

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant

DATE: August 7, 2001

RECOMMENDATION FROM: Plan Commission

FILE REF: 1061

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

RESOLUTION

Motion to adopt "A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR BRADLEY'S BROOKBANK PRAIRIE SUBDIVISION", as presented.

SUMMARY OF ITEM:

At their meeting of July 10, 2001 the Plan Commission unanimously recommended approval of the final plat of subdivision for Bradley's Brookbank Prairie Subdivision and that exceptions be approved as regards lot depth.

RECORD OF ACTION TAKEN:

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF
SUBDIVISION FOR BRADLEY'S BROOKBANK PRAIRIE SUBDIVISION**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for final plat approval for Bradley's Brookbank Prairie Subdivision at the property commonly known 5941 Middaugh Avenue, Downers Grove, Illinois, located between Middaugh Avenue and Brookbank Road, approximately 145 feet north of 60th Place; and,

WHEREAS, Exceptions have been requested pursuant to Section 20-602 of the Downers Grove Municipal Code to permit reductions in the lot depth requirements of Section 20-301(e)(2); and,

WHEREAS, notice has been given and a hearing held regarding this plat application and exceptions pursuant to the requirement of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended approval of the Bradley's Brookbank Prairie Subdivision with the lot depth exceptions as requested, subject to certain restrictions.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the final plat of subdivision of Bradley's Brookbank Prairie Subdivision, be and is hereby approved subject to the following conditions:

1. The subdivision shall be in accordance with the Plat entitled "Final Plat of Bradley's Brookbank Prairie Subdivision", reduced copy attached as Exhibit 1.
2. The subdivision shall be in substantial compliance the following engineering plans: (i) Storm Water, Sanitary Sewer and Water Distribution Plan, reduced copy attached as Exhibit 2; (ii) Grading Plan, reduced copy attached as Exhibit 3; (iii) Geometrics Plan, reduced copy attached as Exhibit 4. Provided, minor changes may be made in conformance with the Village Codes as may be approved by the Village Engineer. In addition, such changes shall be made as approved by the Village Engineer to conform these plans with the Final Plat, it being acknowledge that these plans were prepared at a time when it was anticipated that additional property (vacated Middaugh Avenue) old be part of this development.
3. Except as provided herein, the Bradley's Brookbank Prairie Subdivision shall be subject to substantial compliance with the following: (i) the conditions and recommendations of the Plan Commission as set forth in their findings dated July 17, 2001 (Copy attached as Exhibit 5); (ii) the Staff Report (Copy Attached as Exhibit 6); (iii) correspondence of Robert Jungwirth to Ken Rathje dated June 29, 2001 regarding "Final Engineering Certification for Final Plat Approval Bradley's Brookbank Prairie Subdivision" (Copy attached as Exhibit 7); (iv) correspondence of Chrys Rymas to Ken Rathje dated July 2, 2001 regarding "Bradley's Brookbank Prairie Subdivision Special Management Areas" (Copy attached as Exhibit 8)
4. Exceptions are granted from the requirements of Section 20-301(e)(2) of the Downers Grove Municipal Code to reduce the required lot depths within the subdivision as shown on the Final Plat.

BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat.

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed:

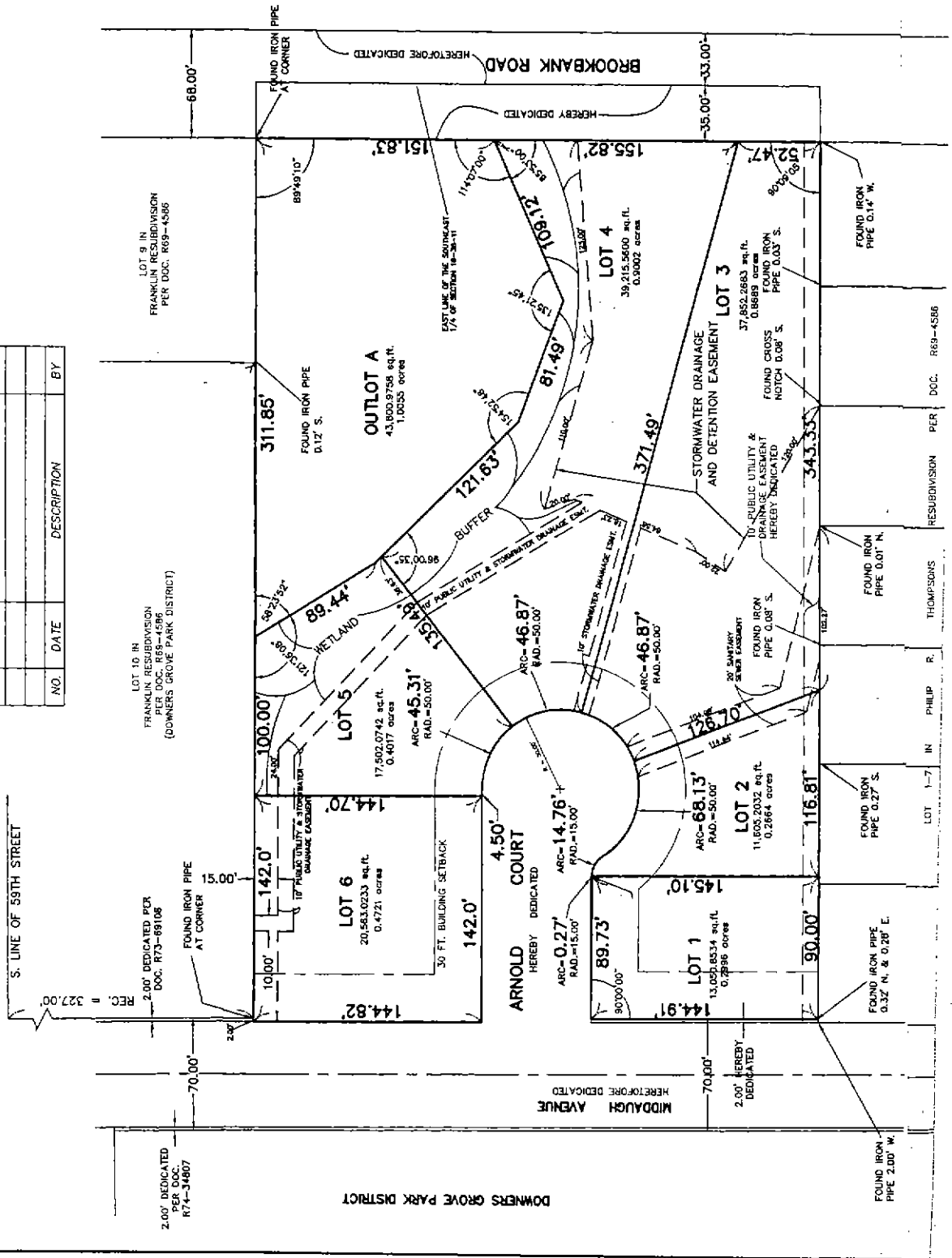
Attest: _____
Village Clerk

FINAL PLAN OF

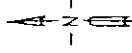
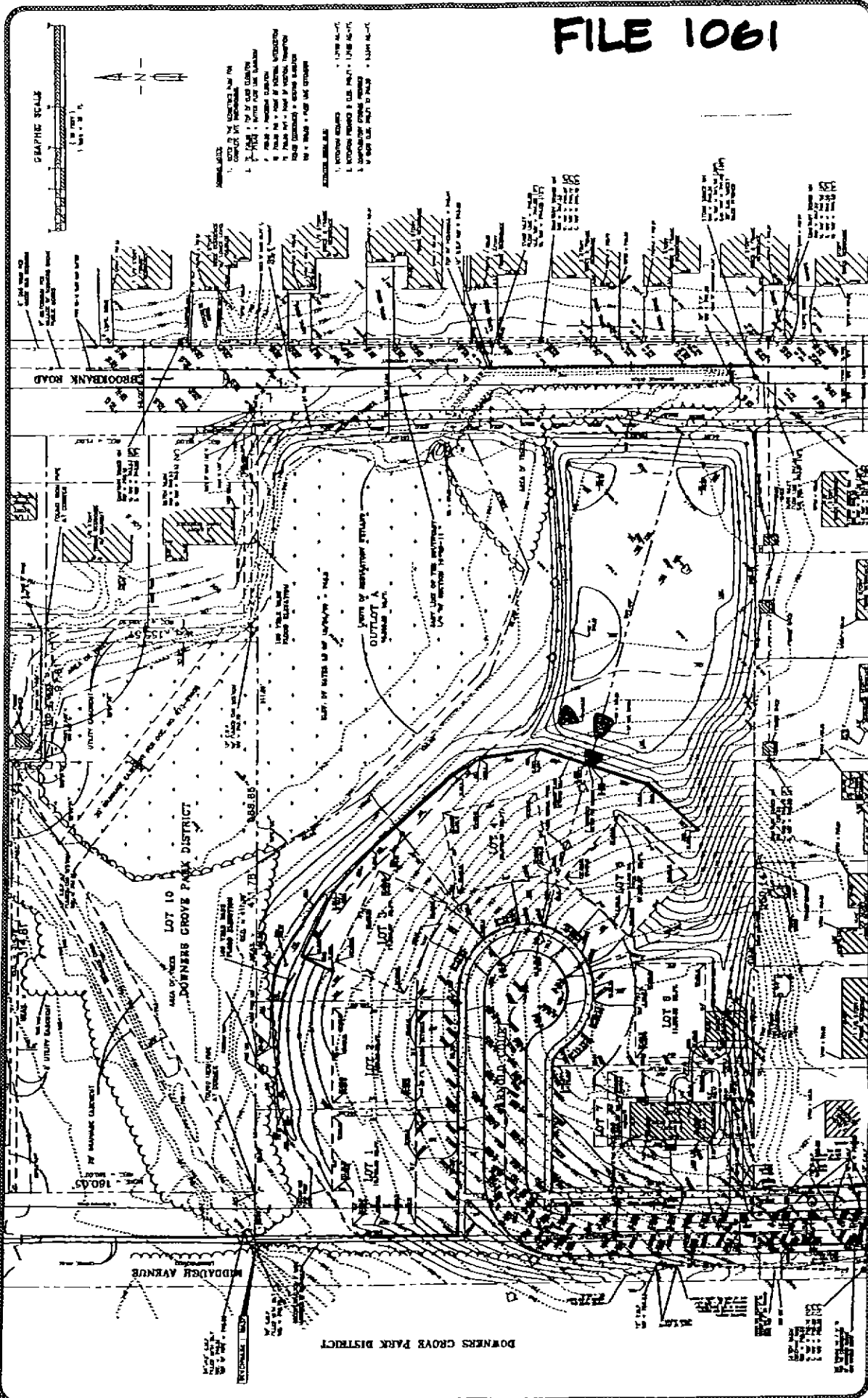
BRADLEY'S BROOKBANK PRAIRIE SUBDIVISION

BEING A RESUBDIVISION IN THAT PART OF SECTION 17 AND 18, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

NO.	DATE	DESCRIPTION	BY
1	5-03-01	EASEMENTS AND MISC. PER REVIEW	JG
2	8-01-01	REV. LOT CONFIG. & MISC. PER REVIEW	JG



FILE 1061



- GENERAL NOTES:**
1. THIS PLAN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT HIS WRITTEN CONSENT.
 2. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.
 3. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SURROUNDING AREA AND HAS FOUND NO ADVERSE EFFECTS ON THE ENVIRONMENT.
 4. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPOSED DEVELOPMENT AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.
- CONSTRUCTION NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ILLINOIS CONSTRUCTION CODES.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ILLINOIS ZONING ORDINANCES.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ILLINOIS SUBDIVISION ACT.

GRADING PLAN

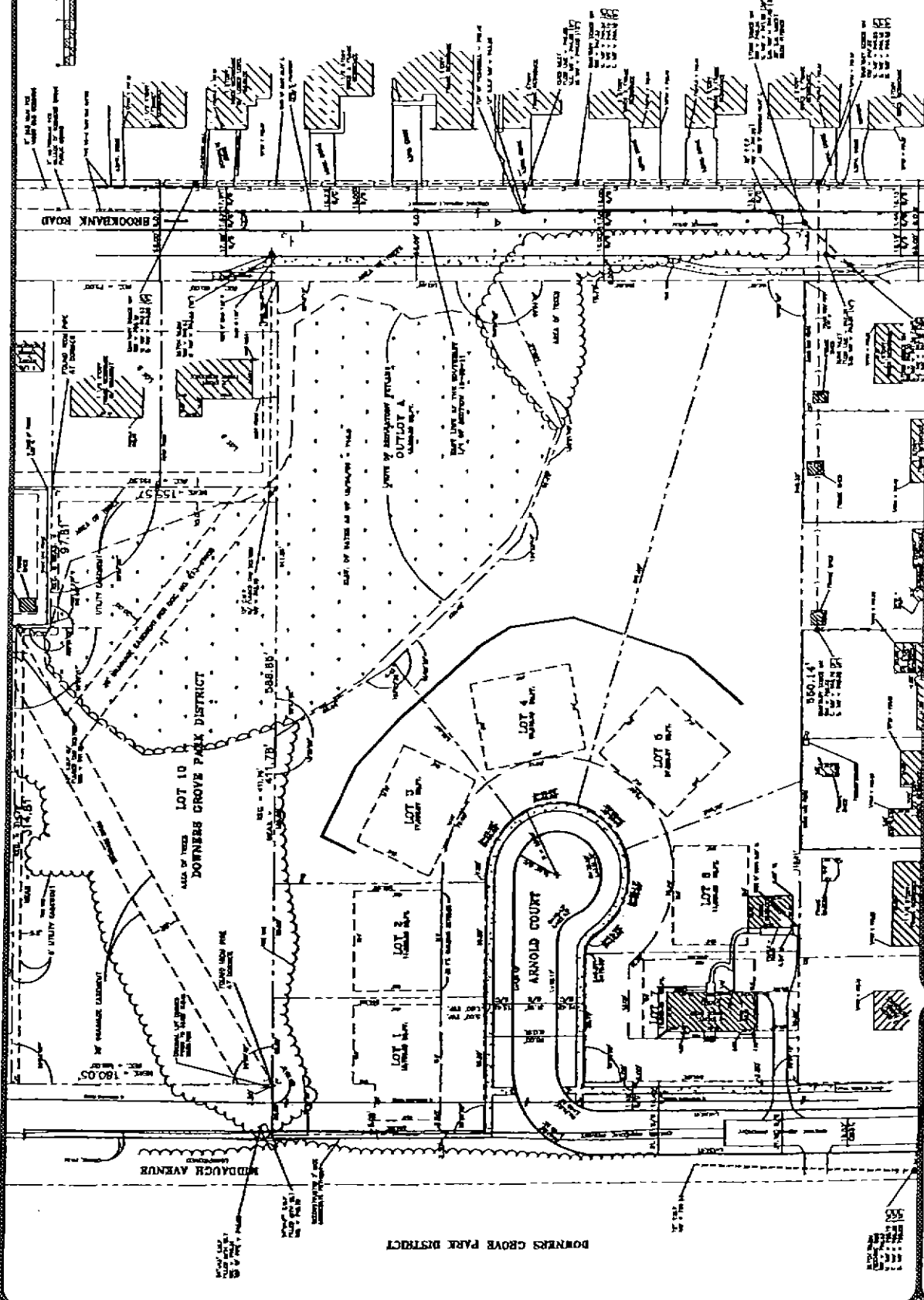
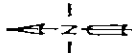
NO.	DESCRIPTION	DATE
1	PREPARED BY ENGINEER	10/15/10
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	

BRADLEY'S BROOKBANK PRAIRIE SUBDIVISION
 MIDDAGH AVENUE AND ARNOLD COURT
 DOWNERS GROVE, ILLINOIS

BRADLEY LAND GROUP, INC.
 1032 OGDEN AVENUE
 DOWNERS GROVE, ILLINOIS 60415

ENVIRONMENTAL SYSTEMS CORPORATION
 111 N. WASHINGTON STREET
 WHEELING, ILL. 60090

FILE 1061




DATE	12
PROJECT	12
REVISION	12
BY	12
CHECKED	12
APPROVED	12

BRADLEY'S BROOKBANK PRAIRIE SUBDIVISION
 MIDDAGH AVENUE AND ARNOLD COURT
 DOWNERS GROVE, ILLINOIS

BRADLEY LAND GROUP, INC.
 1032 OGDEN AVENUE
 DOWNERS GROVE, ILLINOIS 60616

ENVIRONMENTAL SYSTEMS CORPORATION
 114 N. WASHINGTON STREET
 WHEELING, ILL. 60090





July 17, 2001

Village of
DOWNERS GROVE
ILLINOIS

Civic Center
801 Burlington Avenue

Downers Grove
Illinois 60515-4776
630.434.5500

TDD 630.434.5511
FAX 630.434.5571

CBD Redevelopment Office

1015 Curtiss Street
Downers Grove

Illinois 60515
630.434.5940

FAX 630.968.6346

Fire Department

Administration
3900 Highland Avenue
Downers Grove

Illinois 60515-1506
630.434.5980
FAX 630.434.5988

Police Department

825 Burlington Avenue
Downers Grove

Illinois 60515-4783
630.434.5600
FAX 630.434.5690

Public Works Department

5101 Walnut Avenue
Downers Grove

Illinois 60515-4074
630.434.5460
FAX 630.434.5495

Department of

Social & Health Services

842 Curtiss Street
Downers Grove

Illinois 60515
630.434.5595

FAX 630.434.5599

Village of

Downers Grove Web site

<http://www.vl.downers-grove.il.us>

Info Line

630.434.6800

Mayor Brian Krajewski & Village Council
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

FILE NO. 1061

**FINAL PLAT APPROVAL – BRADLEY’S
BROOKBANK PRAIRIE SUBDIVISION;**

Property is located between Middaugh Road on the west and Brookbank Road on the east, approximately 145 feet north of 60th Place, commonly known as 5941 Middaugh Road, Downers Grove, Illinois (PIN 09-18-407-002); Bradley Land Group, Inc., Owner/Petitioner

Dear Mayor Krajewski & Village Council Members:

The following motion was adopted by the Plan Commission at their meeting on July 10, 2001:

MOTION: WITH RESPECT TO FILE NO. 1061, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION FOR FINAL SUBDIVISION PLAT APPROVAL FOR THE PROPOSED BRADLEY’S BROOKBANK PRAIRIE SUBDIVISION TO THE VILLAGE COUNCIL. THIS RECOMMENDATION IS BEING MADE WITH THE FOLLOWING CONTINGENCIES AND CONDITIONS: THAT THE SUBJECT PROPERTY BE REZONED TO R-3, SINGLE FAMILY RESIDENTIAL CONSISTENT WITH THE ZONING BOARD OF APPEALS’ UNANIMOUS RECOMMENDATION FOUND UNDER CASE NO. MC-1-00; THAT THE RIGHT OF WAY VACATION OF THAT SECTION OF MIDDAUGH WHICH WAS THE SUBJECT OF THE PLAN COMMISSION’S FILE NO. 1046 BE GRANTED APPROVAL BY ORDINANCE; THAT THE PETITIONER CAUSE PAYMENT TO THE VILLAGE OF DOWNERS GROVE IN THE AMOUNT OF \$24,781.20 TO SATISFY THE SCHOOL AND PARK DISTRICT DONATION OBLIGATIONS AND THAT THE HOMEOWNERS ASSOCIATION COVENANTS

WHICH ARE NECESSARY DUE TO THE PRESENCE OF REGULATORY WETLANDS ON PROPOSED OUTLOT "A" BE RECORDED CONTEMPORANEOUSLY WITH THE RECORDING OF THE PLAT OF VACATION FOR MIDDLEDAUGH AVENUE AND THE RECORDING OF THE PLAT OF SUBDIVISION. IT SHOULD BE NOTED THAT THE COVENANTS, EASEMENTS AND HOMEOWNERS ASSOCIATION DOCUMENTS HAVE BEEN FOUND TO BE ACCEPTABLE BY THE VILLAGE ATTORNEY IN THEIR CURRENT FORM. MR. WAECHTLER SECONDED THE MOTION.

ROLL:AYE: Mr. Griesbaum, Mr. Waechtler, Mr. Fluck, Mr. McCormick, Mr. Wlodek, Chairman Jirik

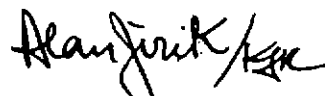
Nay: None

The motion passed unanimously.

The Plan Commission has forwarded this unanimous recommendation as the Commission members have found that the petitioner's proposal has been prepared in a manner consistent with the applicable Codes and Ordinances. Further, the petitioner has submitted a plan that responds to the physical characteristics of the property and to the neighborhood characteristics in an appropriate manner.

Sincerely,

VILLAGE OF DOWNERS GROVE



Alan Jirik, Chairman
Plan Commission

AJ:amd

FILE NO. 1061

FINAL PLAT APPROVAL – BRADLEY’S BROOKBANK PRAIRIE SUBDIVISION; Property is located between Middaugh Road on the west and Brookbank Road on the east, approximately 145 feet north of 60th Place, commonly known as 5941 Middaugh Road, Downers Grove, Illinois (PIN 09-18-407-002); Bradley Land Group, Inc., Owner/Petitioner

FINDINGS:

1. The petitioner is seeking final subdivision plat approval of a seven lot, single family residential subdivision on an approximately 211,670.84 square foot or 4.8593 acre parcel of land located between Brookbank Avenue on the east and Middaugh Avenue on the west, approximately 150 feet north of 60th Place. In addition to the seven single family residential lots, the subdivision will also result in a non-buildable “outlot” to accommodate the regulatory wetlands which are present within the northeasterly quadrant of the subject property.

As noted above, the petitioner is seeking approval of a final plat of subdivision. This petition is being sought as a final plat approval for a subdivision that has not been granted nor has it previously sought preliminary subdivision approval. The Subdivision Control Ordinance provides that a petitioner may directly seek final subdivision plat approval under the provisions of Section 20-504 (a).

2. The subject property has a width as measured from north to south ranging between 359.83 feet as measured on the west to 360.12 feet as measured on the east, a depth ranging between 587.14 feet as measured on the south to 588.85 feet as measured on the north and an area according to the plat of survey of 211,670.84 square feet or 4.8593 acres. These dimensions are exclusive of the additional land which would convey to the property from the vacation of the pending request to vacate a portion of Middaugh Avenue (reference Plan Commission File #1046), and they are inclusive of any land that is to be dedicated as right of way for Brookbank Road and Middaugh Avenue. The Plan Commission’s recommendation has been placed on file by the Village Council awaiting the Plan Commission’s recommendation regarding the subject subdivision.

The subject property is presently improved with a four bedroom, two-story brick house and a detached frame garage. The two structures are located near the property’s southwesterly corner. The petitioner has indicated his intention to raze the structures upon the redevelopment of the subject property.

3. As companion petitions to the proposed subdivision, the petitioner appeared before the Zoning Board of Appeals (Case #MC-1-00) at its March 22, 2000 meeting with a request that the subject property be rezoned from R-1, single family residential to R-3, single family residential. The Zoning Board of Appeals forwarded a unanimous, positive recommendation to the Village Council in favor

of the proposed rezoning. The Board made this recommendation as it found the proposed zoning designation to be consistent with the zoning trend in the area.

The Zoning Board of Appeals' recommendation has been placed on file by the Village Council awaiting the Plan Commission's recommendation on the proposed subdivision.

The R-3 zoning district requirements call for a minimum lot width of 75 feet and a minimum lot area of 10,500 square feet. Additionally, the Subdivision Control Ordinance has a minimum lot depth for newly divided lots of 140 feet.

In addition, the petitioner appeared before the Plan Commission with a request to vacate a portion of the Middaugh Avenue right of way (Plan Commission File #1046) adjacent to the west side of the subject property. This petition was considered at the Plan Commission's May 2, 2000 meeting. The Plan Commission forwarded a unanimous, positive recommendation for the proposed vacation to the Village Council. The Commission's recommendation was made with the condition that appropriate utility easements are to be retained in the location requested by the utility or governmental unit or in alternate mutually acceptable locations (as agreed to by the specific utility or governmental unit and the petitioner). The Plan Commission's recommendation provided: "This vacation petition should be held by the Village Council subject to the Plan Commission's favorable recommendation regarding the future subdivision petition which would be forwarded to the Council." The Plan Commission's recommendation concerning the proposed right of way vacation was placed on file by the Village Council pending the receipt of the Plan Commission's recommendation concerning the subject request for final subdivision plat approval.

The petitioner has met with the appropriate utility companies or governmental agencies regarding the plat of vacation which depicts the agreed upon alternate easement locations. The plat of vacation has been prepared with signature blocks for the various entities in need of easements. The petitioner has letters from all of the right of way agents agreeing to the form of easement to be provided and at the distribution of this report the Plat of Vacation has been signed by the majority of the right of way agents or other appropriate persons representing the respective agencies.

4. The form and design of the proposed subdivision has been affected by the presence of regulatory wetlands and floodplain area located on the easterly portion of the subject property. The presence of these features has focused the development of the buildable lots to the westerly portion of the subject property. Based upon all of the engineering studies and the constraints of the size and shape of the subject property, the petitioner has been able to design a subdivision that will yield seven buildable single family residential lots. Access to the lots will be

via Middaugh Avenue and a new cul de sac'd east-west oriented street that has been identified on the plat as Arnold Court.

The layout for the subdivision calls for seven R-3 sized lots and the one wetlands outlot which is identified on the plat as Outlot A. The seven single family residential lots are proposed to have lot areas ranging from approximately 11,580 square feet for proposed Lot No. 2, to approximately 39,215 square feet for proposed Lot No. 4. All of the lots meet or exceed the applicable lot width and lot area requirements.

The following lot depth exceptions are required: along the common lot line between Lot Nos. 3 and 4 which is the shallowest point for these two lots with a depth of 135.49 feet; along the common lot line of Lot Nos. 5 and 6 which is the shallowest point for Lot No. 5 at 126.70 feet; and for Lot No. 6 which has a depth of 115.22 feet at its shallowest point. As these lots have dimensions which at least in part are less than the 140 foot depth required by Section 20-301(e)(2) of the Subdivision Control Ordinance, the petitioner is seeking approval of exceptions to permit the shallower lot depth for the specified lots under the provisions of Section 20-602 of the Village's Subdivision Control Ordinance. The lot depth exceptions will be discussed under paragraph No. 9.

In addition to the seven buildable lots, the proposed plat of subdivision identifies Outlot A, which is to be located in the northeasterly quadrant of the subdivision. Proposed Outlot A is to have an area of approximately 43,801 square feet or 1.0055 acres of land and will contain the regulatory wetlands located on the subject property. The wetlands are to be covered by a conservation easement which establishes the restrictions under which the outlot is to be maintained. Outlot A is to be owned and maintained by a homeowners association made up of the owners of the seven developable lots which will result from the subdivision of the subject property. The conservation easement which appears on the final plat of subdivision and the homeowners association covenants which will be recorded as a separate document will be described under the following paragraphs.

5. With respect to wetlands, the petitioner has commissioned a wetlands delineation that was conducted by V3 Consultants. The wetlands delineation disclosed that approximately 43,801 square feet of the northeasterly quadrant of the site meets the criteria to qualify as a regulatory wetland. Regulatory wetlands are the lowest quality of wetland that are regulated by the Army Corps of Engineers as well as by various other governmental entities. The Village's wetlands consultant has reviewed the petitioner's wetlands submittal and has determined that the petitioner's proposed plans for development on the remaining portion of the subject property meet the various agencies' regulations for development near a regulatory wetlands.

The portions of the subject property that are classified as regulatory wetlands are to be covered by a conservation easement which will restrict what may and may

not be done with any land falling within the wetlands area. A homeowners-- association will be required to be formed as the association will own the wetlands outlot and will be responsible for any maintenance issues involving the wetlands parcel. A copy of the draft easement language for the wetlands has been submitted by the petitioner to the Village Attorney for his review and approval. Village Attorney Daniel Blondin has advised the Planning Staff that the draft of the conservation easement has been prepared in an acceptable form. It was further determined that the inclusion of the easement language on the Final Plat of Subdivision would be the most appropriate approach to having the easement recorded.

Additionally, it was determined that a deed restriction should be placed against the portions of proposed Lot Nos. 3 and 4 falling easterly of the "Public Utility & Stormwater Drainage Easement," and the westerly line of Outlot A. The additional covenants significantly restrict the usage of the restricted land regarding activities which would be harmful to the wetlands, and further requires prior approval from the Village to undertake virtually all other activities including but not limited to mowing, removal or destruction of trees or plants, removal of topsoil or other materials. It further forbids the planting or dispersal of any non-native plant species without written approval by the Village, and it forbids the spreading of fertilizers or herbicides within 15 feet of the wetlands except under specific conditions for the attainment of specific management goals to meet and maintain U.S. Army Corps and DuPage County approved performance standards. This additional restriction has also been reviewed by the Village Attorney Daniel Blondin who has found the language of this restriction to be acceptable. The restriction language also has been affixed to the Final Plat of Subdivision and will be recorded as part of the proposed subdivision.

6. The subject subdivision is being proposed to be developed on the basis that all required public improvements are to be constructed by the petitioner both for Brookbank Road on the east side of the subject property and for Middaugh Avenue and Arnold Court on the west side of the property.

With respect to Brookbank Road, the petitioner will be dedicating 35 feet of right of way. Existing Brookbank right of way adjacent to the subject property is currently only 33 feet wide, and the street improvements are limited to one lane of traffic that is permitted to travel in a northerly direction only. Upon the dedication of the west 35 feet of right of way, this section of Brookbank Road will have a total right of way width of 68 feet. With the dedication of the westerly 35 feet of right of way, there will be adequate right of way width for Brookbank to be constructed as a full width local street. Once the westerly half of the roadway has been completed, Brookbank Road will be able to function as a normal local street which can finally accommodate two-way traffic movement.

In discussion with the Public Works Department, it was learned that the Village is scheduled to undertake the reconstruction of a water main located within the

existing Brookbank right of way during early 2002. The petitioner and the Public Works staff have discussed their construction projects. The petitioner has met with David Conley, the Public Works Department's Director of Engineering. It has been agreed that the petitioner will undertake the Brookbank Road construction immediately following the completion of the Village's water main project. In the event that the Village's water main project is delayed, there is a commitment from both parties to work out a mutually acceptable alternative.

With respect to Middaugh Avenue improvements, the petitioner will be dedicating an additional two feet of right of way along the east line of the Middaugh Avenue right of way, will be constructing all public improvements on the east side of Middaugh including curb, gutter, sidewalks, etc. and will be constructing the full width asphalt pavement including curb and gutter within the west half of the right of way. No public improvements beyond curb and gutter and full width pavement are required of the petitioner as far as the west half of the right of way is concerned.

With respect to the new cul de sac'd street, Arnold Court the petitioner's plans indicate that all required public improvements would be constructed. It should be noted that the petitioner would, in addition to the standard street improvements, be reconstructing the pedestrian pathway from the intersection of Arnold Court and Middaugh Avenue north to 59th Street.

As part of the vacation petition for that portion of Middaugh Avenue located essentially to the west of proposed Lot No. 1, several entities including the Park District, School District 58 and the Village have all specified that a pedestrian easement is necessary upon the vacation of the right of way. The proposed improvement of the existing pathway is to consist of a five foot wide, fine gravel pathway within a ten foot wide easement. Past the north line of proposed Lot No. 1, the pathway will be located essentially on center line of the Middaugh Avenue right of way. This proposed improvement is consistent with the request made by the Downers Grove Park District. As the Park District abuts the west side of Middaugh, they will receive the westerly 35 feet of the right of way which has been requested to be vacated. Although Bradley was the active petitioner, the Park District provided the Village with correspondence indicating the Park District's concurrence with the proposed vacation.

7. With respect to sanitary sewer service, the petitioner appeared before the Downers Grove Sanitary District's Board of Local Improvements on July 18, 2000. The Board determined that sanitary service can be extended to the subject property to serve the proposed seven lot, single family residential subdivision. It was determined that service can be provided with the extension of an existing District sewer located in the easement north of 60th Place. It was further determined that there is adequate reserve capacity to serve this subdivision. Explanation was provided by the District to the Village that a study had been undertaken by Baxter

Woodman, the Sanitary District's civil engineering consultant, that there was adequate sewer capacity to serve the proposed subdivision.

8. The provisions of Section 20-300 of the Subdivision Control Ordinance require petitioners to provide a donation consistent with the schedule of donations as outlined under that Section. The petitioner has indicated that his company anticipates that it is most likely all seven houses that are proposed to be built will be five bedroom residences. Based upon the provisions of Section 20-300(e)(2) of the Subdivision Control Ordinance, the petitioner is entitled to receive credit for the existing four bedroom house that is currently sited on the subject property.

On the basis of six, five bedroom residences being built on the proposed subdivision, the total donation obligation that the petitioner must pay to the Village in the name of School Districts 58 and 99 and in the name of the Downers Grove Park District is \$24,781.20. The donation amounts break down as follows: The donation amount due to School District 58 is \$6,959.16. The donation amount to School District 99 is \$4,190.40 and the donation amount to the Downers Grove Park District is \$13,631.64.

9. As the petitioner has requested lot depth exceptions from the 140 foot lot depth standards of Section 20-301(e)(2) for four of the proposed lots, the requested exceptions must be considered under the provisions of Section 20-602 of the Village's Subdivision Control Ordinance. Section 20-602, states:
 - (a) "In conjunction with considering any lot split, subdivision, lot reconfiguration or other approval under this Chapter, the Plan Commission may consider and recommend, and the Council may grant, exceptions from the requirements of this Chapter as set forth herein. A petition for an exception shall be filed by the Owner in conjunction with such other proceedings and in conformance with regulations established pursuant to Section 20-200.
 - (b) Exceptions may be granted only in specific cases where such exceptions do not alter the general plan and spirit of this Chapter and where the Council determines that a requested exception does not adversely impact the public health, safety and welfare."

The Ordinance provides five measures under Sub-section 20-602(c) to help to determine if the conditions that are described above are present so that an exception can be considered to be granted. The Planning Staff has reviewed these conditions and has made the following observation according to these conditions:

With respect to the requested lot depth exceptions, the conditions and the Staff's findings are as follows:

(1) THE EXTENT TO WHICH THE PROPOSED EXCEPTION IMPACTS ON THE VALUE OR REASONABLE USE OF SURROUNDING PROPERTIES;

The proposed lot depth exception should not have any negative impact either on the value or the reasonable use of surrounding properties as the exception, if granted, will have no effect on the petitioner's responsibility to provide the required rear yard setback, nor would the reduced lot depth have any impact regarding how neighboring property owners might choose to use their properties.

(2) WHETHER THE EXCEPTION IS CONSISTENT WITH THE TREND OF DEVELOPMENT IN THE AREA AND THE SURROUNDING USES;

The trend of development in the area is single family residential. The presence of cul de sacs in some of the more recent subdivisions normally results in at least some of the resulting lots having depths less than 140 feet due to the additional right of way required for the bulb of the cul de sac. Cul de sac lots with somewhat shallower lot depths are represented in subdivisions including Hillcrest Hollow and Hillcrest Ridge generally located to the northwest of 61st St. and Dunham Road, Hillcrest Estates located south of 61st St. west of Dunham Road and Southeast Estates located on the west side of Middaugh Road just to the southwest of the subject property.

(3) THE CHARACTERISTICS OF THE PROPERTY WHICH SUPPORTS OR MITIGATE AGAINST THE GRANTING OF THE EXCEPTION;

The primary characteristic of the subject property which has necessitated the petitioner to seek lot depth exceptions includes the presence of wetlands within the easterly portion of the property which precludes the subject property from being developed with a through street between Middaugh and Brookbank in the same manner as the neighboring subdivision to the south was developed. The construction of a subdivision with a cul de sac usually necessitates some lot depth exception requests due to the greater right of way width necessary to accommodate the construction of the bulb portion of the cul de sac pavement. In the case of the proposed subdivision, the cul de sac had to be offset to the south due to the relative location of the wetlands to the northeast of the termination of the proposed street.

(4) WHETHER THE EXCEPTION IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPIRIT OF THIS CHAPTER;

The granting of lot depth exceptions in the amount requested by the petitioner will in no way damage or reduce the developability of the resulting lots. In addition as mentioned previously, adequate separation between buildings will be insured by the enforcement of standard yard requirements of the Zoning Ordinance.

(5) WHETHER THE EXCEPTION WILL ALTER, OR BE CONSISTENT WITH, THE ESSENTIAL CHARACTER OF THE LOCALITY;

The depth exceptions, if granted, will not be detrimental to the essential character of the locality as the location of the future houses will not be different with respect to neighboring properties nor is the amount of the exception sufficient to easily be identified by anyone who would view the completed subdivision.

RECOMMENDATION:

The Planning Staff would recommend that the Plan Commission forward a positive recommendation for final subdivision plat approval for the proposed Bradley's Brookbank Prairie Subdivision to the Village Council. This recommendation is being made with the following contingencies and conditions:

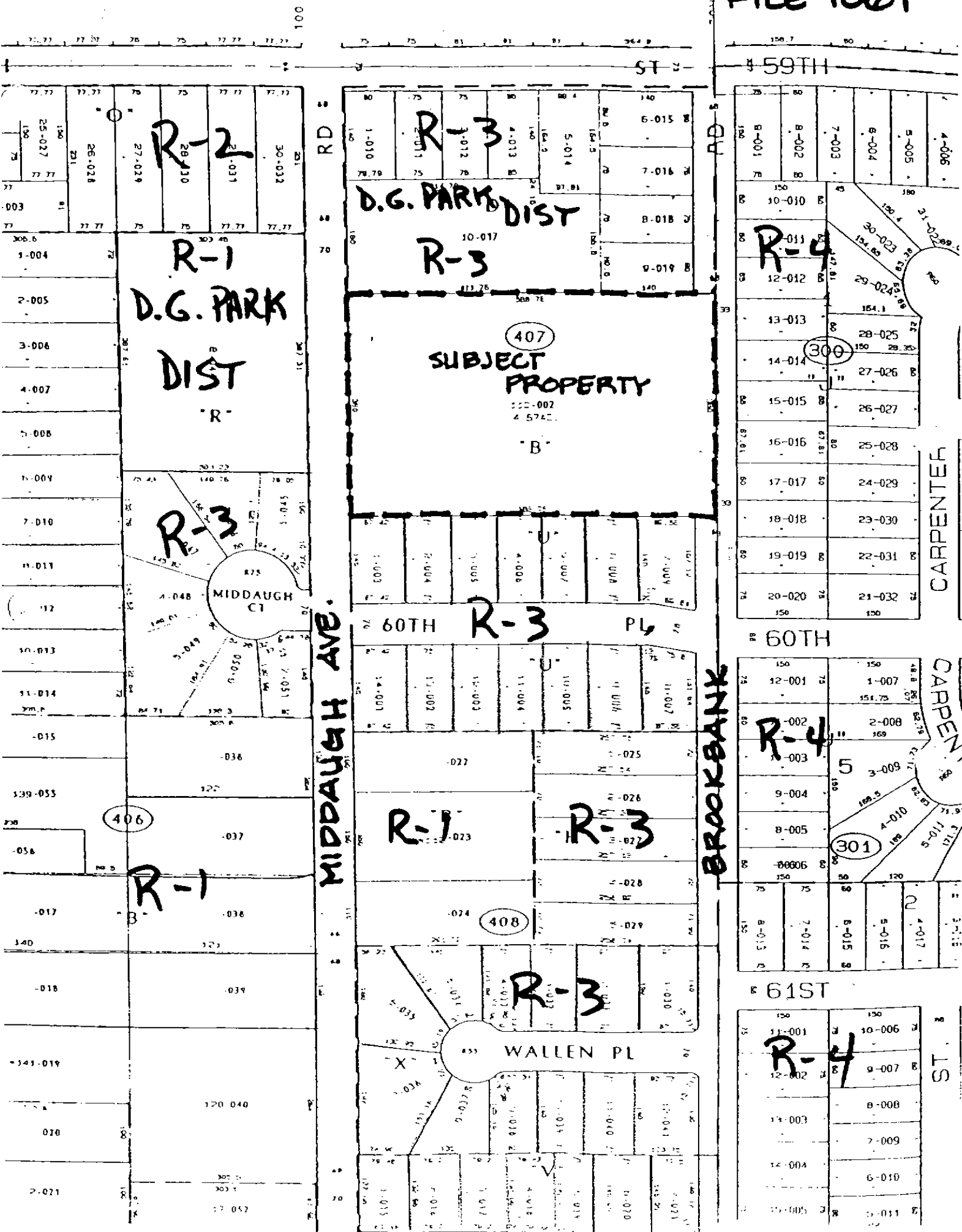
- a. That the subject property be rezoned to R-3, single family residential consistent with the Zoning Board of Appeals' unanimous recommendation found under Case #MC-1-00;
- b. That the right of way vacation of that section of Middaugh which was the subject of Plan Commission File No. 1046 be granted approval by Ordinance;
- c. That the petitioner cause payment to the Village of Downers Grove in the amount of \$24,781.20 to satisfy the school and park district donation obligations.
- d. That the homeowners association covenants which are necessary due to the presence of regulatory wetlands on proposed Outlot A be recorded contemporaneously with the recording of the plat of vacation for Middaugh Avenue and the recording of the plat of subdivision. The covenants, easements and homeowners association documents have been found to be acceptable the Village Attorney in their current form.

This positive recommendation is being made on the basis that the proposed lot depth exceptions have been found to be appropriate and should be granted as part of the final plat approval for the reasons which have been outlined in the Staff's analysis of this subdivision.

The Planning Staff is of the opinion that the petitioner has prepared and presented a petition for final subdivision plat approval which has dealt with the specific limitations of the subject property in a manner which is responsible to the applicable wetlands and floodplain rules and regulations while still achieving a subdivision which will result in

reasonable single family residential lots and one which, will result in the completion of a very long term half street located at the east side of the subject property and that will be able to be developed without creating any unusual burden or difficulties to the Village or to the surrounding residents.

KJR:amd
Attachments
07/03/01



VILLAGE OF DOWNERS GROVE

DEPARTMENT OF CODE SERVICES STORMWATER MANAGEMENT DIVISION INTERDEPARTMENTAL CORRESPONDENCE

DATE: June 29, 2001

TO: Ken Rathje, Director, Planning Services Department

FROM: Robert Jungwirth, Village Engineer

SUBJECT: **Final Engineering Certification for Final Plat Approval:
Bradley's Brookbank Prairie Subdivision**

The Developer of Bradley's Brookbank Prairie Subdivision has completed submittal of the Engineering Documents required for final plat approval.

The following documents were considered:

1. Engineering plans and specifications titled "Bradley's Brookbank Prairie Subdivision Site Improvements" dated July 10, 2000 with latest revision June 6, 2001 prepared by Environmental Systems Corporation;
2. Final Plat of Subdivision dated May 14, 2001 which includes all required deed restrictions and covenants pertaining to Special Management Areas (stormwater detention, floodplain, wetlands, riparian areas, buffers, etc.) prepared by Gentile & Associates;
3. Plat of Vacation and Grant of Easement for a portion of Middaugh Avenue dated June 25, 2001 prepared by Gentile & Associates;
4. Engineer's Opinion of Probable Costs for Public Improvements dated June 21, 2001 prepared by Environmental Systems Corporation (Total estimate amount: \$330,835.39);
5. Letter of Approval dated June 1, 2001 from the Downers Grove Sanitary District for the plans dated May 25, 2001;
6. Irrevocable Standby Letter of Credit on behalf of the Developer in the amount of \$363,918.93 as Construction Security for the Public Improvements(110% of Estimate);


7. Check in the amount of \$8,677.82 as payment for the Engineering Review Fee including reimbursement for all expenses of the Village related to Special Management Area reviews by outside consultants;
8. Stormwater Management Plan dated February 15, 2001 prepared by Environmental Systems Corporation;
9. Wetland submittal dated February 5, 2001 prepared by SDI Consultants, LTD. (present name V3 Consultants);
10. Riparian submittal dated May 17, 2001 prepared by V3 Consultants;
11. Letter from Kevin Jury, project ecologist from Planning Resources (Village consultant) dated June 4, 2001 stating that the submittals from V3 Consultants comply with the Village's Stormwater and Flood Plain Ordinance;
12. Stormwater Management Permit application No. 01-13-1000;
13. Letter of Agreement accepted by David Conley, Assistant Director of Public Works describing the arrangement by which the Developer will defer his required public improvements to Brookbank Road such that the Village can proceed with replacement of the existing watermain beforehand; and
14. Land Use Opinion from the Kane-DuPage Soil and Water Conservation District dated May 23, 2001.

Recommendation

I hereby certify that these documents meet the standards and requirements of Chapter 20 (Subdivision Ordinance) of the Municipal Code and recommend that final plat approval be granted.

DEPARTMENTAL CORRESPONDENCE

TO: Kenneth J. Rathje, Director
Planning Services

FROM: Chrys Rymas, Stormwater Management Engineer 

DATE: July 2, 2001

RE: Bradley's Brookbank Prairie Subdivision
Special Management Areas

The proposed project involves the construction of a seven (7) lot, single family residential subdivision on a 4.68 acre site within the corporate limits of the Village of Downers Grove. The site is located south of 59th Street, north of 60th Place and between Middaugh Avenue and Brookbank Road.

The site is presently occupied by one (1) single family residence located in the southwest quadrant of the site. There is a regulatory wetland located in the northeast quadrant of the property plus a floodplain with a minor floodway encroachment at the extreme northwest corner of the site.

The proposed seven (7) lot development will not encroach upon the floodway nor the wetland area. The onsite wetland has been segregated from the development as an Outlot

Wetland

The wetland is 0.83 acres. The delineation of the wetland boundaries was field verified and approved on November 25, 1999. The wetland qualifies as a regulatory wetland because none of the assessment criteria resulted in a critical status. During construction of the project, a portion of the 50 foot buffer will be disturbed. The vegetation of the entire buffer area will be replaced with appropriate species at the completion of the development.

Floodplain

There is a narrow band of low-quality wooded habitat located in the northwestern corner of the property that borders the South Branch of St. Joseph Creek. Due to the narrow width (approximately 15 feet) of low-quality wooded habitat along the waterway, this riparian area has only minor value as a habitat corridor for wildlife. This portion of the riparian area will be preserved.

The portion of the floodplain located east of the existing wetland is a narrow upland band of buckthorn thicket. Village-mandated road improvements and sidewalk construction along the eastern edge of the property will result in disturbance to a portion of this area. Temporary impacts to this area will be mitigated through the planting of native shrubs, trees, and herbaceous species.

The remainder of the floodplain is comprised of mowed grass. This mowed area is located west and south of the existing wetland. This area provides almost no riparian functions. It allows for infiltration of stormwater, but this is not a unique riparian function as every other pervious surface (wetland and upland) fulfills this function. Grading is proposed in portions of the mowed grass area for construction of a detention pond and for installation of a retaining wall behind the house lots.

Detention

Detention will be provided in a single basin constructed between the proposed development and the regulatory wetland. The detention basin is located within the floodplain, but all detention volume is created below the existing ground surface. This basin will be of the dry type lined with turf grass that will provide water quality benefits as well.

The following is a summary of facts concerning the detention basin:

Tributary area to detention basis	4.29 acres
Volume of detention storage	1.32 acre ft.
High water level	745.71 ft.
Depth of pond	2.21 ft.
Restrictor diameter	3 inches
Compensatory storage volume	0.53 ac. Ft.
High water level	746.5
Depth of pond	3.0 ft.

Compensatory storage for fill placed in the floodplain will be provided at a ratio of 1.5 times the amount of fill. The majority of fill was placed within the westerly 35 feet of the proposed right-of-way of Brookbank Road and the associated onsite embankment. Compensatory storage is provided primarily within the boundary of the detention basin from elevation 745.70 to elevation 746.50. The balance of the storage is provided in rear yard areas of the proposed northerly lots within the subdivision.

Kenneth J. Rathje

Page Three

This project has been thoroughly reviewed and has been approved by all required parties. It meets the requirements of Chapter 26 of the Municipal Code.

CR:ad

Exhibit I

Bradley's Brookbank Prairie Subdivision
Outlot A
DEED RESTRICTION/ COVENANT

WHEREAS, The Bradley Land Group, Inc. of Downers Grove, IL, or other party to whom ownership is transferred, hereinafter called the Grantors, is the owner in fee simple of certain real property, hereinafter called the Grantors, is the owner in fee simple of certain real property, hereinafter called "Restricted Property," which property is described as follows:

OUTLOT "A" in Bradley's Brookbank Prairie Subdivision

WHEREAS, the Restricted Property is a wetland under the regulatory jurisdiction of the Village of Downers Grove pursuant to the County Wide stormwater and Flood Plain Ordinance (February 1998),

WHEREAS, a permit to place fill in the the wetland would not have been granted but for the dedication of the Restricted Property for environmental mitigation, and; which in 30 days of receipt of a stormwater permit from DuPage County, the Grantors shall submit to the Village of Downers Grove a certified copy of this document, as recorded by the Grantors in the office of the County Recorder for DuPage County, Illinois; and the Grantor specifically acknowledges as fact that said permits are issued in consideration for the execution and recording of this document and compliance with the covenants and deed restrictions herein.

NOW THEREFORE, the Grantor, for and in consideration of the facts recited above enters into the following covenants and deed restrictions in perpetuity on behalf of himself/herself, his/her heirs and assigns:

1. The Village of Downers Grove will have the right to enforce by proceedings in law or equity the covenants and deed restrictions set out herein and this right shall not be waived by one or more incidents of failure to enforce said right. The cost of such enforcement, including reasonable attorney fees, shall be paid by the Grantor, or if property has been transferred, by the owners of record at the time of enforcement;
2. Employees of the Village of Downers Grove will have the right to view the Restricted Property in its natural, scenic, and open condition and the right to enter Restricted Property at all reasonable times for the purpose of inspecting Restricted Property to determine if the Grantor, or his heirs or assigns, is complying with the covenants and deed restrictions herein;
3. Without prior written consent from the Village of Downers Grove, there shall be no dredged or fill material of any type placed on Restricted Property except as necessary for the completion of mitigation as provided pursuant to U.S. Army Corps of Engineers permit # ____ and from DuPage County stormwater permit # ____.
4. Without prior consent from the Village of Downers Grove, there shall be no commercial, industrial, agricultural, residential developments, buildings, or structures, including but not limited to: signs except for "no trespassing signs", billboards, other advertising material, or other structures placed on Restricted Property.
5. Without prior express written consent from the Village of Downers Grove, there shall be no removal or destruction of wildlife, trees or plants, mowing, draining, plowing, mining, removal of topsoil, sand, gravel, minerals, other material except as necessary for completion of mitigation

as provided pursuant to U.S. Army Corps of Engineers permit number ____ and from DuPage County stormwater permit number _____ and the associated special conditions.

6. The following activities are not permitted within the Restricted Property:
 - a. For any person to camp or place a tent or trailer or any type of a camping device;
 - b. For any person to build or light any fire or willfully or carelessly permit any fire that has ignited or which is under his/her charge and care to spread or extend to or burn any part of the Restricted Area, except for prescribed burning for vegetation management performed under the direct supervision of a designated agent;
 - c. For any person to discard rubbish of any kind, including lawn clippings and cuttings, in the Restricted Area;
 - d. For any person to plant or disperse any native or non-native plant species or their parts into the Restricted Area without written approval of the owner/ authorized agent and the Village of Downers Grove;
 - e. For any person to spread fertilizers or herbicides within 15 feet of the wetland other than for attainment of specific vegetation management goals to meet and maintain the Village of Downers Grove approved performance standards. If used to control aggressive weeds and non-native plant species, herbicides will be applied only upon consultation with a qualified wetland specialist and by a licensed herbicide applicator.
7. Without prior express written consent from the Village of Downers Grove, there shall be no watercraft, cars, trucks, snowmobiles, dunebuggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles, except as necessary for completion of mitigation as provided pursuant to U.S. Army Corps of Engineers permit number ____ and from Dupage County stormwater permit number _____.
8. Without prior express written consent from the Village of Downers Grove, there shall be no application of pesticides or herbicides.
9. Without prior express written consent from the Village of Downers Grove, there shall be no grazing or keeping of cattle, sheep, horses, or other livestock.
10. Without prior express written consent from the Village of Downers Grove there shall be no hunting or trapping on the Restricted Property.
11. Without prior express written consent from the Village of Downers Grove, there shall be no utility lines placed overhead or within the Restricted Property, including but not limited to telephone or other communication lines, electrical, gas, water, or sewer. Existing lines may remain, but any maintenance work requiring intrusion into the Restricted Property shall require prior authorization by the Village of Downers Grove.
12. Without prior express consent from the Village of Downers Grove, there shall be no modifications to the hydrology of the Restricted Property, either directly or indirectly, that would allow more water onto, or that would drain water away from, the Restricted Property. Such prohibited modifications include but are not limited to ditching, changes to any water control structures, repairing of drainage tiles, or alterations to any naturally occurring structures.

These land use restrictions and other terms of these deed restrictions and covenants may be changed, modified, or revoked only upon written approval by the Village of Downers Grove. To be effective, such approval must be witnessed, authenticated, and recorded pursuant to law of the State of Illinois.

Except as expressly limited herein, the Grantor reserves for himself/herself, his/her heirs and assigns, all rights as owner of Restricted Property, including the right to use the property for all purposes not inconsistent with this grant.

The terms and conditions of these deed restrictions and covenants shall, as of the date of execution of this document, bind the Grantor to the extent of his legal and/ or equitable interest in Restricted Property, and; these deed restrictions and covenants shall run with the land and be binding on the Grantor and his/her heirs and assigns forever.

The terms and conditions of these deed restrictions and covenants shall be both explicitly included in any transfer, conveyance, or encumbrance of Restricted Property or any part thereof, and; any instrument of transfer, conveyance, or encumbrance affecting all or any part of Restricted Property shall set forth the terms and conditions of this document.

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its President, and attest by its Secretary, this _____ day of _____, 2001.

BRADLEY LAND GROUP, INC.

BY _____
PRESIDENT

ATTEST _____
SECRETARY

State of Illinois]

County of DuPage]

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that Albert S. Bradley, Jr. personally known to me to be the President of the corporation, and David Bradley personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth,

Given under my hand and official seal, this _____ day of _____, A.D. 2001.

NOTARY PUBLIC

My Commission expires _____, 2000.

Exhibit II

Bradley's Brookbank Prairie Subdivision
Wetland Buffer Lot 3 and Lot 4
DEED RESTRICTION/ COVENANT

WHEREAS, The Bradley Land Group, Inc. of Downers Grove, Ill., or other party to whom ownership is transferred, hereinafter called the Grantors, is the owner in fee simple of certain real property, hereinafter called the Grantors, is the owner in fee simple of certain real property, hereinafter called "Restricted Property," which property is described as follows:

As noted on the Final Plat of Subdivision for Bradley's Brookbank Prairie Subdivision

WHEREAS, the Restricted Property is a wetland buffer under the regulatory jurisdiction of the Village of Downers Grove pursuant to the County Wide stormwater and Flood Plain Ordinance (February 1998),

WHEREAS, a permit would not have been granted but for the dedication of the Restricted Property for environmental mitigation, and in 30 days of receipt of a stormwater permit from DuPage County, the Grantors shall submit to DuPage County a certified copy of this document, as recorded by the Grantors in the office of the County Recorder for DuPage County, Illinois; and the Grantor specifically acknowledges as fact that said permits are issued in consideration for the execution and recording of this document and compliance with the covenants and deed restrictions herein.

NOW THEREFORE, the Grantor, for and in consideration of the facts recited above enters into the following covenants and deed restrictions in perpetuity on behalf of himself/herself, his/her heirs and assigns:

1. The Village of Downers Grove will have the right to enforce by proceedings in law or equity the covenants and deed restrictions set out herein and this right shall not be waived by one or more incidents of failure to enforce said right. The cost of such enforcement, including reasonable attorney fees, shall be paid by the Grantor, or if property has been transferred, by the owners of record at the time of enforcement;
2. Employees of the Village of Downers Grove will have the right to view the Restricted Property in its natural, scenic, and open condition and the right to enter Restricted Property at all reasonable times, with proper notice, for the purpose of inspecting Restricted Property to determine if the Grantor, or his heirs or assigns, is complying with the covenants and deed restrictions herein;
3. Without prior consent from the Village of Downers Grove, there shall be no commercial, industrial, agricultural, residential developments, buildings, or structures, including but not limited to: signs except for "no trespassing signs", billboards, other advertising material, or other structures placed on Restricted Property.
4. Without prior express written consent from the Village of Downers Grove, there shall be no removal or destruction of wildlife, trees or plants, mowing, draining, plowing, mining, removal of topsoil, sand, gravel, minerals, and other material.
5. The following activities are not permitted within the Restricted Property:
 - a. For any person to camp or place a tent or trailer or any type of a camping device;
 - b. For any person to build or light any fire or willfully or carelessly permit any fire that has ignited or which is under his/her charge and care to spread or extend to or burn any part of the Restricted Area, except for prescribed

burning for vegetation management performed under the direct supervision of a designated agent;

- c. For any person to discard rubbish of any kind, including lawn clippings and cuttings, in the Restricted Area;
- d. For any person to plant or disperse any native or non-native plant species or their parts into the Restricted Area without written approval of the owner/ authorized agent and the Village of Downers Grove;
- e. For any person to spread fertilizers or herbicides within 15 feet of the wetland other than for attainment of specific vegetation management goals to meet and maintain the Village of Downers Grove approved performance standards. If used to control aggressive weeds and non-native plant species, herbicides will be applied only upon consultation with a qualified wetland specialist and by a licensed herbicide applicator.

7. Without prior express written consent from the Village of Downers Grove, there shall be no watercraft, cars, trucks, snowmobiles, dunebuggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles, except as necessary for completion of mitigation as provided pursuant to Dupage County stormwater permit number _____.

8. Without prior express written consent from the Village of Downers Grove, there shall be no application of pesticides or herbicides.

9. Without prior express written consent from the Village of Downers Grove, there shall be no grazing or keeping of cattle, sheep, horses, or other livestock.

10. Without prior express written consent from the Village of Downers Grove there shall be no hunting or trapping on the Restricted Property.

11. Without prior express written consent from the Village of Downers Grove there shall be no utility lines placed overhead or within the Restricted Property, including but not limited to telephone or other communication lines, electrical, gas, water, or sewer. Existing lines may remain, but any maintenance work requiring intrusion into the Restricted Property shall require prior authorization by the Village of Downers Grove.

12. Without prior express consent from the Village of Downers Grove, there shall be no modifications to the hydrology of the Restricted Property, either directly or indirectly, that would allow more water onto, or that would drain water away from, the Restricted Property. Such prohibited modifications include but are not limited to ditching, changes to any water control structures, repairing of drainage tiles, or alterations to any naturally occurring structures.

These land use restrictions and other terms of these deed restrictions and covenants may be changed, modified, or revoked only upon written approval by Village of Downers Grove. To be effective, such approval must be witnessed, authenticated, and recorded pursuant to law of the State of Illinois.

Except as expressly limited herein, the Grantor reserves for himself/herself, his/her heirs and assigns, all rights as owner of Restricted Property, including the right to use the property for all purposes not inconsistent with this grant.

The terms and conditions of these deed restrictions and covenants shall, as of the date of execution of this document, bind the Grantor to the extent of his legal and/ or equitable interest in Restricted Property, and; these deed restrictions and covenants shall run with the land and be binding on the Grantor and his/her heirs and assigns forever.

The terms and conditions of these deed restrictions and covenants shall be both explicitly included in any transfer, conveyance, or encumbrance of Restricted Property or any part thereof, and; any instrument of transfer, conveyance, or encumbrance affecting all or any part of Restricted Property shall set forth the terms and conditions of this document.

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its President, and attest by its Secretary, this ____ day of _____, 2001.

BRADLEY LAND GROUP, INC.

BY _____
PRESIDENT

ATTEST _____
SECRETARY

State of Illinois]

County of DuPage]

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that Albert S. Bradley, Jr. personally known to me to be the President of the corporation, and David Bradley personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth,

Given under my hand and official seal, this ____ day of _____, A.D. 2001.

NOTARY PUBLIC

My Commission expires _____, 2000.