddenly asking for a lower quality building just because of the size of the individual units. She expressed her concern about the ambience or quality the Village is attempting to maintain, especially in the downtown area. If they let density go haywire, they will lose control. She said 400 square feet is the size of a hotel room. Mr. Maurer was explained to her that the number 400 refers to how many square feet of land is needed to build a unit, and does not represent the size of the unit. So if you have 3,600 square foot lot, and a FAR of 1,800, you can have two dwelling units.

Mr. Quirk discussed sharing living space by dividing apartments as a trend in Chicago. Ms. Rollins remarked that dorms are already following suit. Mr. Popovich clarified that a household is defined in the Village Ordinances, to limit the number of people that are unrelated from forming a household.

Mr. Quirk stated that we are plagued as a community that is exceptionally difficult to get things done, and more special review, input, and vision makes it more difficult for a developer to get something done. Which is why having standards in place, if we do XYZ, they know what is expected. If you have multiple reviews like other communities (zoning, design, architecture) it's really tough, and if you compare it to our peers, we are viewed as difficult. Yes, we should have some control and that line needs to be set, but be mindful that that control makes it difficult for people.

Ch. Rickard has heard similar concerns for certain projects, but having performed work in every northern Illinois municipality has heard that some communities are easier, and others are far more difficult. Mr. Quirk stated he doesn't apply this to larger projects, but smaller businesses (e.g., a vet clinic) our standards are so prescriptive, it's not staff, it's us as a community that impose that on people.

Ms. Majauskas commented that when developers come into a village, in her opinion they have a very selfish viewpoint. They come in to maximize their profits and then they want to get out. They don't really care what happens after they sell. When you start letting everyone do what they want, maximize their profit and then leave, that's a big danger. Developers are not there to make the Village look fabulous and be a great place to live. They are just looking to maximize their profit. For that reason she thinks a Special Use designation is not bad. She said developers should answer how serious are you? How much are you going to give back to the Village?

Ch. Rickard said he thought feedback was provided and asked that someone make a motion with any amendments or conditions, Mr. Quirk suggested that they use the most recent approved development densities as the base for their recommended downtown density. Mr. Kulovany believed the density exceptions almost become standards because subsequent petitioners could request the same sizes as approved previously. Mr. Popovich said they can look back historically, but ultimately every petition stands alone as a Special Use and goes to Council. Ch. Rickard agreed that petitioners probably do go back historically to see what has been approved and how their request compares to previous plans.

Mr. Quirk said there is the potential they are not approved, and for property owners and businesses better to know what is expected. There should be a standard. There needs to be a reasonable line.

Ms. Rollins said she airs on the other side, that if people don't get an opportunity to voice their opinion on a large project that decreases those numbers, it just happens in their backyard. You are eliminating an opportunity is eliminated for the public to participate, and instead development just

happens in their backyard. The Commission has added fences, lighting, made sure neighbor concerns are heard and respected. Even if not in line with standards, there are many positive things that come out from the process. Mr. Quirk said things are going to stop for a while, that the next DB project will have to put together multiple parcels and ask for 300SF density potentially and point back to previous multi-family approvals. Listen to resident concerns, and talk about property taxes, and we are just going to say yes. He would prefer to just find “that number” and be more rigid. Mr. Boyle stated as soon as you find “that number”, won’t someone try to lower it. Mr. Kulovany suggested “that number” and adding 20%.

Mr. Maurer replied that we must at least bring people to the table. It takes months of work and tens of thousands of dollars to calibrate these larger proposals. He doesn’t think they should set the number based on the last development and hopes they have had enough of that for now. He thinks they have to add the 20% or some kind of brakes to multi-family development that has added enough to traffic and is now no longer selling so just decreasing property values.

Mr. Kulovany said he thinks adding the percentage option allows a conversation around the number. Mr. Quirk said if more than 20-25 units are proposed, it’s a Special Use, Ms. Rollins agreed. And if you need something other than 600SF, then you need to make the case. Ms. Gassen said it is important for the residents to just see what’s going to happen. Mr. Kulovany asked Mr. Popovich whether the developers the Plan Commission has worked with in the past felt that going before the Plan Commission for Special Uses was particularly arduous or unreasonable. Mr. Popovich said it is a matter of time for their projected timeline, and seeing what the community will support. Mr. Kulovany said the things that come out of these discussions on Special Uses have been invaluable such as fencing, not having trash on Ogden and Main Street, etc. Those items came out of resident concerns and were reasonable requests. Ch. Rickard said they are site specific and based on proximity, not just density and numbers.

Ch. Rickard suggested that they were ready to submit a Motion. Discussion centered on crafting a motion based on their conversation.

Mr. Kulovany said it could be argued that anyone walking to the train station is not competing with other drivers on congested roads. He asked from those who argue against more density what their complaint is with people walking from the train station, versus driving on congested expressways.

Ms. Majauskas asked if the only permitted use in Downtown Business is retail. Mr. Popovich read a list of other permitted uses including personal services, restaurants, wine boutique, financial services, residential use, etc. A

Special Use is currently required for any apartment/condo, including second story units above retail space.

Mr. Quirk does not believe a second floor above commercial space should require a Special Use depending on the number of units. Ms. Gassen replied she did not know what the right threshold would be.

Mr. Boyle asked if combining properties would come before Plan Commission, which is not required.

Mr. Kulovany commented that he would be more comfortable if they had a Special Use because if they try to come up with a number tonight it would be pulled out of the air. The residents have spoken loudly and clearly and want to be heard and have a peak beforehand, and have opportunity for residents to ask questions.

Ms. Gassen commented that Plan Commission is keeping apartment/condo as it exists in their recommendation; just going from two to three districts in the downtown all of which currently require Special Uses for apartment/condo.

The Commission further discussed the appropriate density threshold, and whether a Special Use or Permitted use adequately reviewed multi-family in the downtown.

Mr. Quirk sought clarification whether adding a couple apartments above existing commercial space, mixed-use, or adding a unit was Permitted or Special Use, to which Mr. Popovich replied that a Special Use is currently required. Commissioners expressed support of second story residential units, but that Special Use review should not be removed.

Mr. Quirk made a point that the density standard is purely a guideline, and it is not a standard because the Commission has always given permission for different densities. Mr. Popovich stated that Marquis on Maple met the standards, not requesting a PUD but came in complying with the density requirement.

Mr. Kulovany said that the way this reads right now, someone could buy the Subway and parking lot area and put anything in there, by right.

Mr. Quirk asked what triggers a PUD. Mr. Popovich explained there are specific objectives in the Zoning Ordinance including providing a greater public benefit. Often the development cannot be accomplished following the standard requirements, and the PUD allows the opportunity to control unique requirements and design. The Village expects certain benefits out of the proposal, including public benefits, seating, additional design quality. The

development must be built to plan, withstanding small tweaks. But major changes required it to go back to the Commission for more review and control.

Ms. Leitschuh explained that a Special Use is not an approval tool to adjust density, but that a variation request or PUD would have to accompany the petition.

Ms. Majauskas said her suggestion at this time would be to leave it as is because they are trying to pull things out of the air. She supports recommending a Special Use, but as far as recommending specific numbers, they have no idea what the impact of those numbers would be. Commissioners agreed.

Ms. Gassen moved that with respect to 18-PLC-0011 the Plan Commission approve the Text Amendments for Chapter 28 of the Municipal Code with changes discussed which were that Assembly and Entertainment would be switched to Special Use in Downtown Business and Downtown Core, Apartments and Condos will be Special Use in the Downtown Core, Downtown Transition and Downtown Business, remove Bed and Breakfast from the Downtown Business District, and remove Attached House and Two-Unit Houses from the Downtown Business District. Mr. Kulovany seconded the Motion.

AYES: Ms. Gassen, Mr. Kulovany, Mr. Boyle, Ms. Majauskas, Mr. Maurer, Ms. Rollins, Ch. Rickard
NAYS: Mr. Quirk
The Motion passed 7:1

Mr. Quirk commented that the motion did not address the previous discussion or recent trends based on the previous approvals Plan Commission has seen in the last several years, and that the density needs to be adjusted accordingly.

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5. DISCUSSION ON PLAN COMMISSION REPORTS AND MEETING FORMATS

Director Popovich said that modifications have been recommended for the Plan Commission meetings placing more emphasis on the Petitioner and the Petitioner's responsibilities. He explained that Staff will no longer write out findings of the Standards of Approval and there will be standard forms attached to Staff's report based on the Petitioner's request. A handout explaining the changes was submitted to the Commissioners in their packets. Staff will make a recommendation at Plan Commission after all testimony

including the petitioner's presentation and public comment is provided. The following are the modified procedures to be followed:

1. Petitioner will petition for their project

2. Staff Reports
   Continue to describe and analyze project
   Findings of Fact/Standards of Approval are listed but not flushed out
   Petitioner has the responsibility to document that the standards are met
   A standard form will be attached to the report
   Staff's recommendation will be removed
   A Motion will be provided for the Plan Commission to make

3. Plan Commission Meeting
   Petitioner will present first
   Commissioners will ask questions
   Public Comments will be taken
   Staff presents its report
   Staff recommendation
   Petitioner's closing statement
   Commissioners deliberate on the Standards
   Commission makes a Motion

4. Village Council Meeting
   Acceptance of Plan Commission minutes

Mr. Popovich explained that items will not go to Council before minutes are reviewed and approved by Plan Commission to guarantee their accuracy. Mr. Boyle asked if that would slow the approval process, to which Mr. Popovich replied that usually no significant delay would occur assuming Plan Commission met monthly.

Ms. Gassen asked for a text summary of the changes.

Director Popovich said they intend to implement these changes at the next meeting. There will be specific forms for the Petitioner's request. He said that Staff would screen the Petitioner's application to assure that the applicant addresses all requirements.

Mr. Quirk asked how the review of a PUD would come before them without staff's support. Mr. Popovich stated that staff we still assist people. Ms. Leitschuh explained we still work with the applicants, regarding the proposal and the standards. Mr. Rickard identified that the Commission may have to draw out the standards from some of the applicants, by questioning them. Ms.

Rollins said she would like guidelines for the applicant's presentation. Mr. Popovich said the more professional applicants should have the knowledge to convey the required information, and that staff will work with residents and small businesses.

Mr. Kulovany asked about the primary motivation for these changes. Director Popovich responded that residents believe that Staff is making the petition to Council and advocating on behalf of the Petitioner. He explained that the Commission can still ask questions of Staff, and that Staff will still be involved in the application submitted by the petitioner.

Ms. Leitschuh said this will be a learning process for everyone. Mr. Popovich and Ch. Rickard acknowledged other communities follow a similar public hearing process.

6. ADJOURNMENT

There being no further business, Ch. Rickard called for a Motion to Adjourn.

Ch. Rickard adjourned the meeting by voice vote at 10:25 PM.

Respectfully submitted,

Tonie Harrington,
Recording Secretary
(transcribed from mp3 recording)

DRAFT

VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
JUNE 4TH, 2018 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
18-PLC-0017 4732 Douglas Road, 509 Gierz Avenue, and 523 Gierz Avenue	Alley Vacation	Flora Ramirez Planner

REQUEST
The petitioner is requesting a vacation of a 14-foot wide by 124.83-foot deep alley immediately adjacent to and between the properties at 4732 Douglas Road, 509 Gierz Avenue, and 523 Gierz Avenue

NOTICE
The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Village of Downers Grove
801 Burlington Road
Downers Grove, IL 60515

APPLICANT: Timothy O'Neill
4732 Douglas Road
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-4, Residential Detached House 4 (adjacent properties)
EXISTING LAND USE: Unimproved Right-of-Way
PROPERTY SIZE: 1,747.56 square feet
PINS: 09-08-213-016, -017, -034, -035 (adjacent properties)

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4, Residential Detached House 4	Single Family Detached
SOUTH:	R-4, Residential Detached House 4	Single Family Detached
EAST:	R-4, Residential Detached House 4	Single Family Detached
WEST:	R-4, Residential Detached House 4	Single Family Detached

ANALYSIS

SUBMITTALS
This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Narrative
3. Plats of Survey
4. Plat of Easement/Vacation

PROJECT DESCRIPTION

The applicant is requesting that the Village vacate the 14-foot wide by 124.83-foot long unimproved alley adjacent to 4732 Douglas Road, 509 Gierz Avenue, and 523 Gierz Avenue.

The properties at 4732 Douglas Road, 509 Gierz Avenue, and 523 Gierz Avenue are the only properties which abut the alley proposed to be vacated. The alley runs north-south from Gierz Avenue to Prairie Avenue and is unimproved with the exception of an existing apron off of Gierz Avenue. The removal of this approach and restoration to green space with street curbing as a condition of approval.

Written consent was received for the three abutting property owners. The owner of 4732 Douglas Road filed the petition subject to purchasing a quarter of the alley that abuts their property. The owners of 523 Gierz Avenue have provided written consent subject to purchasing half of the alley that abuts their property. The owners of 509 Gierz Avenue have also provided written consent subject to purchasing a quarter of the alley that abuts their property.

The table below summarizes the estimated fair market value of the entire alley to be vacated:

Land Value per Acre	Sq.Ft. of Alley to be Vacated	Estimated Value	Encumbered Value	523 Gierz Avenue	509 Gierz Avenue	4732 Douglas Road
$545,000	1,747.56	$21,864.56	$7,215.30	$3,607.65	$1,803.83	$1,803.83

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies, outside public agencies and other Village departments to determine if any rights to the public right-of-way should be retained. The utility providers and the Village do not object to the vacation of the right-of-way as long as a public drainage, utility and access easement is retained along the entire width and length of the alley. The easement will provide adequate space for any future utility needs.

As such, the easement will restrict any construction within the vacated right-of-way except for a driveway or fence. The petitioner has been informed of this requirement and submitted a plat of vacation that includes the required easements.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

According to the Future Land Use Plan, the neighboring properties and all surrounding properties are designated as Single Family Residential. The vacation of this alley would not alter the future uses of the surrounding properties, and the Village will retain a permanent easement.

The Residential Area Plan notes that the Village should continue to ensure that quality housing stock remains a staple of the community, and modernization of the existing housing stock is one way to achieve this. The vacation of the alley will provide more flexibility for future development.

COMPLIANCE WITH ZONING ORDINANCE

All of the surrounding properties are zoned R-4, Residential Detached House 4. The portion of the alley being vacated will be split between the adjacent properties and zoned R-4, Residential Detached House 4.

At this time, no construction is proposed on any of the properties. Because an easement is required on the entire alley, no new buildings or structures, other than a driveway or fence, could be constructed on the vacated alley.

PUBLIC SAFETY REQUIREMENTS

The Fire Department has reviewed the plans for the vacation and noted no objections to the vacation of the right-of-way. The alley vacation will have no impact on emergency services.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing the legal notice in the *Downers Grove Suburban Life*. Staff received one phone call from a neighbor expressing interest in the alley vacation process.

FINDINGS OF FACT

Compliance with the Procedure to be followed in the Vacation of Streets, Alleys, and Public Rights-of-Way (Resolution #2003-58)

The Village's alley vacation policy asks the following questions when it comes to determining if an alley can be vacated. These questions are listed below:

1. Is there written consent of at least two property owners who abut the proposed parcel to be vacated?

2. Whether the Parcel or portion thereof, is no longer necessary for public use and whether the public interest will be served by such vacation request.

3. Whether the Parcel or portion thereof, should be vacated and whether public utility easements and any ingress-egress easements are to be maintained.

4. The amount and type of compensation, if any, to be required as a condition to the effectiveness of the vacation of the parcel.

RECOMMENDATIONS

Staff will provide a recommendation at the June 4, 2018 Plan Commission Meeting.

DRAFT MOTION

Should the Plan Commission find that the request complies with the alley vacation policy, staff has prepared a draft motion that the Plan Commission may make for approval of 18-PLC-0017:

Based on the petitioner's submittal, the staff report, and the testimony presented, the proposed alley vacation complies with the alley vacation policy of the Village and is in the public interest. Therefore, I move that the Plan Commission recommend that Village Council approve 18-PLC-0017. Subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated June 4, 2018.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 14-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.

3. The existing driveway approach, directly north of the alley, shall be removed and restored to match the existing right of way.
4. Prior to execution of the plat, the petitioners shall pay the Village a total of $7,215.30.

Staff Report Approved By:

_____
Stanley J. Popovich, AICP
Director of Community Development

Project Summary/Narrative Letter

April 18, 2018

Department of Community Development

801 Burlington Avenue

Downer Grove, IL 60515

RE: Petition for Plan Commission; Right-of-Way Vacation of Alley

To whom it may concern:

`The purpose of this letter is to address item number 5. "Project Summary Narrative Letter" on the Plan Commission Petitioner's Submittal Checklist.

The owners of 4732 Douglas Road, 509 Gierz Street, and 523 Gierz Street would like to purchase the "right-of-way" alley that connects our properties. Included with this submission are all documents requested in the Petitioner's Submittal Checklist. The property owners would like to acquire the alleyway to increase the footprint of their respective yard.

The three property owners adjoining the right-of-way plan to divide the property into three sections. The alley way is 14' wide and that will be bifurcated. The property line between 4732 Douglas and 509 Gierz will extend the 7" into the right-of-way and that line will divide the entire section into three parts. The map on the following page shows how the property will be divided.

ORANGE → 509 Gierz

Green → 4732 Douglas

Yellow → 523 Gierz

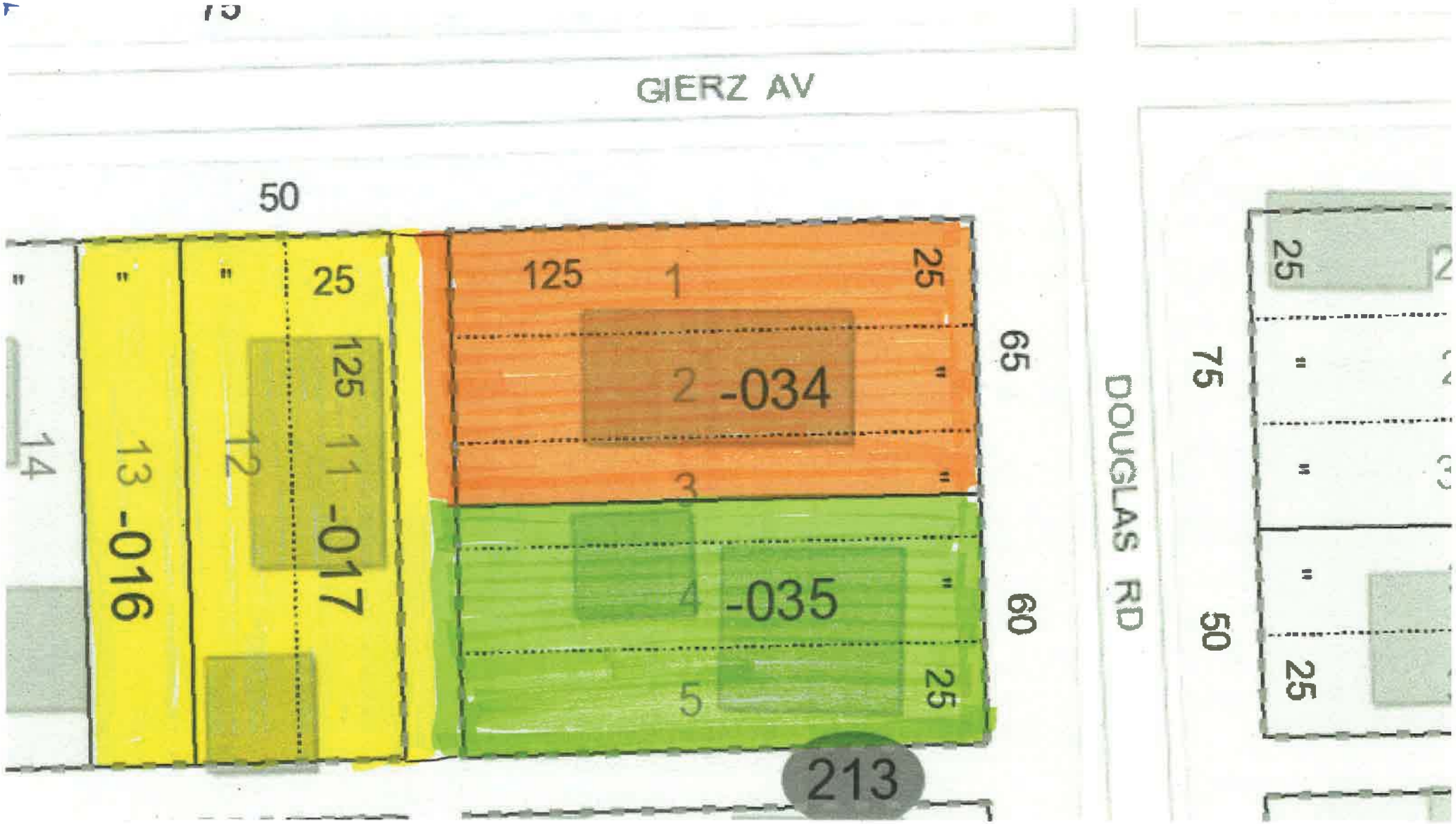
Please direct all questions or request for needed information to, Timothy O'Neill of 4732 Douglas Road.

Sincerely,

Timothy O'Neill

312-802-6656

Toneill312@gmail.com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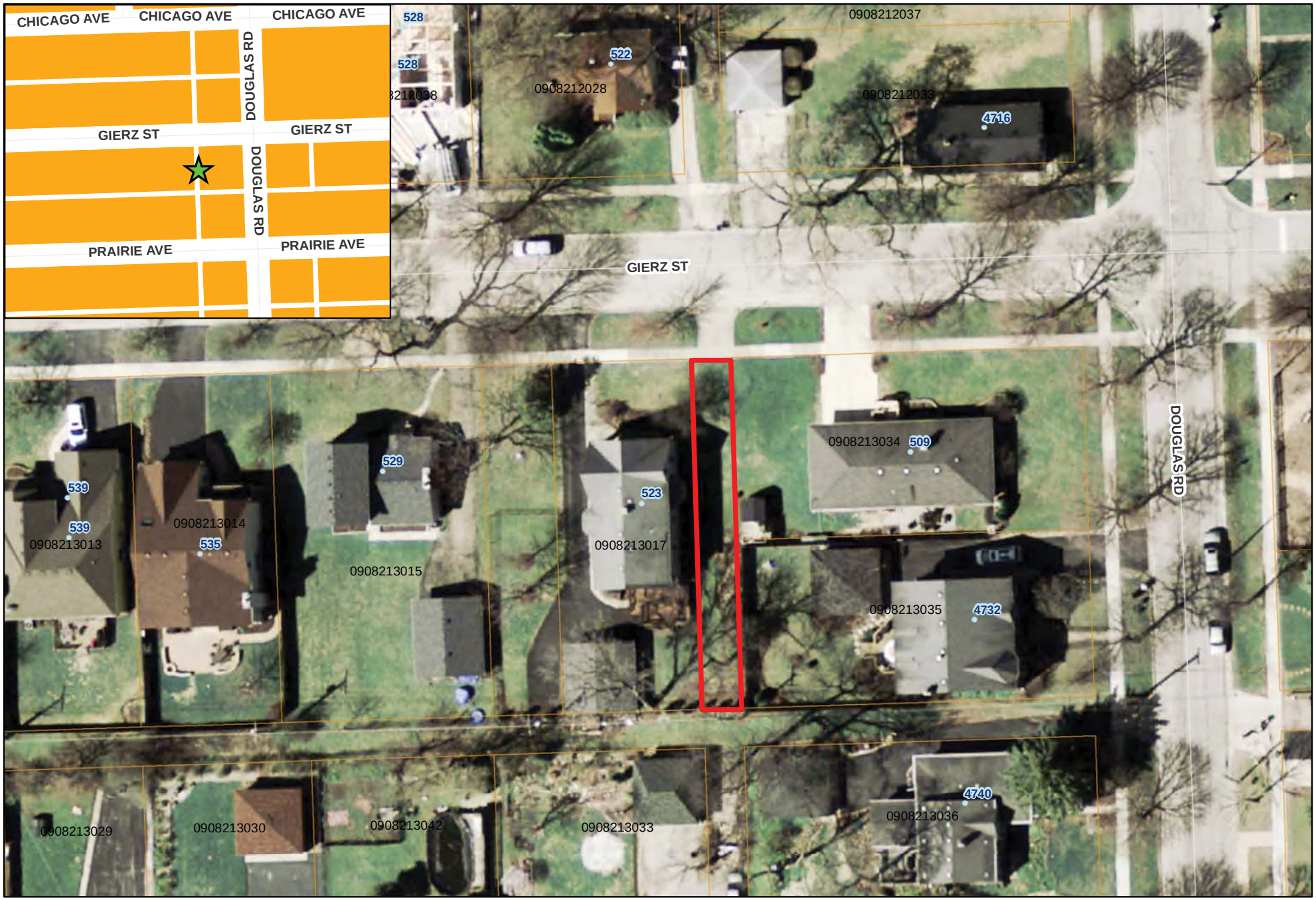

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4732 Douglas, 509 Gierz, and 523 Gierz - Alley Vacation Request - 18-PLC-0017

N

2411 Hawthorne Avenue
Westchester, Illinois 60154
(708) 562-2652
Fax (708) 562-7914
email: kabal-surveying@comcast.net
website: KabalSurveyingCompany.com
Registration No. 184-003061

KABAL SURVEYING COMPANY

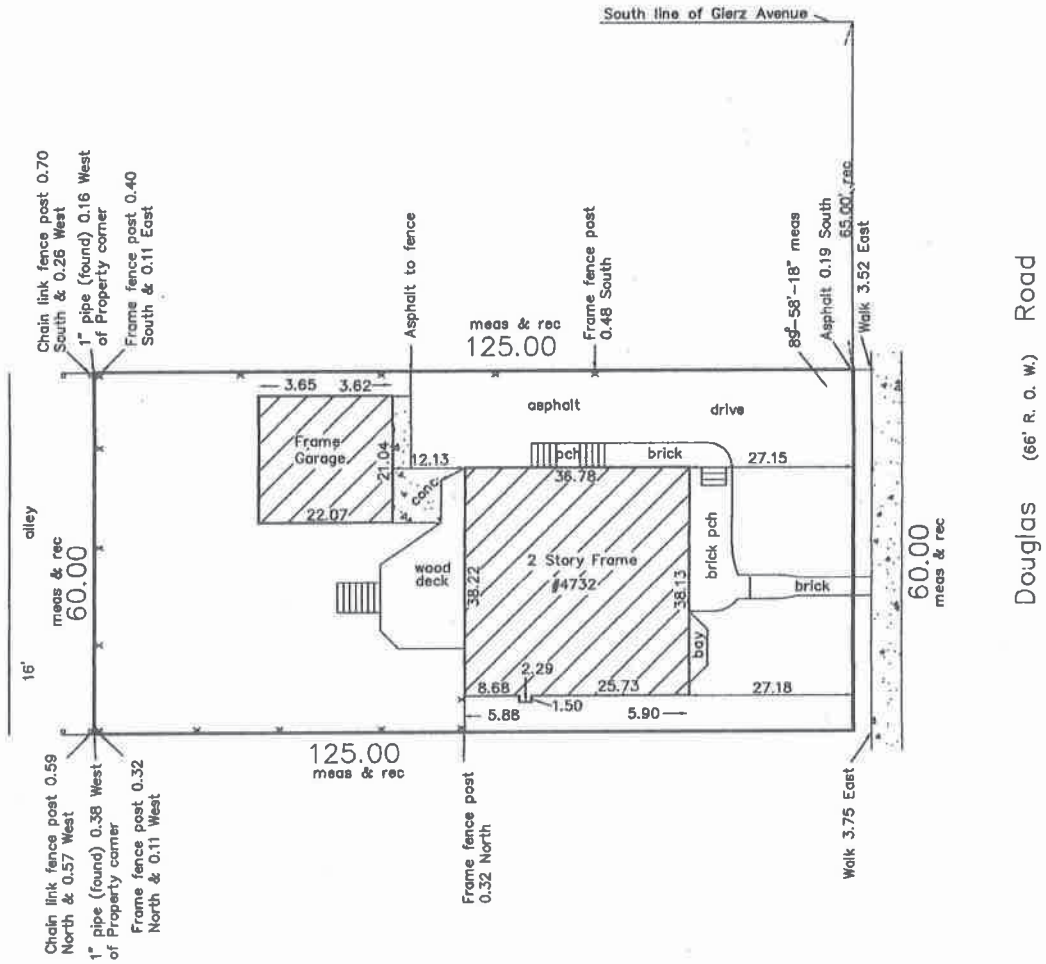
Land Surveying Services

Plat of Survey

(assumed)

The South 10 feet of Lot 3 and all of Lots 4 and 5 in Block 3 in Gostyn, being a Subdivision of part of the Northeast quarter of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded June 8, 1889 as Document Number 41185, in DuPage County, Illinois.

Address: 4732 Douglas Road, Downers Grove



LEGEND
conc = concrete, pc = point of curve
R.O.W. = right-of-way
rec = record, N = North
meas = measured
pch = porch, rad = radius
prc = point of reverse curve

Area of property is approximately 7,500 square feet

☒ "X" in box indicates that hereon drawn plat was ordered as a non-monumented survey

Please check Legal Description with Deed and report any discrepancy immediately.

Surveyed July 25, 20 14

Building Located July 25, 20 14

Scale: 1 inch = 20 ft.

Order No. 140706

Ordered By: The Fry Group, LLC

ORIGINAL SEAL IN RED

This professional service conforms to the current Illinois minimum standards for a boundary survey

STATE OF ILLINOIS
COUNTY OF COOK } s.s.

I, STEPHEN J. BALEK, an Illinois Professional Land Surveyor, hereby certify that I have surveyed the property described above and the plat hereon drawn is a correct representation of said survey.

Dimensions are in feet and decimal parts thereof and are corrected to a temperature of 62 degrees Fahrenheit.

Stephen J. Balek

Illinois Professional Land Surveyor No. 035-001712
My license expires on November 30, 2014

Plat Of Survey

of

North

W — E

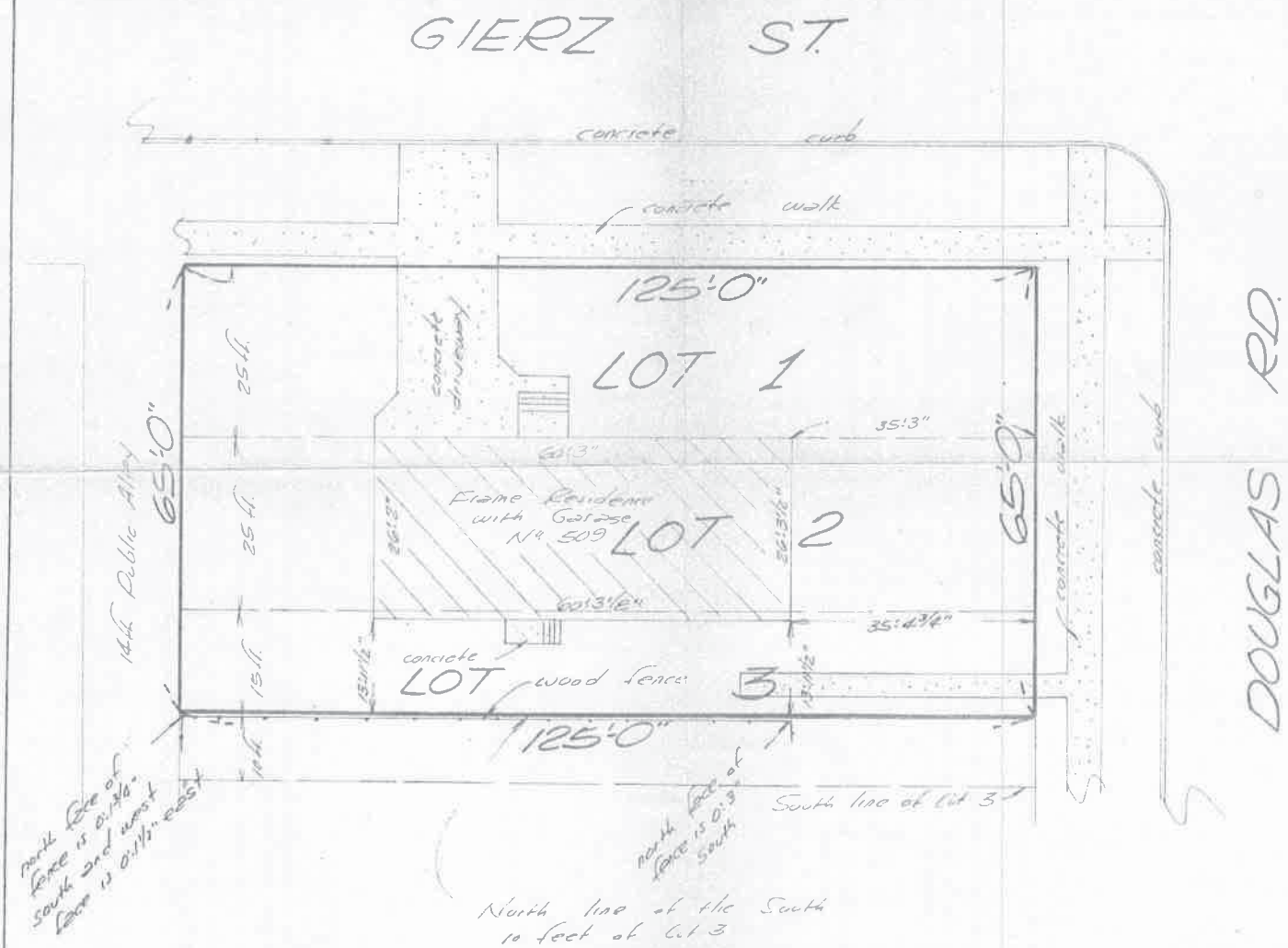
S

scale
1 inch = 15 feet

Property located at: 509 Gierz Street

Legally described as:

All lots 1 and 2 and 3 (except the South 10 feet thereof) in Block 3 in Gostyn, being a Subdivision of part of the Northeast quarter of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian, according to the Plat thereof recorded June 8, 1889 as Document 41158, in Du Page County, Illinois.



State of Illinois }
County of Cook } ss

I, Michael J. Emmert, a Registered Illinois Land Surveyor, do hereby certify that I have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.

dated this 8 TH. day of DECEMBER 19 94

by Michael J Emmert Registered Illinois Land Surveyor — no. 2499

115 WEST PALATINE ROAD
Palatine, Ill. 60067
991 6898

STATE OF ILLINOIS
MICHAEL J. EMMERT
No. 2499
REGISTERED LAND SURVEYOR

LEGEND

(R) = RECORD
(M) = MEASURED
(D) = DEED
(C) = CALCULATED
(L) = ARC LENGTH
(CH)= CHORD
(NW) = NORTHWESTERLY
(NE) = NORTHEASTERLY
(SW) = SOUTHWESTERLY
(SE) = SOUTHEASTERLY
(RAD)= RADIUS
(A) = ASSUMED
(F.I.P.) = FOUND IRON PIPE
(F.I.R.) = FOUND IRON ROD
(R.O.W.) = RIGHT OF WAY
= CHAIN LINK FENCE
= WIRE FENCE
= WOOD FENCE
= SPLIT RAIL FENCE
= METAL FENCE
P.U. & D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
B.S.L. = BUILDING SETBACK LINE

ARS Surveying Service LLC
REAL ESTATE SURVEYORS
1229 LAKEVIEW COURT
ROMEOVILLE, ILLINOIS 60446
PH:(630) 226-9200 FAX: (630) 226-9234
EMAIL: SURVEY@ARSSURVEY.COM

PLAT OF SURVEY

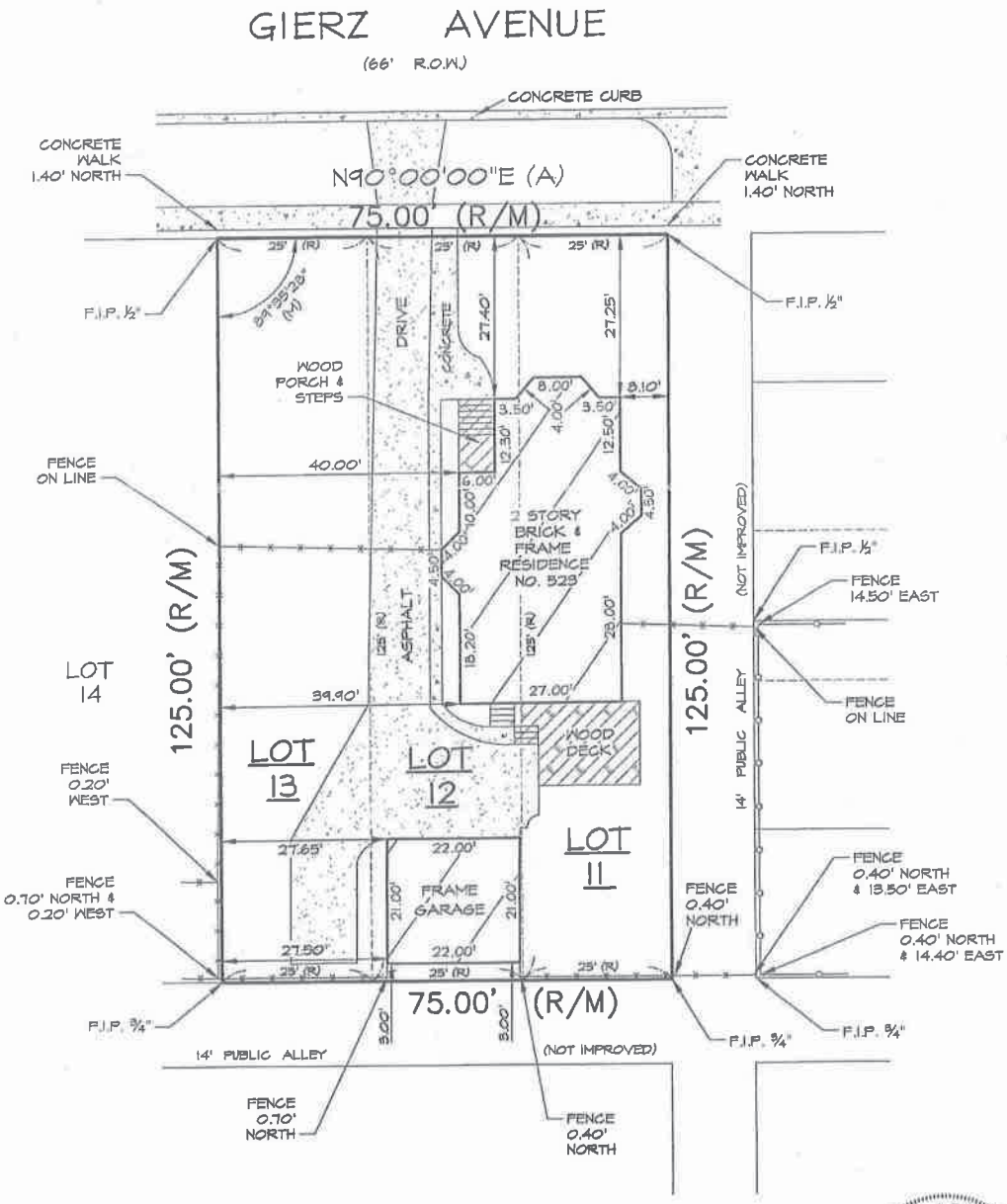
N
W E
S

SCALE: 1"=20'

BASIS OF BEARING:
SOUTH LINE OF GIERZ AVENUE AS MONUMENTED AND OCCUPIED PER RECORDED SUBDIVISION PLAT.
N 90°00'00" E (A)

LOTS 11, 12 AND 13 IN BLOCK 3 IN GOSTYN, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1989 AS DOCUMENT 41158, IN DUPAGE COUNTY, ILLINOIS.

AREA OF SURVEY:
"CONTAINING 9,375 SQ. FT. 0.22 ACRES MORE OR LESS"



STATE OF ILLINOIS
}SS
COUNTY OF WILL

I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 31ST DAY OF MARCH, A.D., 2014, AT ROMEOVILLE, ILLINOIS.

MARK A. LINDSTROM
PROFESSIONAL LAND SURVEYOR NO. 35-3482 ROMEOVILLE, ILLINOIS
STATE OF ILLINOIS

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3482

ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-2861

CLIENT MYERS
JOB NO. 18332-14
FIELDWORK DATE. 3-31-14

LICENSE EXPIRES ON NOVEMBER 30, 2014

Plat of Vacation
and
Plat of Easement

North
Scale 1" = 20'

20' 0' 20' 40'

LEGAL DESCRIPTION OF VACATED ALLEY AND PUBLIC UTILITIES EASEMENT PREMISES:

THAT PART OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING LOT 11, AND LYING WEST OF AND ADJOINING LOTS 1 THRU 5 (BOTH INCLUSIVE), AND LYING SOUTH OF AND ADJOINING A LINE BETWEEN THE NORTHEAST CORNER OF SAID LOT 11 AND THE NORTHWEST CORNER OF SAID LOT 1, AND LYING NORTH OF AND ADJOINING A LINE BETWEEN THE SOUTHEAST CORNER OF SAID LOT 11 AND THE SOUTHWEST CORNER OF SAID LOT 5, ALL IN BLOCK 3 IN GOSTYN, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1889 AS DOCUMENT NUMBER 41185, ALL IN DUPAGE COUNTY, ILLINOIS.

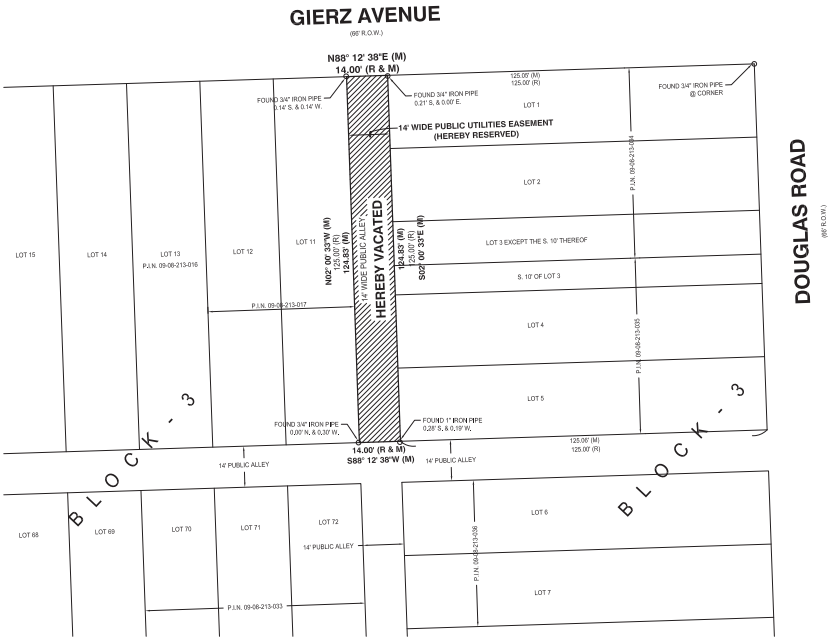
AREA OF VACATED ALLEY = 1747.56 SQUARE FEET

ABBREVIATION LEGEND

E = EAST
M = MEASURED DISTANCE
N = NORTH
R = RECORD DISTANCE
R.O.W. = RIGHT OF WAY
S = SOUTH
W = WEST

SYMBOL LEGEND

= AREA OF VACATION AND AREA OF PUBLIC UTILITIES EASEMENT PREMISES



EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC
AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO

COMMONWEALTH EDISON COMPANY
AND
SBC TELEPHONE COMPANY, GRANTEES,

THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES, GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E" (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS "COMMON AREA OR AREAS", AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E" (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "*CONDOMINIUM PROPERTY ACT*", CHAPTER 765 ILCS 605/2(C), AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

PUBLIC RIGHT-OF-WAY VACATION:

EXISTING - EASEMENT PROVISIONS:

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE, COUNTY OF DUPAGE, AND TO UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE SAID VILLAGE INCLUDING, BUT NOT LIMITED TO AT&T, COMMONWEALTH EDISON COMPANY, COMCAST, THE DOWNERS GROVE SANITARY DISTRICT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, OVER ALL AREAS MARKED "PUBLIC UTILITIES EASEMENT RESERVATION" ON THE PLAT OF VACATION OF THE VACATED STREET RIGHT-OF-WAY AS DESCRIBED HEREIN FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS AND COMMUNITY ANTENNA TELEVISION SYSTEMS AND ALL NECESSARY APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE AND FOR ANY AND ALL MUNICIPAL PURPOSES, OVER, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENTS, TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE PROPERTY TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS, OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF THE UTILITIES. NO PERMANENT BUILDINGS OR STRUCTURES SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, DRIVEWAYS, FENCES (IMPROVEMENTS) AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES AND RIGHTS. ANY INSTALLATIONS OF IMPROVEMENTS PLACED IN THE EASEMENT SHALL BE AT THE PROPERTY OWNER'S SOLE EXPENSE AND THE VILLAGE SHALL NOT BE RESPONSIBLE FOR REPAIRING, MAINTAINING OR REPLACING ANY IMPROVEMENTS. THE PROPERTY OWNERS SHALL INDEMNIFY AND HOLD HARMLESS THE VILLAGE, ITS AGENTS, OFFICERS AND EMPLOYEES AGAINST ALL INJURIES, DEATHS, LOSSES, DAMAGES, CLAIMS, SUITS, JUDGEMENTS, COSTS AND EXPENSES WHICH MAY ARISE DIRECTLY OR INDIRECTLY FROM THE INSTALLATION OF ANY AND IMPROVEMENTS IN THE EASEMENT AREA. THE VILLAGE SHALL NOT BE RESPONSIBLE OR LIABLE FOR ANY DAMAGE INCURRED TO THE IMPROVEMENTS DURING OR AS A RESULT OF ANY REPAIR, MAINTENANCE, OPERATION, USE OR INSTALLATION OF EQUIPMENT OR FACILITIES WITHIN THE EASEMENT AREA. ALL INSTALLATIONS OF IMPROVEMENTS SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF DOWNERS GROVE. EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND OVER THE ENTIRE EASEMENT AREA FOR INGRESS, EGRESS AND THE PERFORMANCE OF ANY AND ALL MUNICIPAL AND OTHER GOVERNMENTAL SERVICES.

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

APPROVED THIS _____ DAY OF _____, A.D., 20_____ BY THE VILLAGE COUNCIL OF THE VILLAGE OF DOWNERS GROVE, PURSUANT TO ORDINANCE / RESOLUTION NUMBER _____.

BY: _____
MAYOR

ATTEST: _____
VILLAGE CLERK

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

I, THE UNDERSIGNED, AS THE RECORDER OF DEEDS FOR _____ COUNTY DO HEREBY CERTIFY THAT INSTRUMENT NUMBER _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF _____ COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D., 20_____ AT _____ O'CLOCK ___M.

_____
RECORDER OF DEEDS

_____
PLEASE TYPE/PRINT NAME

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

WE, RIDGELINE CONSULTANTS, LLC, HEREBY STATE THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF THE SAME, FOR THE PURPOSES SHOWN HEREON.

DATED THIS _____ DAY OF _____A.D., 20_____.

_____
GEORGE H. SKULAVIK
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2580
MY LICENSE EXPIRES / RENEWS 11/30/18

Ridgeline Consultants
Consulting Engineers
Land Surveyors

George H. Skulavik P.L.S 035-002580 Expiration Date 11/30/2018
Stacy L. Stewart P.L.S. 035-003415 Expiration Date 11/30/2018
Professional Design Firm No. 184-004766
1661 August Road
Montgomery, Illinois 60538
Phone 630-483-7937 Fax 630-701-1385

Rev. Date	Rev. Description
5/22/18	PER VILLAGE COMMENTS DATED 5/21/18

Book #: | Dwg. Size: U
Drawn By: BFF (PGM) | Checked By: GHS
Reference:
Date: 02/13/2018
Client: TIM ONEAL
Project Number: 2018-0028