

Chairman Jirik called the May1, 2001 meeting of the Plan Commission to order at 7:30 p.m.

***ROLL CALL***

**PRESENT:** Mr. Matejczyk, Mr. McCormick, Mrs. Reynolds, Mr. Waechtler,  
Chairman Jirik

**ABSENT:** Mr. Fluck, Mr. Griesbaum, Mr. McCombs, Mr. Wlodek

***STAFF***

**PRESENT** Kenneth J. Rathje, Director Planning Services  
Amanda Browne, Planner

Chairman Jirik stated the draft minutes of the Plan Commission's March 6, 2001 meeting needed to be reviewed. He asked if there were any additions, deletions or corrections to those minutes. There were none. Mr. McCormick **moved, and Mr. Matejczyk seconded that the minutes be approved as prepared. The motion passed unanimously.**

Chairman Jirik outlined the protocol for this evening's three agenda items. Chairman Jirik explained first, the petitioner, who is the individual proposing to do something with a particular parcel of land, will make a presentation. The petitioner will explain what they are seeking to do and how their proposal conforms to what the Village allows or does not allow.

Chairman Jirik continued second, Village Staff would present its technical review and recommendations. Chairman Jirik noted the third step, the public participation portion of the hearing, is the time for those present who desire to speak to be heard. Chairman Jirik pointed out the proceedings are recorded in the form of minutes. He encouraged those wishing to speak to speak one at a time and to speak clearly and slowly so that detailed minutes can be provided. Those wishing to testify should state their name and address before testifying.

Chairman Jirik explained the final step is the Plan Commission's deliberation of the petition. Plan Commission members can and may ask questions of anyone who has spoken regarding the petition so that the Commission members can fully understand an issue or concern. The Plan Commission will hear the petition, discuss it and then make a motion to recommend approval, recommend denial, or recommend approval with changes.

Chairman Jirik explained the purpose of the hearings this evening is to generate a body of information for the Council to consider. The Village Council will make a final decision on each of these petitions.

Chairman Jirik noted that there are petition packets at the sign-in table for those members of the audience who wish to follow this evening's procedures.

**FILE NO. 1058      FINAL PLAT APPROVAL – DUNHAM POINTE  
SUBDIVISION;** Property is located on the east side of Dunham Road, approximately 130 feet south of 68th Street, commonly known as 6859 Dunham Road, Downers Grove, Illinois (PIN 09-19-405-007); Downers Grove National Bank Trust #00-053, Owner; Joel Andersen, Petitioner

Chairman Jirik asked if there was a representative of the petitioner present. Joel Andersen, 6212 Washington Street, Downers Grove, Illinois stated he is the owner of the proposed development and has lived in Downers Grove for 30 years. Mr. Andersen explained that he brought along his engineer in case there are any questions to be answered. Mr. Andersen stated currently there are three old garages and an existing farm house on the property. There are no sewer and water connections to the existing buildings.

Mr. Andersen indicated the proposed development would consist of three lots fronting on of Dunham Road. Each lot would be approximately 83 feet by 175 feet. Mr. Andersen indicated there should be little or no impact to Dunham Road as utilities for one lot will be accessed on the west side of Dunham Road by coring under the street. The remaining two lots will be connected at the back of the property. Lot area on each lot is over 13,000 square feet. Mr. Andersen explained he is planning to construct traditional two story, four bedroom homes. Mr. Andersen pointed out that the impact on the neighbors should be minimal. The installation of utilities should be of no inconvenience to the adjacent neighbors. Seventeen feet of right of way will be dedicated to the Village along the east side of Dunham Road, and six new parkway trees will be planted.

Mr. Andersen concluded by stating he was anxious to proceed with this project as it was becoming more difficult to keep the existing buildings secure. Mr. Andersen noted that he would be happy to answer any questions from the Plan Commission members.

At Staff's presentation, Mr. Rathje advised the petitioner is seeking final subdivision approval of a three lot, single family residential subdivision of a parcel of land located on the east side of Dunham Road, approximately 130 feet south of the south line of 68th Street. This subdivision is going directly to final subdivision plat approval. There has been no preliminary subdivision approval requested or approved. The Subdivision Control Ordinance provides that a petitioner may directly seek a final subdivision plat approval under the provisions of Section 20-504 (a).

Mr. Rathje pointed out the subject property has a width as measured north to south of 250.00 feet, and a depth that ranges from 173.88 feet as measured on the south to 174.00 feet as measured on the north. The area of the property is 43,485 square feet or 0.9983 acres. The subject property is currently improved with a farmhouse and three outbuildings. Mr. Rathje noted from a search of records, that the building was probably the original farmhouse for some of the land located to the east that was sold off some time in the past as part of the neighboring subdivision. The farmer who owned the

property probably wanted to retain one acre, and the existing property is just a few square feet short of that one acre.

Mr. Rathje recalled that the petitioner appeared before the Zoning Board of Appeals requesting the subject property be rezoned from R-1, single family residential to R-3, single family residential. Mr. Rathje explained this property was brought into the Village with the property owner not following through with any type of a rezoning petition. Consequently, the zoning defaulted to the Village's most restrictive zoning designation of R-1, single family residential. The surrounding property to the northeast and southeast is zoned R-3, and the property to the west is zoned R-4. The property to the west is really a modified R-4 zoning under an annexation agreement

Mr. Rathje explained the terms of the Zoning Ordinance requires that lots in the R-3 zoning district have a minimum width of 75 feet, a minimum depth requirement of 140 feet, and each new lot is to have an area of 10,500 square feet.

Mr. Rathje noted this subdivision is being pursued on the contingency that the R-3, single family residential zoning will be approved as requested.

Mr. Rathje referred to the final plat of subdivision displayed on the overhead screen. The petitioner's plat depicts that the subject property is to be divided into three lots. Each lot would measure 83.33 feet in width, the depth would range between 156.88 feet as measured at the south line of the southerly-most lot to 157 feet at the north line of the northerly-most lot. Lot areas will range from 13,074 square feet to 13,081 square feet.

Mr. Rathje recalled his earlier explanation that this piece of property most likely was created as an exception from the surrounding subdivisions, and the easterly half of the right of way width of Dunham Road reflects the old common law 66 foot wide dedication. The west half of the roadway was dedicated to a 50 foot half street standard for a minor arterial roadway; however, the east half of the right of way of Dunham Road adjacent to the subject property is currently only 33 feet wide. The majority of the right of way along this section of Dunham Road has been widened to 100 feet, the minor arterial roadway right of way standard, and the petitioner has agreed to meet the requirements of the Subdivision Control Ordinance and will be dedicating an additional 17 feet of right of way which will bring the cross section of this portion of Dunham Road up to the standard of the area.

With respect to public improvements, Mr. Rathje stated the only element missing is the sidewalks that the petitioner will be installing as part of the public improvement requirements. Mr. Rathje referred to the displayed final plat that shows where 68th Place stubs into the east line of the subject property. Mr. Rathje advised that Mr. Andersen has had conversations with the surrounding area residents, and the Planning Staff has consulted with the Public Works Department on this issue. Given the established nature of 68th Place, the decision was made for 68th Place to terminate without a cul-de-sac. David Conley, the Director of Engineering, indicated there was no need to extend 68th Place; however, he has advised that if the petitioner removes the fence which runs along the easterly line of the subject property, that an appropriate termination be provided in a

form of barriers, markers, berms or other such device. The developer will be expected to finalize this design decision as part of the site improvements permit.

Mr. Rathje advised that Mr. Jungwirth, Village Engineer has noted in his memorandum dated April 18, 2001 that this subdivision is less than one acre and falls well below the three acre threshold that would require for the provision of on-site stormwater detention. The only public improvements other than sidewalks that need to be dealt with are the individual water and sanitary sewer services. Because everything else has been completed in the area, Mr. Jungwirth suggested the petitioner not be required to post the traditional two-year letter of credit that is normally provided in order to guarantee that the roadway improvements withstand the test of time. This roadway has been in for many, many years and was the subject of bonding when it was first constructed. Mr. Jungwirth suggested that the Village permit the developer to simply deal with covering the cost of the water line and sanitary sewer extensions with a bond as each home comes in for construction. He also noted that there will be certain minor engineering fees (\$325), and the petitioner has agreed to provide payment for tree planting in lieu of undertaking the tree planting himself. Mr. Rathje explained this is an option that the Village quite often offers to subdividers. The Village is able to purchase the trees at a better price, supervise the planting and the Village is also able to garner the benefits of the guarantee from the contractor if the trees fail. The parkway trees would be planted at such time as this subdivision is substantially completed.

With respect to the school and park district donations, Mr. Rathje indicated the provisions of Section 20-300 of the Subdivision Control Ordinance require that a developer of a subdivision make certain payments to the Village of Downers Grove in the name of the school districts and the park district. As there is a residence on the property, the provisions of Section 20-300(e)(2) come into play, and the developer would receive credit for one house because it has been in existence for a number of years.

Mr. Rathje advised that the petitioner has indicated his intentions are to build all four-bedroom houses in the subdivision. According to the formula contained under Section 20-5.3 of the Subdivision Control Ordinance, for two new four-bedroom residences the petitioner will be required to make payments to the Village of \$2,319.72 in the name of School District 58, \$1,396.80 in the name of School District 99 and \$4,543.88 in the name of the Downers Grove Park District. A total payment of \$8,260.40 must be submitted to the Village in order to satisfy the donation requirements prior to the Village Council granting final plat approval.

In conclusion, the Planning Staff would recommend that the Plan Commission forward a positive recommendation for the proposed three lot, single family subdivision to the Village Council. This recommendation is being made contingent upon the property being rezoned to R-3, single family residential as the lots are being proposed in a manner consistent with that zoning district standard.

The Staff is further recommending that the petitioner be responsible for constructing sidewalks, that payment in lieu of tree planting be accepted, that the petitioner make

payments for engineering review fees as well as school and park district donation fees prior to any final action by the Village Council, and that the petitioner be permitted to proceed with respect to bonding in lieu of providing a letter of credit consistent with Mr. Jungwirth's memorandum and finally that some form of barrier, fencing or berming be constructed at the termination of 68th Place on the east side of the subject property consistent with Mr. Conley's March 16, 2001 memorandum.

Mr. Rathje advised that he would be pleased to answer any questions from the Plan Commission members.

Chairman Jirik announced that the Commission would now move on to public participation and asked if anyone in the audience wished to speak regarding File No. 1058. There was no response, and Chairman Jirik closed the public participation portion of the hearing.

Chairman Jirik next asked if there were any questions or comments from the Plan Commission members. Mr. McCormick asked Mr. Andersen if he had reached a decision as to what he is going to do at the end of 68th Place. Mr. Andersen responded at a minimum they would be installing a barricade and signs, but he would also like to have some type of berm. He is still trying to determine how he can work a berm in on two neighboring lots because two property owners would virtually own the berm. Mr. Andersen expressed the opinion that a berm was good idea as it would prevent headlights from cars shining into windows if cars were driven up to the dead-end.

There were no further comments or questions. Chairman Jirik called for a motion.

**MOTION      MRS. REYNOLDS MOVED WITH RESPECT TO FILE NO. 1058, FINAL PLAT APPROVAL FOR DUNHAM POINTE SUBDIVISION, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL. THIS RECOMMENDATION IS BEING MADE CONDITIONED UPON THE REZONING OF THE SUBJECT PROPERTY TO R-3, SINGLE FAMILY RESIDENTIAL. THIS RECOMMENDATION IS ALSO BEING MADE AS THE PETITIONER HAS SUBMITTED A PETITION FOR FINAL SUBDIVISION PLAT APPROVAL THAT IS CONSISTENT WITH THE REQUIREMENTS OF THE SUBDIVISION CONTROL ORDINANCE AND IS CONSISTENT WITH THE REQUIREMENTS OF THE PROPOSED R-3, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT. THIS RECOMMENDATION IS FURTHER CONDITIONED UPON THE PETITIONER COMPLETING THE PUBLIC IMPROVEMENT OBLIGATIONS THAT HAVE BEEN OUTLINED IN MR. CONLEY'S MARCH 16, 2001 MEMORANDUM AND IN MR. JUNGWIRTH'S APRIL 18, 2001 MEMORANDUM. THESE IMPROVEMENTS INCLUDE BUT ARE NOT LIMITED TO THE INSTALLATION OF APPROPRIATE MARKERS AND/OR**

**BARRIERS AT THE DEAD-END OF 68TH PLACE, THE CONSTRUCTION OF SIDEWALKS ALONG THE DUNHAM ROAD FRONTAGE OF THE SUBJECT PROPERTY AND THE INSTALLATION OF WATER AND SANITARY SEWER SERVICES FOR THE FUTURE RESIDENCES. FINALLY, THIS RECOMMENDATION IS CONTINGENT UPON PAYMENT OF THE APPLICABLE SCHOOL AND PARK DISTRICT DONATIONS BEING PAID. MR.WAECHTLER SECONDED THE MOTION.**

Chairman Jirik asked if there were any questions or discussion on the motion. Mr. Waechtler commented that a lot of work and detail has gone into putting this subdivision together and expressed his opinion that it is a very good package.

As there were no further comments or questions, Chairman Jirik called for the vote.

**ROLL CALL: AYE: Mrs. Reynolds, Mr. Waechtler, Mr. Matejczyk, Mr. McCormick, Chairman Jirik**

**NAY: None**

**The motion passed unanimously.**

Chairman Jirik advised those present that the Plan Commission's recommendation to the Village Council will be scheduled sometime in early June. Those wishing to follow this petition as it moves through additional consideration at the Council level should contact Staff for updates.

**FILE NO. 1059 TENTATIVE PLAT APPROVAL – BOUNDARY HILL SUBDIVISION;** Property is located southeast of the intersection of Lee Avenue and Boundary Road, commonly known as 6103 Lee Avenue (PIN 09-18-308-004) and 1699 Boundary Road (PIN 09-18-308-003), Downers Grove, Il; Cassandra, William L. and Raymond J. Ponstein, Owners; William L. Ponstein, Petitioner

Chairman Jirik asked if there was a representative of the petitioner present.

William L. Ponstein, 6012 Hillcrest Road, Downers Grove, Illinois explained he has an irregularly shaped piece of property that he would like to subdivide into eight parcels. Mr. Ponstein noted currently there are two residential units on this site. Mr. Ponstein said the design of the cul-de-sac was done in order to maintain the privacy of the area as opposed to possibly running Boundary Road through and connecting with 62nd Street and creating a throughway. Mr. Ponstein indicated he is proposing to make full improvements on Boundary Court. Mr. Ponstein noted all the cul-de-sac lots require a depth variation; however, every lot exceeds the required lot area for R-3, single family residential zoning.

With regard to the public improvements along Boundary Road, Mr. Ponstein explained he is asking for a variation, other than putting a sidewalk through to the school, mainly because Boundary Road does not go anywhere. Boundary Road could be extended to 62nd Street if it were fully dedicated. Mr. Ponstein expressed his opinion that making Boundary Road a thoroughfare would not be beneficial to the neighborhood. Mr. Ponstein stated he will be paying all the school and park donations. Mr. Ponstein pointed out that the property is roughly 2.7 acres, and while the engineering at this point is preliminary it has been reviewed by the Village Engineer.

As Staff's presentation, Mr. Rathje explained the petitioner is seeking tentative subdivision plat approval for an eight lot, single family residential subdivision of the subject property which is located generally to the east of Boundary Road at Lee Avenue. Mr. Rathje advised that the subject property is currently unincorporated DuPage County. The petitioner appeared at the April 25, 2001 Zoning Board of Appeals meeting with a pre-annexation zoning petition that sought approval of R-3, single family residential zoning upon annexation. Mr. Rathje explained that the Zoning Board of Appeals unanimously recommended to the Village Council in favor of this proposed rezoning. Mr. Rathje indicated as with the previous petition this subdivision is also being pursued on the basis that it would be contingent upon the property being annexed and rezoned to R-3, single family residential.

Mr. Rathje concurred with Mr. Ponstein that the subject property is a somewhat irregularly shaped parcel of land. It is primarily wedge shaped and has a frontage on its westerly boundary along Boundary Road of 389.50 feet, a depth of 545.18 feet on the south and 264.05 feet on the north with a width as measured from north to south of 300 feet. The site has an overall area of about 2.75 acres or 119,790 square feet.

Mr. Rathje noted the R-3, single family residential zoning standards have a width standard of 75 feet, an area standard of 10,500 square feet and a lot depth standard of 140 feet.

Mr. Rathje explained the proposed subdivision is to be designed around a 250 foot long cul de sac roadway which has a slightly offset bulb to the southeast.

With respect to the proposed lot sizes, Mr. Rathje stated they will range from 10,575 square feet for proposed Lots 6 and 7 to 15,387 square feet for proposed Lot 4. All of the lots will meet or exceed the minimum 10,500 square foot area standard of the proposed R-3, single family residential zoning district.

Mr. Rathje commented it is interesting to note that the surrounding unincorporated area is zoned County R-4. The County R-4 zoning district has very similar standards to Village R-3. County R-4 has a lot width standard of 75 feet and a slightly smaller lot area requirement at 10,000 square feet. The standards are slightly easier in the County, but what the petitioner is proposing to do is to have a zoning district that would be quite consistent with what the zoning is for the unincorporated properties.

With respect to lot dimensions, Mr. Rathje pointed out there are a number of lot depth variations for which the petitioner is seeking approval. Beginning with proposed Lot 1, the depth of this lot is measured on an east to west axis. It is a corner lot, and for corner lots the depths are measured opposite the narrower of the two street frontages. This lot has a lot depth along its north of 129.39 feet, although along the south and along a good portion of the southerly portion of the property the lot has a depth of 140.36 feet. Proposed Lot 2 has its shallowest line along its northwesterly side of 94.70 feet although the depth along its southeasterly side is 144.35 feet and the lot has at its deepest point given that it is somewhat diagonal as measured from the edge of the cul-de-sac back to the extreme northeasterly corner, a depth of more than 150 feet. Mr. Rathje noted it is a good-sized lot. With respect to proposed Lot 3 that sits at the end of the cul de sac, its shallowest point would be opposite the apex of the cu-de-sac and has a depth at this point of 113 feet. Mr. Rathje pointed out Lot 3 has lot depths along its northerly line of 144 feet and along its southerly line its depth is about 123 feet. With respect to proposed Lot 4, at the shallowest it has a side lot line of 123.27 feet, although the majority of this lot has a depth in excess of 140 feet. With respect to proposed Lot 5 that has a lot depth at the apex of the cul-de-sac of 110 feet, although along its westerly line its depth increases to 141 feet.

Mr. Rathje pointed out that all of the other lots meet the standards for lot width and lot area that would be applicable under the R-3, single family residential zoning district.

With respect to public improvements, Mr. Rathje stated the petitioner's plans propose to make full public improvements for the proposed new roadway referred to on the plat as Boundary Court; a 70 foot wide local street right of way is to be a dedicated, full width right of way pavement of 31 feet back to back of curb, sidewalks on both sides, street trees, storm sewers, etc.

With respect to Boundary Road, Mr. Rathje explained Staff took a very careful look at that issue along with the petitioner. Mr. Rathje advised he had the aerial photo of the area if the Plan Commission members want to examine it. Boundary Road was dedicated with a width of 30 feet, and the neighboring lots were largely developed and built along that line. Staff took a look at the possibility or likelihood of other redevelopment along this section of Boundary Road between 61st and 62nd Street, and Mr. Rathje commented Staff is of the belief that it is not likely that there will be other development in that area which would cause the completion of the full width right of way. Staff also took into account the needs for pedestrians in the area. Mr. Ponstein has filed his petition on the basis that he would be looking to have relief from all other public improvements other than for the improvements to the intersection of Lee and Boundary and other than the construction of sidewalks for the full frontage of the property within the Boundary Road right of way because Boundary Road is a walking path to Indian Trail School. There is pavement within Boundary Road now which serves the homes to the north, but Mr. Ponstein is suggesting that he does not want to provide any additional public improvements beyond that which is existing and beyond the intersection. Mr. Rathje pointed out that an exception request would be reviewed later in his presentation.

With respect to stormwater management for the site, Mr. Rathje advised that Mr. Jungwirth has provided an excellent memorandum that points out the subject property currently has an excellent drainage pattern in the area. The site has an area of about 2.75 acres and, therefore, falls below the three acre threshold that requires on-site stormwater detention under the County based Stormwater Control Ordinance; however, the County Ordinance is also the Village's Ordinance. Mr. Rathje pointed out that the site does not have any issues with flood plain, wetlands or riparian environments, and there are no depressional areas that collect stormwater. Mr. Rathje advised that Mr. Jungwirth has explained to him that the petitioner's drainage plan, although preliminary, is sound and prepared in a manner consistent with the Stormwater Control Ordinance. Mr. Rathje explained basically the plan is, because of the nature of the topography, that including the roadway and the northerly portion of the property as well as some tributary area to the north will be collected within a new storm sewer system which will be extended down Boundary Road to 62nd Street and west via the 62nd Street right of way over to Stonewall. Then the southerly portion of the property will be allowed to sheet flow drain onto the next property to the south. Because of the somewhat difficult means of collecting the water in this area and keeping the yards dry, The plan is to compensate the stormwater detention by collecting more stormwater from the north, directing that stormwater into the storm sewer system and then running that stormwater down a new storm sewer which the petitioner would have to build along Boundary Road down to 62nd Street and over to Stonewall.

Mr. Rathje noted there is a wetland environment to the south of this piece of property so there still will be stormwater that would continue to drain as it always which is important to support and feed the wetlands. Mr. Rathje pointed out that a careful balancing act of controlling stormwater as much as possible and also respecting a wetland environment in the area has been the goal.

Mr. Rathje advised all the engineering is preliminary, and there will be refinement between now and the time the final plat is provided. Both the petitioner and the Village have been doing a very careful balancing act on these two issues.

With respect to the lot depth exceptions from the 140 foot standard for Lots 1 through 5 and with respect to the public improvement exceptions for Boundary Road except for the construction of sidewalks and except for the intersection improvements, the petitioner is seeking relief under provisions of Section 20-602 of the Subdivision Control Ordinance. Section 20-602(a), states that: "...the Plan Commission may consider and recommend and the Council may grant, exceptions from the requirements of this Chapter as set forth herein". Mr. Rathje explained there are a series of five standards and advised that he will first go through the lot depth exceptions and then review the public improvement exceptions.

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;**

Mr. Rathje advised the lot depth exceptions should not have any negative impact on the use of surrounding properties. The petitioner is obligated to satisfy the same side and rear yard requirements adjacent to the adjoining property lines as he would with or without the proposed lot depth exceptions. There is no relief being sought from the minimum yard requirements regardless of the nature of the lot depth exception.

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

Mr. Rathje explained the majority of the immediately surrounded area was subdivided in 1924. Most of those lots were configured in a rectilinear fashion and quite a few of those lots fall into the 50 or 66 foot wide range by upwards of 300 feet in depth. Most of those lots carry that particular lot depth because they were built at a time when there were no sanitary sewers or municipal water available. Some of the more recent subdivisions have included cul de sac streets with associated cul de sac lots. Such development is probably the most reasonable approach given the nature of land use and subdivision trends that have been decided upon in the past. Representatives of lots similar to what is being proposed may be found adjacent to Plymouth Court, Hillcrest Road and Hillcrest Court to the east and southeast of the subject property.

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

Mr. Rathje advised the primary characteristic of the subject property that has necessitated the requested lot width exception is the relatively narrow 300 foot parcel width. In order to have full depth lots and full width rights of way you would need to have a cross section of around 350 feet. Mr. Rathje noted the petitioner has done an excellent job working within the framework of the parcel to create lots that will be large enough, and have shapes and dimensions that will support reasonable homes on the property. Without these exceptions, the petitioner would be limited to only very deep lots that would have to front on Boundary Road.

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

Mr. Rathje noted "This Chapter" refers to the Subdivision Control Ordinance. The size and shape of the lots being proposed will provide a very reasonable platform for construction of sound, single family residences. These lots will be able to support contemporary homes without the need of additional setback variations that the Zoning Board of Appeals would have to consider.

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

Mr. Rathje expressed the belief that the requested depth exceptions, if granted, will not be detrimental to the essential character of the locality. This will be a cul de sac subdivision. There will only be two lots that will have direct frontage on Boundary Road and from the appearance of these lots from the exterior, this subdivision will not draw particular attention to itself as being significantly different. The resulting lots are generally much wider than the majority of other lots in the general area off of Boundary Road and Lee Avenue.

With respect to the roadway right of way and the street improvement exceptions as they would apply to Boundary Road which include but are not limited to right of way widening, pavement reconstruction, curbs, gutter, street lights and street trees, Mr. Rathje advised that the Staff has made the following findings under the requirements for exceptions specified in the Subdivision Control Ordinance as follows:

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

Mr. Rathje commented that existing Boundary Road has served this area well. The new subdivision will intersect with Lee Avenue, and Lee is essentially a full width local roadway although it does have country-style roadway improvements similar to the rest of the area. It certainly has the capacity to deal with the amount of traffic that will be generated by six additional homes. Given the nature of the size and shape of the existing lots, the likelihood that additional right of way would ever be dedicated especially from those lots that are on the southeasterly side to the north of the subject property is not likely without rendering those lots significantly less usable. In at least one case, it would require the removal of a home in order to accommodate the additional right of way. To the southerly leg, there is one existing house located just opposite the intersection that will be served via Boundary Road and the other areas off of 62nd Street would front on Stonewall and would be able to get access from Stonewall.

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

Mr. Rathje expressed the opinion that this subdivision would be fairly consistent with the trend of development in the area. The full public improvements are being dealt with internal to the site with some consideration being given to how this subdivision will interface with the surrounding area.

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

Mr. Rathje advised the characteristic of the subject property which supports the requested exception is its location and the character of the surrounding subdivisions, the nature of the public improvements that were required or were not required in the area all tend to support this variation.

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

In this situation, Mr. Rathje explained this measure could be satisfied if there was the likelihood of significant additional redevelopment via a subdivision where the Village could expect additional dedication and additional developer-driven public improvements. Mr. Rathje stated if those conditions existed he would be looking for the dedication and the public improvements; however, that is not the case in this area. Staff is trying to deal with a modest-sized subdivision in a much older area and balance the needs of the Village with the existing character of the area.

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

Mr. Rathje indicated Staff is of the opinion that the proposed subdivision with the requested exceptions will maintain the general characteristic of the property quite well and noted this measure has been covered adequately by comments and observations offered under the preceding measures.

Mr. Rathje noted there were a number of neighborhood residents who attended the Zoning Board of Appeals meeting on Wednesday, April 25, 2001. Several people had questions which were more related to the development of the property than to zoning. Zoning Board of Appeals Chairman Beggs told the residents who posed such questions that such questions were best reserved for the Plan Commission.

Mr. Rathje indicated he had jotted down the essential questions and in order to save everyone the necessity of asking the questions again, he would present the questions and answers to the Plan Commission.

The first question was "How will pedestrian traffic be maintained on Boundary Road during the construction and especially during the construction of the sidewalk". Mr. Rathje responded this section of right of way is fully 30 feet wide, and the actual sidewalk construction is five feet wide. Mr. Rathje noted that he spoke with District 58 Superintendent, Dr. Dale Martin, following the Zoning Board of Appeals meeting and informed him that there is a subdivision coming forward, and it anticipates that sidewalks would be constructed within Boundary Road. Dr. Martin indicated he was very pleased to hear that and was sure that a solution could be worked out between the developer and the District in order to maintain a safe walking route during construction. Mr. Rathje noted that will require coordination between the developer and District 58, and he was sure that could take place without much difficulty.

The second question was “How will damage to the local streets be dealt with during the upcoming construction?” Mr. Rathje responded typically local streets adjacent to a subdivision like this do not take a significant amount of damage because of construction vehicles. The petitioner would be required to be bonded during construction. The Public Works Department makes pre-construction and post-construction inspections. If there is any damage that is directly attributable to this construction, the developer will then be held responsible and will have to make corrections or repair to the existing improvements. In the case at hand, where there will be a fair amount of off-site construction including extension of sanitary sewers and storm sewers within Boundary Road and 62nd Street. This construction will be under Village scrutiny, but it will also provide some significant benefit to the surrounding area.

Mr. Rathje noted as much of this area is unincorporated, but it is served by Downers Grove municipal water, one gentleman asked “As additional properties are annexed in the area, will the Village force people to hook onto the Village’s water system and force them to disconnect their wells”. Mr. Rathje pointed out that matter is really covered under Section 25-52 of the Municipal Code. The Village has no jurisdiction to tell anybody in the unincorporated area that they must or must not disconnect their wells. At the current time, the water mains are there and if people want to hook onto the Village water mains, they can sign a pre-annexation agreement with the Village. What the Village will not allow them to do is to be served both by a well and by the Village water system because we cannot have any contamination of well water into the municipal water system. Mr. Rathje pointed out the Village has many years of experience in dealing with areas that have wells and water mains. When property is within the Village and has a well that fails, it cannot be re-drilled or drilled deeper. At the point when a well fails, if the property is within 250 feet of a water main, that is when the property owner must give up the well, extend the water main if necessary and connect onto the water main.

Mr. Rathje indicated the next question was “Where are sanitary sewers located in the area?” Mr. Rathje stated he called Ted Cherwak, assistant director of the Downers Grove Sanitary District, and found out that there are sanitary sewers in Stonewall from 63rd Street north to just south of 61st Street. Mr. Rathje noted that is the sanitary sewer that will serve this development with the extension of a sanitary sewer down 62nd Street and then up Boundary Road. Mr. Rathje pointed out there are also some sanitary sewers in 61st Street from Dunham Road almost to Boundary Road, within Springside south of 61st Street for about a half block distance, and there is also a small section of sewer at Boundary Road on the north side of Springside. The Sanitary District confirmed that Mr. Ponstein’s civil engineer has made preliminary contact with them so they know the route that the sanitary sewer extension will have to follow.

Mr. Rathje noted he had covered storm sewer location. They will have to run down Boundary Road to 62nd Street and 62nd Street over to Stonewall and then connect into the storm sewer system that goes down 63rd Street and jogs toward Woodward and eventually empties into Prentiss Creek.

Mr. Rathje indicated if there are any additional questions, he was confident that the Plan Commission would entertain them.

In conclusion, Mr. Rathje advised the Planning Staff would recommend that the Plan Commission forward a positive recommendation to the Village Council for the proposed 8 lot, single family residential subdivision including the recommendation for lot depth exceptions, for the reasons Staff has outlined in its written and in its oral presentation, which is due to the narrow width of the property and to some extent because of the wedge-form shape of the subject property.

With respect to the public improvement exceptions, the Staff would also recommend that this exception request be given a favorable recommendation for the reasons recently covered. Mr. Rathje advised Staff is making this recommendation as the proposed subdivision has been designed in a manner that respects as many of the standards of the Subdivision Control and Zoning Ordinances as possible while still working to fit the characteristic of the neighborhood area and the characteristics of the subject property's development pattern and the public improvement patterns in the surrounding area.

The Staff is making this recommendation as the petitioner has designed a subdivision that respects the Village's Zoning and Subdivision Control Ordinances within the constraints dictated by the existing and surrounding property. The petitioner has presented a plan that provides for adequate roadway and other public improvements and provides lots that have areas, shapes and dimensions which will support reasonable single family residences without the need for any further exceptions or variations in the future.

Mr. Rathje advised that he would be willing to answer any questions from the Plan Commission members.

Chairman Jirik announced that the next step in this evening's proceedings was public participation which is the time for anyone who has any comments or questions regarding the petition to come forward and be heard. Chairman Jirik asked if anyone wished to speak tonight regarding this petition.

Robin Prairie, 6110 Lee Avenue, Downers Grove referred to page five of the findings which states "the northerly line of the Indian Trail School/District 58 Administration Building property...It does not appear that either the District or the neighboring properties will cause 62nd Street to be improved as these properties front either on Stonewall or Boundary Road". Ms. Prairie asked right now "it does not appear"; but what if all of a sudden it does appear and she questioned in which case would the Village improve 62nd Street. Mr. Rathje responded that the Village does not build new streets where they are not needed. Sixty-Second Street was originally dedicated in anticipation of a possible development of the adjoining property to the south. As the adjoining property to the south was assembled by the School District for administrative and school purposes and as the adjoining lots front on and take their access via other streets, all of the properties are served by other streets. The only event that would cause 62nd Street to ever be improved, would be if the School District sold off all that property, and a

developer came in and chose to use 62nd Street as their access at which point the developer would have to pay for the construction of and the extension of that street. Ms. Prairie noted there is some property on Lee Avenue that could theoretically be sold. Mr. Rathje asked if she was referring to the section of Lee Avenue north of Boundary Road. Ms. Prairie indicated that was the area she was referring to, and Mr. Rathje advised her that area would have its access needs served by Lee Avenue. The dimension of those properties are not of such nature as to really support the assemblage for a subdivision. Ms. Prairie stated she did not mean a subdivision as such but rather a building site. Mr. Rathje emphasized that the existing lots on Lee are served by Lee. Ms. Prairie clarified that she was referring to the lots just to the south of the intersection of Lee Avenue and Boundary Road. Mr. Rathje explained there is pavement that already serves the one house in the area and if somebody just wants to extend another short section of pavement to serve one lot, they could do that within the existing right of way. To put in a full street that would not be going any place would be needed. Ms. Prairie asked what would happen if the two lots that are currently inhabited are at some later date purchased for a possible subdivision? Mr. Rathje explained if that were the case, the developer would have to dedicate the other half of the right of way, but the two lots in question are not big enough to support a subdivision. It would take some real acreage to support a subdivision, and the lots that she is referring to are already smaller than the smallest lot the Village would allow to be created. Ms. Prairie asked if he meant a half acre? Mr. Rathje responded 75 feet and noted the Village does not have a half- acre standard. The standard is about a quarter acre, 10,500 square feet. Ms. Prairie noted her lot is a half acre. Mr. Rathje asked if she had more than one lot, and Ms. Prairie responded no. Mr. Rathje noted most of the lots in the area where she indicated her lot was located are about 18,000 square feet or a little less than a half acre. Ms. Prairie asked how much this new subdivision would affect taxes in the area. Mr. Rathje explained a new subdivision generates taxes. Ms. Prairie acknowledged that a new subdivision would generate taxes, but it would also raise taxes for current property owners. Mr. Rathje advised in the distant past, the public often had to pay for some type of public improvement in order to support a new subdivision. In this situation, the subdivider has to pay for all public improvements, and the lots will generate more taxes after development than they would generate before. Development of an adjacent area does not cause additional taxation. Ms. Prairie asked for confirmation that their taxes will not be affected at all. Mr. Rathje responded there would be more taxes paid in order to support the schools and the park district. Ms. Prairie acknowledged that fact. Chairman Jirik asked if there was anyone else who wished to speak.

Ms. Liz Rossignuolo, 6105 Lee Avenue, Downers Grove, advised that two of her questions from the Zoning Board of Appeals were answered this evening, and she thanked Mr. Rathje. Ms. Rossignuolo stated she owns the property on Lee that Ms. Prairie was referring to, and she has no plans to sell this property and subdivide it. However, that has always been a distant thought at some point when the neighborhood does change which it is going to, then they may want to subdivide as they have two lots. Ms. Rossignuolo noted there are much smaller lots in the neighborhood being developed. Ms. Rossignuolo expressed concern as Mr. Rathje had commented that it was unlikely that her property would ever be developed. Ms. Rossignuolo also noted she did not

follow why Mr. Ponstein was asking for an exception from improving Boundary Road. Mr. Rathje asked Ms. Rossignuolo to clarify where her lots are located, and she advised that her lots were north on Lee between the subject site and 61st Street. Mr. Rathje pointed out the lots on the map displayed on the overhead screen. Mr. Rathje explained the right of way for this section of Boundary Road came from the subdivision over on the northwesterly side. If additional right of way were to be dedicated to the north, Ponstein would only have to dedicate a small section. The remainder would have to come off of the lots to the north. Ms. Rossignuolo indicated she was still not clear because Mr. Rathje indicated Mr. Ponstein would have to install sidewalks, storm and sanitary sewers. Mr. Rathje explained Mr. Ponstein would have to install the sidewalk from the north edge of his property down to the southwesterly corner. He is asking not to have to provide additional right of way dedication to widen Boundary Road. The logic behind that is because the area already has a home on it, and it will be served with access by the existing pavement. To widen half of a street with curb and gutters on the southeasterly side, the Village will end up with a half of a roadway improvement and unless the property owners on the other side were to put the other half of the roadway improvement in, a half-way looking type of development would result. To the north, the lots on the westerly or northerly side of Boundary are the ones that have 30 feet dedicated. Mr. Rathje indicates these lots are not of such size or nature, because as they go further north they get shallower and shallower, to be able to dedicate an additional 35 feet of right of way. Then the issue of constructing the roadway improvements is not very likely. He pointed to the triangular lot to the north of Ponstein's land and noted that a lot like this may look large, but by the time you try to divide it up there is nothing left when all the setbacks are taken away from being able to be built upon. Mr. Rathje emphasized that the likelihood of there being the fabric of land that would support significant redevelopment such as this evening's petition is extraordinarily remote. In order to support the roadway improvements you have to get quite a few lots out of a subdivision to be able to pay for the curbs, gutters, stormwater, storm sewers, etc. The likelihood of that happening in this area is very slim and to start off a roadway improvement for just a short distance and then not ever complete the roadway is not good planning practice. Ms. Rossignuolo noted that is what was done on Springside.

Mr. Rathje asked Ms. Rossignuolo if she was talking only about sidewalks or was she also talking about curbs, gutters, etc. Ms. Rossignuolo responded "whatever". Mr. Rathje clarified that Mr. Ponstein has agreed to put in sidewalks because that is something that will be of immediate use. The likelihood of extending a full width street to current standards; curb, gutters, etc., from 62nd Street north is not very likely given the size and shape of the properties. To have this development widen Boundary Road to a full width street in front of this property and then have a very remote possibility of the full width ever being extended because no one is going to pick up those expenses if the residents do not pick them up is not good planning practice. The Village is not in the business of building new streets. Once the street is built by a developer, the Village maintains or reconstructs the street. With regard to the country-style roadways, it is status quo.

Ms. Rossignuolo noted that residents in this area who hooked up to Village water had to sign preannexation agreements. She asked what would happen when these properties are annexed. Will the Village then require that sidewalks, curbs, gutters, etc. be installed. Mr. Rathje advised that Lee Avenue South of Ogden Avenue, the Burlington Highlands area and Fairmount Avenue south of 55th Street are just some of the areas where Downers Grove has block after block after block of country-style roadway. The options for a municipality like Downers Grove that has a real mixed bag of types of roadway improvements are really one of two things. The Village can accept that there are different styles of development within the Community and then maintain the roadway improvements in the neighborhoods according to the type of improvement that they have. In areas that are improved with full curbs and gutters, etc., the residents paid for those improvements one way or another. They paid for them in the form of buying those improvements as part of the package when they bought their home. They paid for full public improvement as pass-through from what the developer paid. The other way, which is something our Village Council has not done since maybe the 1960's, is to do a special assessment. Mr. Rathje emphasized that for the past 30 years the Village Council has not imposed special assessments for residential streets like in this area. Their philosophy is that people bought their homes on a country-style roadway. The Village will maintain that country-style roadway and keep it in good shape, but the Village will not come in and have all the rest of the Village pay for it thus subsidizing some residents at the expense of other residents, nor will they force it down the residents' throat in the form of a special assessment. Mr. Rathje commented special assessments oftentimes can make the difference of making or breaking a person's ability to own their property. Mr. Rathje pointed out the only places where the Village has done anything like a special assessment and on a very limited basis is where everybody in a little neighborhood wanted it. As an example, he pointed out the brick street area of the Village. People wanted to pay the added cost of maintaining their streets as brick streets, and the residents in that area came to the Village and voted for the brick streets. They wanted to maintain the brick streets which is much more expensive to maintain than asphalt. Those residents were willing to be taxed for such maintenance.

Ms. Rossignuolo noted one of the concerns of a neighbor who was present at the Zoning Board of Appeals meeting but is not present this evening was whether or not the Village would make people hook up to the sanitary sewers. Mr. Rathje explained the Downers Grove Sanitary District is a separate governmental entity from the Village of Downers Grove and has its own elected officials. Typically they only extend sanitary sewer lines in a neighborhood by one of two ways; one, the way that Mr. Ponstein is doing it. He gets to write the check and pay for the sanitary sewer to be extended; the other is through a special assessment but before a special assessment by the Sanitary District would be done, it would have to be agreed to by the people in the area. If there is an area where a large number of septic fields fail, the DuPage County Health Department may step in and may have to force an issue.

Mr. Rathje acknowledged that he had not seen it happen too often, but it is possible. The Health Department may step in and tell a property owner that they must hook on to sanitary sewers otherwise they may not be able to continue to live in their home. In

theory in certain areas, things could get bad enough that you may not continue to be able to live in your home without causing a public health nuisance. Ms. Rossignuolo noted unless that happens most of the property owners in the area still on septic are not going to be required to hook up.

Chairman Jirik commented all the Plan Commission is considering this evening is this particular piece of land, and it has no impact or jurisdiction on anything else. What is being determined this evening is what will be done with this particular parcel of land. This subdivision is proposed under a more rigorous or thorough and comprehensive review process because it is proposed to be changed. The Plan Commission is holding this hearing because the proposal is being made to make a change. Chairman Jirik indicated he sensed all Ms. Rossignuolo wanted to know about was whether or not she could bring her property into the Village and what would happen when it comes into the Village. That is a little different than what you will be seeing in terms of the rigor and all of the review for the proposed subdivision. There are no public hearings by the Plan Commission in order to execute a Pre-Annexation Agreement. With regard to Boundary Road, the proposed subdivision sends a message that there is a style of roadway in the area and the plan is to maintain that style. Ms. Rossignuolo asked if whatever is approved for this site will set the standard for what will then be approved in the future. Chairman Jirik commented to approve curbs and gutters for one parcel of land and then not approve them for an adjoining parcel would be bizarre. Chairman Jirik noted there is a contrast between what is a significant project and any individual owner saying he wants to annex his property into Downers Grove.

With regard to the property at 61st and Springside, Mrs. Reynolds recalled when that land was developed the man bought the property and wanted very much to put in curbs and gutters, and the Village said no, it was not in keeping with the area. Mr. Rathje commented that would have been a point where the developer felt he could market to the people who would want to have the more traditional roadway but that was not necessarily consistent with that area and as such consideration was given to that.

Chairman Jirik asked if there was anyone else who wished to speak.

Nancy Zschau, 6106 Lee Avenue, Downers Grove, noted that her husband brought up the subject of increased traffic in the area at the Zoning Board of Appeals. She stated that Mr. Rathje made a comment about how Boundary Road has sufficiently served the neighborhood. There were three homes on Boundary which is a very narrow street. Mrs. Zschau pointed out if anybody has ever tried to make a left-hand turn off of Boundary onto 61st, you know what a difficult problem that is. Their concern is that there are approximately ten homes south of 61st Street on Lee and from Boundary Road to 61st Street that have used those streets. Adding another eight homes will be doubling the amount of cars coming through there. Her concern is for the safety of the children walking to school. Mrs. Zschau indicated she understood that Mr. Ponstein is talking about putting in sidewalks on Boundary Road, but we are talking about a very small amount of sidewalk area so the kids will still be walking down Boundary Road with added traffic and also walking down Lee with added traffic.

Mrs. Reynolds asked Mrs. Zschau if most of her concern was with regard to traffic on Boundary Road. Mrs. Zschau clarified her concern is for traffic on Lee. With Boundary Road being a narrow street as it is, the added traffic from these new homes will primarily be using Lee Avenue. They will not be using Boundary Road. There are poor sight clearances at 61st and Boundary due to trees making it difficult to see traffic coming east on 61st Street.

Chairman Jirik asked Mrs. Zschau if there were particular areas she was concerned about with regard to the children. Mrs. Zschau responded basically the children have always come down Lee or Boundary to get to the trail that leads down to Indian Trail School. There is no paved road on 62nd Street. Mrs. Zschau noted her children are all grown now, but one of the reasons they moved into this area was because they wanted a home on a dead-end street with a school, and it worked out great for them. Today, she is thinking of all the children that are still using that facility. Mrs. Zschau recalled her husband previously pointed out eight homes probably means 16 cars plus friends and family who come to visit. There will be quite a bit of traffic coming through the area. Chairman Jirik asked if there was anyone else who wished to speak tonight.

John Duever, 6102 Lee Avenue, Downers Grove noted that most of his questions had been answered. He is concerned about the street itself during construction and afterward. Lee and Boundary are both in an unincorporated area and are maintained by Downers Grove Township. The new street being installed will be maintained by the Village of Downers Grove. He envisions problems with everyone saying they didn't get it dirty, etc. Mr. Duever pointed out most of the construction traffic will come down Lee Avenue which is maintained by Downers Grove Township. Mr. Rathje explained when the property is annexed the Village annexes to the far side of the right of way for that section of Boundary Road. The practical answer is if somebody gets a Township road dirty, the Village will go after the developer. The reality is if it gets to an issue where it gets ugly, a County Sheriff will issue tickets for the unincorporated section of the roadway because the Village of Downers Grove does not have ticketing jurisdiction. Mr. Rathje pointed out the Village is not hesitant or shy; we know if dirt is coming from a construction site, it is the builder's responsibility to clean it up. Mr. Rathje pointed out the Village has worked with this developer frequently over the years and has not had many problems like that with him. Mr. Rathje noted because of its irregular boundaries the Village of Downers Grove has working relationships with four townships; York, Milton, Lisle and Downers Grove Township and all four of the township highway commissioners. When it comes to snow plowing, sometimes the Township will take a little section of our roadway because it is logical and sometimes the Village will take a little section of theirs because it is logical. The Village's Public Works Department annually updates the snow plowing routes.

Mr. Duever asked whether or not the land to the south of the site is a wetland? He asked if it is a wetland, does that mean it is not buildable? Mr. Duever indicated he has heard rumors that it is going to be built. Mr. Rathje responded that there is a developer who is interested in developing that property. Wetland rules and regulations are of significant

complexity above and beyond normal public improvements and zoning rules and regulations. If the developer of the property to the south is able to come up with a scheme of development that satisfies the State and Federal wetland rules and regulations, perhaps it will be allowed to be developed. If the developer cannot satisfy the wetlands rules and regulations, perhaps the developer will not be allowed to develop that area. Mr. Rathje stated at this point he cannot say yes or no with regard to this possible development. Mr. Rathje pointed out only a portion of that lot is in wetland. The Village has worked with wetlands before. In some cases, the wetlands are of such nature that part of a piece of property is essentially undevelopable. In other situations depending on how the wetland inventory comes out with the wetland experts, the Corps of Engineers, DuPage County Environmental Concerns, people have been allowed in certain circumstances to eliminate wetlands in one place and rebuild them someplace else or add on to a bigger wetland.

Chairman Jirik noted wetlands are not only the Village's jurisdiction; they are also regulated by the Federal Government.

With regard to Mr. Duever's concern about 62nd Street, Chairman Jirik commented the Village has a number of roadways shown on the books as streets even though they have not been improved. Chairman Jirik recalled the Plan Commission has heard many petitions from residents asking that the roadway right of ways be vacated to their property. If 62nd Street is a major concern to the neighbors, there is nothing that precludes the neighbors from pursuing a right of way vacation. Mr. Rathje clarified that Mr. Duever himself could not request a vacation of the 62nd Street right of way. Downers Grove Grade School District No. 58 or any of the other owners adjoining the right of way are the only ones who could pursue a right of way vacation. Chairman Jirik noted right now the neighbors have a nice green space for which they do not pay taxes. If the right of way is vacated to the adjoining property owners, each property owner will pay taxes for their share of the former right of way.

Chairman Jirik stressed that a developer would have to see an economic incentive to pursue a subdivision and do the public improvements to make 62nd Street a functioning roadway. Mr. Rathje has already indicated in his professional judgment that it is very unlikely that making 62nd Street a roadway would be economically viable.

Mr. Rathje suggested that Mr. Duever call him on the phone if he wants to further discuss the lot he referenced on Springside.

Chairman Jirik told Mr. Rathje that he had been doing some "back of the envelope calculations" with regard to trip generation from each of the proposed homes. He indicated he used a factor of four which may be high. Mr. Rathje responded for a single family home it usually is about eight trip ends or four round trips per day. Chairman Jirik asked Mr. Rathje if his recollection of peak hour as 20% of the total trip generation was accurate, and Mr. Rathje responded it was in the ballpark. Chairman Jirik stated if you look at eight homes and use standard engineering calculations, you might project on a 24 hour basis a total of 64 movements, but in the peak hour you might get as much as 20%

which initially sounds like a large number, but that would be 12 cars in an hour or about one car every five minutes. Chairman Jirik acknowledged that is more traffic than is currently experienced in the area. Chairman Jirik indicated he was bringing up these calculations to better quantify the safety concern that was raised earlier.

Chairman Jirik asked if there was anyone else who had not yet spoken who wanted to speak on these issues. The Plan Commission always gives everyone an opportunity to speak before allowing an individual to speak a second time.

Mr. Ponstein pointed out there would only be a net gain of six houses on that property as there are currently two homes there. Chairman Jirik pointed out this would reduce his calculations by 25%, so at the peak hour there would be a vehicle approximately every ten minutes. Off-peak, there might be one car an hour or zero.

Chairman Jirik next asked if there were any people who had spoken earlier who wished to speak a second time on a new issue.

Robin Prairie, 6110 Lee Avenue, Downers Grove, stated her question was with regard to traffic. The lovely people here at the Plan Commission have not figured out a way to keep the night traffic from realizing Lee Avenue is a dead end. How will any other kind of traffic be regulated? There is a lot of traffic on Lee Avenue all night long. She estimated the cars are traveling at least 50 miles per hour and you can hear the brakes as the drivers realize they cannot get through the school lot. Consequently, they have to turn around and then they really speed up Boundary because they are angry. Chairman Jirik noted he lives on a cul-de-sac, and he is of the opinion that this is a world-wide problem. Chairman Jirik asked Staff to make sure as much appropriate speed control and dead-end street signage as possible is posted.

Ms. Prairie referred to the wetlands on the property to the south of the petitioner's land as a bog and asked how many construction vehicles does the Village want to sink into it? She asked how deep the bog is. Mr. Rathje pointed out that the wetland property is not the subject of this evening's proceedings. The size of the wetland would have to be determined at the time the wetland studies are done.

Ms. Prairie recalled when the hospital was constructed the contractor thought a big construction tractor had been stolen, and it was found sunken 20 feet down in the ground.

Chairman Jirik asked if there were any further comments. There was no response, and Chairman Jirik closed the public participation portion of the hearing.

Chairman Jirik next asked if there were any questions or comments from the Plan Commission members.

Mr. Waechtler referred to the last sentence in the third paragraph of Mr. Jungwirth's memo of April 25, 2001 which states "Although not specifically analyzed, soils are believed to be suitable for construction purposes" and asked how does the Village

normally determine the suitability of the soil? Are soil samples or cores taken? He asked if the developer does this or are we just assuming the soil is suitable. Mr. Rathje advised typically that is part of the developer's preliminary information. There is no obvious indicator. Mr. Rathje commented he thought what Mr. Jungwirth was trying to do was offer the Plan Commission some additional information. Mr. Jungwirth's observation was positive, not negative. As part of the review process, the developer will get results from the Kane-DuPage Soil & Water Conservation District, but the most important element is going to be when they actually start excavating because that is the only certain means for them to know specifically what they have. Even with an adequate number of core samples, they may still find a surprise.

Mr. Waechtler asked Mr. Ponstein in his previous experience in the Downers Grove area has he found any surprises with the soil. Mr. Ponstein responded yes with some sites, but he was not concerned about this site. Mr. Rathje recalled a subdivision approximately one mile from this location where there was no problem with 15 lots, but on the 16th lot they hit some very bad soil and they had to put in approximately six very large dump trucks of gravel after they removed the organic soil. Mr. Rathje noted this is a glaciated area and you will find soils like that.

Mr. McCormick asked for confirmation that this is a tentative plat and the developer will have to come back to the Plan Commission for final plat approval. Mr. Rathje advised this is a tentative plan, and the engineering will be much further along by that time and the final plat will be presented to the Plan Commission. Because of the nature of the subdivision, Mr. Ponstein chose to do the tentative plat approval first rather than go directly to final plat approval.

Chairman Jirik asked if there were any other further questions from the Plan Commission members. There was no response and Chairman Jirik asked for a motion.

**MOTION: WITH RESPECT TO FILE NO. 1059 – TENTATIVE PLAT APPROVAL OF THE BOUNDARY HILL SUBDIVISION, MR. MCCORMICK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR AN EIGHT LOT, SINGLE FAMILY RESIDENTIAL SUBDIVISION INCLUDING A POSITIVE RECOMMENDATION FOR THE REQUESTED LOT DEPTH EXCEPTIONS WHICH ARE MADE NECESSARY DUE TO THE NARROW WIDTH AND TO SOME EXTENT TO THE WEDGE FORM SHAPE OF THE SUBJECT PROPERTY. IN ADDITION, THE PLAN COMMISSION IS ALSO FORWARDING A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE REQUESTED ROADWAY IMPROVEMENT EXCEPTION WHICH IS BROUGHT ABOUT DUE TO THE PUBLIC IMPROVEMENT DEVELOPMENT PATTERN IN THE SURROUNDING AREA. THE PLAN COMMISSION IS MAKING THESE RECOMMENDATIONS AS THE PETITIONER HAS**

**DESIGNED THE SUBDIVISION TO RESPECT THE VILLAGE'S ZONING AND SUBDIVISION CONTROL ORDINANCES WITHIN THE CONSTRAINTS DICTATED BY THE EXISTING PROPERTY. THE PETITIONER HAS PRESENTED A PLAN THAT PROVIDES FOR ADEQUATE ROADWAY AND OTHER PUBLIC IMPROVEMENTS AND PROVIDES LOTS THAT HAVE AREAS, SHAPES AND DIMENSIONS WHICH WILL SUPPORT REASONABLE SINGLE FAMILY RESIDENCES WITHOUT THE NEED FOR ANY FURTHER EXCEPTIONS OR VARIATIONS IN THE FUTURE. MRS. REYNOLDS SECONDED THE MOTION.**

Chairman Jirik asked if there were any questions or clarifications on the motion. Mr. McCormick asked if he needed to amend the motion to include the school and park district donations, and Mr. Rathje responded that would be addressed at the time of final plat approval. Chairman Jirik next asked if there was any discussion regarding the motion as presented. There was no response.

**ROLL CALL:**

**AYE: Mr. McCormick, Mrs. Reynolds, Mr. Matejczyk, Mr. Waechtler, Chairman Jirik**

**NAY: None**

**The motion passed unanimously.**

Chairman Jirik noted this is a recommendation to the Village Council and the Mayor for preliminary plat approval. There will be another proceeding some time in June where the Mayor and the Village Council will discuss approval of the preliminary plat. If anyone has interest in following this petition as it proceeds through Village government, the Village Council Workshop agendas are published in the Village Corner section of the Friday edition of the Downers Grove Reporter. Staff can also be contacted for the specific date when this petition will be scheduled.

Chairman Jirik thanked the members of the audience for their thoughtful questions.

**FILE NO. 1060      FINAL PLAT APPROVAL – SCHWEMM SUBDIVISION;**  
Property located on the east side of Turvey Road Court,  
approximately 180 feet south of Turvey Road, commonly known  
as 2 Turvey Lane, Downers Grove, IL (PIN 09-07-404-010); John  
B. Schwemm, Owner; Herbert Bell, Petitioner

Chairman Jirik asked if a representative of the petitioner were present.

Herbert Bell, Downers Grove attorney and resident of Downers Grove stated he represents Mr. Schwemm and recalled that they were before the Plan Commission some

months ago with respect to the vacating of some right of way with the idea that this two lot subdivision request would be somewhat easier.

Mr. Bell explained this will be a two lot subdivision with a request for an exception for lot width for one of the lots, and an exception request from public improvements for Turvey Court in order for this subdivision to be in keeping with the country style of Denburn Woods. There is also the provision for the payment of impact fees for sidewalks, the school districts and the park district. Mr. Bell stated rather than asking for additional right of way, the Village is asking for a small easement adjacent to Turvey Court for an existing drainage ditch. Mr. Bell concluded by stating he would be happy to entertain any questions.

As Staff's presentation, Mr. Rathje indicated the petitioner is seeking final subdivision plat approval for a two lot, single family residential subdivision. The property is located on Turvey Road Court approximately 170 feet south of Turvey Road. This petition is being proposed as a subdivision rather than a lot split as the property could not satisfy the exemption requirements in the Subdivision Control Ordinance. The reason it could not satisfy the exemption requirements is because it picked up some additional property with the vacation of the right of way, and it also picked up some additional property with the division of a property to the east of it into Lot 3. In order for a parcel to be treated as a lot split, it would have to exist in its present form prior to July 1959. If there were any modifications to the property after that date, a division would have to be dealt with as a subdivision. Mr. Rathje pointed out the proposed site has an area of approximately 1.188 acres and is currently improved with a single-family residence and a swimming pool.

Mr. Rathje noted Mr. Schwemm, the owner of the subject property along with Mr. Wight, the owner of the property to the immediate northwest, were petitioners for the vacation of the dedicated but unimproved section of Turvey Road Court under Plan Commission File No. 1048. The Plan Commission's review took place over several months and ultimately the Plan Commission recommended in favor of that petition and forwarded a positive recommendation to the Village Council which granted the right of way vacation, subject to the retention of certain utility easements. The vacation was granted under Ordinance #4230 dated December 19, 2000.

Mr. Rathje explained the subject property, including the south half of vacated Turvey Road Court, is a somewhat irregularly shaped parcel of land that has a total square footage of 51,760 square feet. It has a westerly frontage along Turvey Court that is made up of two line segments of 145.49 feet and the portion that fronts on the cul de sac right of way has an arc dimension of 48.80 feet. The property has a depth as measured on the south of 273.50 feet as made up of two line segments of 209.30 feet and 64.20 feet and has a depth along the north as measured between the northeasterly and northwesterly corners of the lot of approximately 265 feet. The width of the property narrows at the east to 159.28 feet; however, the majority of the parcel has a width in excess of 180 feet.

With regard to zoning, Mr. Rathje stated the subject property is located within an R-2, single family residential zoning district. This zoning district has a minimum lot width of

85 feet, a minimum lot area of 15,000 square feet, and all newly created lots are according to the standards of the Subdivision Control Ordinance to have a minimum lot depth of 140 feet.

Mr. Rathje commented the proposed plat of subdivision has lots with the following characteristics: Proposed Lot 1, which fronts partially on the northerly of the two cul de sac-like bulb sections of the Turvey Road Court right of way, has a width as measured at the setback line of 91.74 feet which is the point the Zoning Ordinance determines lot width although the width of the property will narrow at the easterly lot line to 67.09 feet. The proposed lot has a depth ranging between 288.87 feet as measured along the southerly line and a depth along the north as measured between the northeasterly and northwesterly corners of the lot of approximately 265 feet with an area of 26,395 square feet or .60 acres. As the easterly approximately 52 to 53 feet of this proposed lot has a width of less than 85 feet to as narrow as 67.05 feet it will require consideration of a lot width exception. Proposed Lot 2 is to have a width that will range between 90.13 feet to 92.19 feet, a depth that runs from 273.50 feet to 288 feet due to the multiple line segments. The area of this lot is 25,365 square feet or .588 acres.

Mr. Rathje advised in addition to the lot width exception for proposed Lot One, the petitioner is also seeking approval of exceptions from having to make any modifications to Turvey Road as the present country-style character of this street plays a key role in establishing the character of this neighborhood. This request for an exception is being pursued under Section 20-602(b)(1) of the Subdivision Control Ordinance which holds the petitioner responsible to pay for sidewalks in lieu of constructing them. Specifically, the petitioner is looking for an exception from having to dedicate additional right of way, pavement widening, curbs, gutters, street lights, street trees, etc. The petitioner is obligated under the Subdivision Control Ordinance is to pay for sidewalks in lieu of constructing them regardless of the request for public improvement exceptions.

Mr. Rathje noted that the Village Engineer, Mr. Jungwirth, has provided a memorandum that indicated that the site is rather small in nature, and stormwater detention would not be required, but that payment in lieu of detention in an amount consistent with the Village's Stormwater Control Ordinance will be assessed at the time building permits are requested. His memo also supports the request for exceptions from having to make roadway improvements given the nature of the entire Denburn Woods area with its country style roadways. He has specified a need for a roadway easement that will encompass a relocated roadside ditch and has explained that payment for sidewalks in lieu of construction will be required. Mr. Jungwirth did indicate in order for stormwater in the area to function in the best manner possible it will be necessary to give the Village right of access to maintain the storm ditches in the area, and the Village will be seeking some additional roadway easement along the westerly side of Lot No. One for that purpose rather than asking for the dedication of any additional right of way. The only public improvements that will have to be provided will be water services and sanitary sewer services for any new homes that will be built on the property. The Village will be looking to deal with this in a manner very similar to how we discussed the first petition on this evening's agenda. Mr. Jungwirth suggested that certain Engineering and Wetland Review Fees be paid to the Village prior to the Village taking final action on the

requested subdivision. While no wetlands were found, Staff felt it prudent to have an inventory conducted.

With respect to the school and park district donations, Mr. Rathje advised the petitioner is responsible to satisfy the requirements of Section 20-300 of the Subdivision Control Ordinance. The provisions of Section 20-300(e)(2) provides that a credit be given to each residential dwelling unit that is in existence or was in existence within one year prior to a petition for final plat approval. As there currently is an existing house located on the property, this credit is applicable.

Mr. Rathje confirmed that the petitioner has indicated they anticipate two five-bedroom houses will be built on the resulting lots in the subdivision. According to the formula contained under Section 20-300 of the Subdivision Control Ordinance for one new five-bedroom residence, the petitioner will be required to make payments to the Village of \$1,159.86 in the name of School District 58, \$698.40 in the name of School District 99 and \$2,271.94 in the name of the Downers Grove Park District. In order to satisfy the donation requirements, a total payment of \$4,130.20 must be submitted to the Village prior to the Village Council granting final plat approval.

Mr. Rathje explained the petitioner has requested a lot width exception for a portion of proposed Lot 1 from 85 feet to 67.09 feet at its narrowest point. This is an exception from the provisions of Section 20-301(b) of the Subdivision Control Ordinance {See section 28-1104(b) of the Zoning Ordinance for R-2 minimum lot width}, and the petitioner is seeking exceptions from all roadway improvements as outlined under the provisions of Sections 20-401 including but not limited to curbs, gutters, street lights, street trees, street pavement width, etc., but the petitioner must pay for sidewalks in lieu of their construction as outlined under Section 20-602(b)(1), and the petitioner is seeking an exception from the requirements of Section 20-303(d)(3) regarding street right of way width and street pavement width. These requested exceptions must be considered under the provisions of Sec. 20-602 of the Village's Subdivision Control Ordinance

With respect to the requested lot width exception, 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;**

Mr. Rathje noted in reality, were the petitioner not to have this westerly 52-53 feet of this proposed lot, there would be no variation requirement at all. That lot would otherwise satisfy lot depth and lot area standards. The proposed lot width exception would not in any way change the future builder's obligations to satisfy the side yard or rear yard setback requirements. It should have no impact on the surrounding area.

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

Mr. Rathje pointed out if you take a look at the aerial photograph of Denburn Woods, there are very few lots that have any similarity to any other lots in Denburn Woods. They are all very unique and take into account the topography of the area. The division of the subject property into two lots, a portion of which has a somewhat narrower dimension is not inconsistent with the area. There are several lots within the Denburn Woods neighborhood which have convergent side lot lines that intersect into a triangular relation essentially with zero lot width at the rear-most point of the lots.

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

As Mr. Rathje previously noted, absent the easterly-most approximately 52 to 53 feet of the subject property, there would be no need to seek approval of the requested lot width exception.

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

Mr. Rathje advised the granting of lot width exceptions in the amount requested by the petitioner will in no way damage or reduce the developability of the subject property. In addition as mentioned previously, adequate separation between buildings will be insured by the enforcement of the standard yard requirements of the Zoning Ordinance.

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

Mr. Rathje stated the requested width exception, if granted, will not be detrimental to the essential character of the locality as the location of the resulting single family residences should not differ in any way with respect to the improvements that have been made on the neighboring lots. As previously noted, lots within the surrounding area are characterized by their somewhat irregular shapes.

With respect to the roadway right of way and the street improvement exceptions as they would apply to Turvey Road Court, the Staff has made the following findings under the requirements for exceptions specified in the Subdivision Control Ordinance as follows:

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

Mr. Rathje stated in actuality failure to approve the exceptions would have some significant impact on the value or the perception of the lots in the area. Staff would be supportive of this exception because it would maintain consistency with the traditional country style roadway improvements for the Denburn Woods neighborhood.

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

Mr. Rathje pointed out the petitioner's requested exception would be supportive of the trend of development in the area. Failure to support the exception would be inconsistent with the trend of development in the area.

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

Mr. Rathje advised the location and the characteristics of the improvements in the neighborhood area is the characteristic of greatest support for granting the requested exception.

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

Mr. Rathje noted the existing roadway improvements are narrow and certainly would not be consistent with current modern trends if the entire neighborhood were to be developed from scratch today. The existing roadways function well, and the traffic from one additional house will not overburden the area.

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

Mr. Rathje stated the Staff is of the opinion that this measure has been covered adequately by comments and observations offered under the preceding measures.

In conclusion, Mr. Rathje commented that the Planning Staff would recommend the Plan Commission forward a positive recommendation to grant the requested final plat approval including the lot width exception and including the exception from having to construct additional public improvements. The resulting lots are of such nature and are consistent with the requirements of the underlying R-2, single family residential zoning district and are consistent with the characteristics of the surrounding area.

Mr. Rathje continued the Staff is of the opinion that the requested exceptions are appropriate for the reasons contained in the Staff report and this recommendation should be made subject to the conditions outlined in Mr. Jungwirth's April 16, 2001 memorandum including but not limited to the requirement that a roadway easement be provided on the final plat for drainage purposes, that the petitioner not be required to provide a two-year letter of credit for public improvements but in lieu of that, the petitioner be allowed to finish the public improvements; mainly the sanitary sewer and water services as part of a bond which must be provided the Village at such time as new homes are constructed on the property, that certain Engineering fees be paid to the Village prior to final Council action and that the impact fees for the school and park district also be paid prior to final Council action. The recommendation should also note that no building permits should be issued for either of the resulting lots until such time as the existing house is razed from the property.

Chairman Jirik advised the next portion of the hearing is for public comment and asked if there was anyone present to who wished to speak for against this petition.

Richard Cofran, 1318 Turvey, Downers Grove commented he was not aware that this was happening until just a few days ago when he read about it in the “new” Reporter. He spoke to some of his neighbors about it at a neighborhood clean-up a week ago this past Saturday, and some of them were also not aware of it. Mr. Cofran stated he was told this evening that there was a sign placed on the Turvey Court property announcing this meeting, but anyone familiar with the area would know there is no traffic on Turvey Court. Mr. Cofran noted that was the last place you would want to put up a sign advertising anything because the only traffic is for a new home that is being built and for the existing people who live on Turvey Court.

Mr. Cofran pointed out his home on the locator map displayed on the overhead screen. He commented that Mr. Jungwirth said there is no water retention needs on this development. Mr. Cofran recommended that the need for water retention should be looked at more carefully. Mr. Cofran pointed out a house that four or five years ago had a water leak right at the road. He pointed out the direction of the flow of the water. He commented that homes along that route are higher than his home. During a heavy rain, the water comes down the driveways, across the street and comes through between the houses he pointed out and across his back yard and into a natural drainage way that runs along his property line. He noted the drain is actually on his neighbor’s side of the property line.

Mr. Cofran indicated he did not want to differ with Mr. Jungwirth’s engineering expertise; however, he has lived in the area for almost 24 years and every time a new house is built, it changes the flow of the water. Mr. Cofran pointed out the location of a creek that a few years ago one of the neighbors said he could jump across. Today, it is probably 20 to 25 feet across because of the flow of water coming from other parts of the Village, but some of it is coming through the woods. Some of the drains that were not much more than culverts a few years ago are deep ditches today.

Mr. Cofran referred back to the discussion on the Boundary Hill Subdivision. There was talk about the roads being inspected by the Village. Mr. Cofran stated if this proposed subdivision should be improved it was his opinion that more should be done than what has been done in the past. Some of the curves in the area are very tight, and the construction semis and large dump trucks cannot make those curves without going off the pavement. When the building project is finished, there is nothing but a bunch of ruts. Mr. Cofran pointed out an area where a few years ago the neighbors had quite a time trying to get some of those ruts fixed. A little work was done, but he pointed out several corners where it is still a mess. One of his neighbors told him that the rut in front of his house looked like someone put a new culvert in for him. Mr. Cofran recalled that he saw a dump truck go through that area twice in one day and a regular 18 wheel tractor trailer also went through the area and went through again yesterday.

Mr. Cofran stated if there is construction up on Turvey Court the contractor or someone should be held responsible for fixing those curves and the roads. Mr. Cofran pointed out the roads are in bad shape now, and they will get worse with this proposed construction. Mr. Cofran next referred to the comment in Mr. Jungwirth's memorandum that the total development is only slight more than one acre, and on-site stormwater detention would probably be more of a nuisance than a public benefit. Mr. Cofran asked "what public"? He believes he would benefit from on-site retention there as will some of the neighbors. It will not benefit all of the public, but it would benefit some of the residents in the area. Mr. Cofran emphasized his opinion that the stormwater issue has not been looked at closely enough and more thought should be given to the stormwater detention.

Mr. Cofran stated Staff this evening has been talking about making exceptions to the requirements. Mr. Cofran indicated from time to time he goes down to the Village Council meetings and hears conversations on different projects around town. It sounds to him that about nine out of ten of these projects had issues with variations in order to be able to build a project. He recalled the lot split at 702 Maple Avenue last year. Mr. Cofran expressed the opinion that if the Village has requirements, they should be followed. Mr. Cofran noted he heard Mr. Rathje say there is precedence for doing this. Mr. Cofran suggested it was time the Village stopped having precedence. He asked why were these requirements ever established if they are always being changed.

Mr. Cofran asked the Plan Commission to consider whether or not these exceptions should be recommended and he also asked the Commission to give some thought to further engineering studies on the stormwater situation.

Chairman Jirik indicated the Plan Commission would entertain comments or questions from other members of the audience and then wrap up all the questions. He asked if there was anyone else who wished to speak.

Louise Trucano, 5227 Brookbank Road in Denburn Woods noted she too just found out about the meeting. She expressed the belief that most of the people in the area did not know about the meeting. The sign was so hidden that the people who walk through the forest preserve noticed it.

Ms. Trucano advised she moved into Denburn Woods because it was woody and very natural looking. She appreciates those features. During the 13 years she has lived there, the Village has agreed on lot splits and variations which have taken away most of the reasons that she moved there. Every time a new house is built or a lot is split, half the trees are removed. Pretty soon there will be no trees. Ms. Trucano stated it has to stop sometime or the Village would not have such a unique area within Downers Grove that attracts new residents. It will look like a new subdivision with no trees and no natural areas. Ms. Trucano stated she did not know how many more lots there are within Denburn Woods that can be divided, but there probably are some. She emphasized that such lot splits are ruining the area. She commented the Plan Commission and the Village just look at the rules when they should be looking at ways to preserve a unique area.

Chairman Jirik asked if there were any further comments or discussion from the audience. As there were no further comments, Chairman Jirik closed the public portion of the hearing.

Chairman Jirik recalled that on big projects the Forestry Department gets involved with the removal of trees, but wondered about their involvement on a project of this size. Chairman Jirik asked Mr. Rathje to address the issue of the trees. Mr. Rathje explained the Village allows the trees to be treated as private property, and property owners have a right to cut them down. Mr. Rathje pointed out the Village keeps winning Tree City status because of its unusually dense urban forest; however, trees do change from time to time. Some old trees go, new trees come in, but the net affect still has been very good. Mr. Rathje noted that does not change the fact that some people do not like change, and there are a lot of things he does not like to see changed either, but property owners do have the right to remove trees on their property in order to support their use of their land including new construction.

Chairman Jirik next asked Mr. Rathje to address the stormwater questions. Mr. Rathje stated the Village is under the same stormwater control ordinance that applies in the County. When the County established the Stormwater Control Ordinance with its constituent municipalities, they recognized that the nature of stormwater detention had limitations, and it had diminishing returns with a smaller development. Mr. Rathje explained stormwater management is based largely on the notion that if you can slow down stormwater so that the drainage structures and creeks and rivers can assimilate the stormwater over a longer period of time then you have less incidents of flooding. Flooding simply is too much water in too small a place in too quick of a time period. Mr. Rathje continued that the County-based ordinance typically exempts any residential developments of less than three acres from having to provide detention because the proportional area of the land that would be devoted to stormwater detention is reliant on having a specific necking down or limitation of stormwater leaving the property. If the stormwater is required on a smaller and smaller piece of property, the size of the pipe needed to drain it at a restricted rate gets too small. The release rate of the Ordinance is 0.1 cubic feet per second per acre. In a worse case scenario for a very small release pipe, its diameter gets to the point where a very small amount of debris such as a leaf will block the system and flood that property and perhaps the neighboring properties. Mr. Rathje noted he had asked Mr. Jungwirth to attend this evening's meeting in case there was some additional explanation he could offer as far as stormwater characteristics in this and in the other neighborhoods.

Chairman Jirik thanked Mr. Jungwirth for staying for all the agenda items this evening. Mr. Jungwirth stated he has been with the Village for quite a long time and he expressed the opinion that he thought he knew just about every drainage problem that has been reported. Mr. Jungwirth indicated the problems Mr. Cofran brought up surprised him, and he asked Mr. Cofran if he had brought his problem to the Village's attention and asked for some modification of the ditch. He also wanted to know if the water creates any damages to Mr. Cofran's home or any accessory structure. Mr. Cofran stated the water drains from across Turvey, down across his neighbors' driveways and into his back

yard. His back yard is very wet in the spring, and he commented for most of the year he cannot mow his back lawn in April.. Mr. Jungwirth asked Mr. Cofran if the flooding had ever caused loss of trees. Mr. Cofran noted he has had to replant several types of trees and shrubs. He indicated it was an inconvenience. He did note the flooding gets worse with each additional home built in the neighborhood.

Mr. Cofran went on to discuss the flooding problems in Denburn Woods and suggested that the Village consider retention basins. Mr. Jungwirth pointed out Denburn Woods presents an incredible challenge for the Village's Public Works Department. Beside the ruts and the narrow roads, there are pedestrian hazards on every blind curve. While wooden guard rails are more in character with the neighborhood than steel guard rails, they are not as safe. Mr. Jungwirth pointed out a detention basin set some place in the middle of the Woods might be a wonderful facility, but it would probably have a negative impact on this neighborhood. Mr. Cofran commented there is a need to start someplace. He questioned if the homeowner can ask for a variance on the size of the lot, why can't the neighbors ask for a variance on the stormwater retention.

Mr. Jungwirth pointed out with this proposed subdivision there will be a net increase of one house as there is a very large, existing house being razed and two new houses being built. The increase in impervious area is not as great as if this was a vacant parcel and two new homes were built.

Mr. Jungwirth noted the only place on the subject lot where a detention pond could be put would be the rear of the lot. Mr. Jungwirth pointed out he did not know how the rear of the lot could be dug out for a pond without taking down the trees.

Mr. Cofran noted there is a retention basin in front of a house on Meadow Lane. Mr. Jungwirth commented that basin was from a previous subdivision.

Chairman Jirik suggested the discussion be focused to the question at hand. He asked is it meaningful to require detention for a single home or is it functionally irrelevant and can the funds be better spent for the greater good? The overall good is maximized by accumulating those programs of greater magnitude; therefore the Ordinance provides the donation aspect in lieu of providing detention. Chairman Jirik expressed the opinion that the water equivalent impact from a single individual structure would be indistinguishable from the before and after circumstances. Chairman Jirik asked Mr. Jungwirth if he would take issue with anything he just said.

Mr. Jungwirth stated the Chairman's comments were all valid points that were considered in reviewing the detention issue. In order to get a pond to hold run-off on such a small site, the restrictor would have to be so small that Mr. Jungwirth guaranteed given the wooded nature of the area, after each and every storm such a pond would probably clog creating a public nuisance. It would be necessary for someone to go in the water, find the pipe and clean it out. Mr. Jungwirth stated if the size of the restrictor is increased to a point where it is not likely to clog, then the water will not be detained in any appreciable way.

Mr. Jungwirth stated he did not disagree with Mr. Cofran that a regional basin for this neighborhood would be effective. Mr. Jungwirth questioned whether Mr. Cofran felt the developer should hold any water other than his own on the property. Mr. Jungwirth estimated there are ten acres, if not more, of tributary area. If detention were to be required on such a small part of the watershed, he questions what meaningful effect will it have downstream. Mr. Cofran responded a 10% reduction would be a start. Mr. Jungwirth asked Mr. Cofran if he felt 10% would be appreciable to the point where an improvement could be witnessed. Mr. Cofran emphasized it would be a start. Mr. Jungwirth apologized for not being aware of downstream flooding problems. Mr. Cofran stated he would be glad to show Mr. Jungwirth where the water comes across. Mr. Jungwirth stated if there is no damage occurring from this natural downstream flow, modest or minimal improvements in the neighborhood sufficient to convey those flows to Saint Joseph Creek without wiping out property along the way, he questions what the benefit would be of having this property burdened with a detention pond that is going to be a nuisance and probably not have any impact on downstream properties.

Chairman Jirik asked if there were any other questions for Mr. Jungwirth. There was no response. Chairman Jirik noted the policy has been set based on experience and real-world activities that have been the foundation of the approach to stormwater detention. Chairman Jirik asked if there were any questions or comments regarding this petition from the Plan Commission members.

With regard to the sign posting this evening's meeting, Mr. Waechtler commented that it could be possible that the person installing the sign did not realize it was not visible enough. Mr. Rathje clarified that the Village is obligated under the Subdivision Control Ordinance to place the sign on the subject property. Mr. Waechtler commented in any event the posting of the sign was not intentionally done to limit its visibility to the residents in the neighborhood.

With regard to an earlier comment about variations and exceptions, Mr. Waechtler referred to Page Three of the Findings, third paragraph where Section 20-602 of the Subdivision Control Ordinance outlines the five measures for variations and exceptions. Mr. Waechtler noted granting of an exception or a variation is not done at somebody's whim. Mr. Waechtler pointed out these variation and exception provisions are put in the Ordinance so that there is no hardship on any property owner who may want to develop his property. This is a benefit to the property owner and protects the property owner's rights.

Mr. Waechtler also noted the Plan Commission only makes a recommendation on the proposed subdivision. This matter will go to the Village Council and everyone is certainly welcome to talk to the Council at that point.

Chairman Jirik asked if there were any additional comments from the Plan Commission members. There were none. Chairman Jirik stated he had several points he felt were appropriate to emphasize. While recognizing the question regarding the trees, Chairman Jirik noted if the property owner appreciates the value of the trees it would be in the

owner's interest to preserve them. In a free market society, such a market dictates any action taken. Chairman Jirik expressed his opinion that is a very healthy situation.

With regard to the stormwater discussion, Chairman Jirik commented the concerns raised by Staff are based on real-world experience. To make any deviation when the actual things that are occurring out there are known would be ill-founded and fraught with peril. Chairman Jirik expressed his opinion that some of the examples given were excellent. The synergy of the larger project has a greater dollar per dollar benefit. Chairman Jirik concluded by stating it is good to have debate on this issue, but experience is the best guide. As such, the donation in lieu of on-site detention approach makes very good sense in this particular instance as it has in the past.

With regard to the trees, Mr. Matejczyk noted in his neighborhood larger new homes are being built on smaller lots and trees are coming down. He commented one of the things that lends quite a bit of value to the neighborhood is the number of trees and fewer and fewer of them are being retained. Mr. Matejczyk commented he did not know what the solution is, but there is a lot of discussion about this in his neighborhood.

As there were no further comments, Chairman Jirik called for a motion.

**MOTION: WITH RESPECT TO FILE NO. 1060 FINAL PLAT APPROVAL OF THE SCHWEMM SUBDIVISION, MRS. REYNOLDS MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED FINAL PLAT OF SUBDIVISION INCLUDING THE REQUESTED EXCEPTIONS FOR LOT WIDTH AND FOR RELIEF FROM ADDITIONAL CONSTRUCTION OF PUBLIC IMPROVEMENTS. THIS RECOMMENDATION IS OFFERED AS THE RESULTING LOTS ARE OF A NATURE THAT IS CONSISTENT WITH THE REQUIREMENTS OF THE UNDERLYING R-2, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AND WITH THE EXCEPTION OF THE REQUESTED EXCEPTIONS WOULD BE CONSISTENT WITH THE REQUIREMENTS OF THE SUBDIVISION CONTROL ORDINANCE. THE PLAN COMMISSION IS ALSO OF THE OPINION THAT THE REQUESTED EXCEPTIONS ARE REASONABLE FOR THE REASONS CONTAINED IN THE STAFF REPORT AND SHOULD BE SUPPORTED. THIS RECOMMENDATION IS BEING MADE SUBJECT TO THE CONDITIONS OUTLINED IN MR. JUNGWIRTH'S APRIL 16, 2001 MEMORANDUM INCLUDING BUT NOT LIMITED TO THE REQUIREMENT THAT A ROADWAY EASEMENT FOR DRAINAGE PURPOSES BE PROVIDED, THAT THE PETITIONER NOT BE REQUIRED TO PROVIDE A TWO-YEAR LETTER OF CREDIT FOR PUBLIC IMPROVEMENTS GIVEN THE**

**RATHER LIMITED NATURE OF IMPROVEMENTS THAT ARE TO BE CONSTRUCTED, THAT CERTAIN ENGINEERING FEES BE PAID TO THE VILLAGE FOR ENGINEERING PLAN REVIEW AND WETLANDS REVIEW AND THAT THE PETITIONER PROVIDE PAYMENT IN LIEU OF CONSTRUCTION FOR SIDEWALKS. THIS RECOMMENDATION IS ALSO BEING MADE WITH THE UNDERSTANDING THAT PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR A NEW HOUSE ON EITHER OF THE RESULTING PARCELS THAT THE EXISTING HOUSE BE RAZED. FINALLY, THE PETITIONER IS TO MAKE THE APPROPRIATE PAYMENT TO THE VILLAGE FOR SCHOOL AND PARK DISTRICT IMPACT FEES. MR. MCCORMICK SECONDED THE MOTION.**

Chairman Jirik asked if there was any need for clarification of the motion or explanation of intent. There was no response, and Chairman Jirik then asked if there was any discussion on the motion. Again, there was no response.

Chairman Jirik then called for a vote.

**ROLL CALL:**

**AYE: Mrs. Reynolds, Mr. McCormick, Mr. Matejczyk, Mr. Waechtler, Chairman Jirik**

**NAY: None**

**The motion passed unanimously.**

Chairman Jirik pointed out this is also a recommendation as were the two previous petitions. In approximately one month, this recommendation will be forwarded to the Mayor and the Village Council for their consideration. Chairman Jirik advised those wishing to follow the progress of this petition, can get in touch with Village Staff. He noted there are a variety of published ways to determine the Council's agenda such as Cable TV and the Village Corner section of the local newspaper.

Chairman Jirik thanked the people in the audience for their attention to the proceedings and their very thoughtful questions.

Under as appropriate, Chairman Jirik suggested the Plan Commission might want to consider an alternate meeting date for July. The regularly scheduled July meeting date would be July 3, 2001.

Mr. Rathje advised that there are several items on the June agenda but he is not sure at this time if there will be any petitions for a July agenda. Staff will be looking for an appropriate July date. His suggestion at this time would be Tuesday, July 10th.

Chairman Jirik suggested that several possibilities be identified so that at the June meeting a July meeting date can be finalized. Mr. Rathje also suggested the possibility of Wednesday, July 11th. Mr. Waechtler suggested having Alice Dornan poll the Commission members for their preferences prior to the June 5th meeting. The Plan Commission members present agreed to focus on a meeting for July 10th. Chairman Jirik asked that all the Plan Commission members be advised of this meeting date change.

Mr. Rathje advised there would be a fairly full agenda for the June meeting; Final Plat Approval for Bradley's Brookbank Subdivision, two phases of development from Hamilton Partners for the Esplanade Planned Development and a lot split. Mr. Rathje advised that the Esplanade petitions will be straightforward but noted there may be quite a bit of discussion regarding the Bradley subdivision.

As there was no further business, Chairman Jirik called for a motion to adjourn. **Mr. McCormick moved to adjourn the meeting, and Mr. Matejczyk seconded the motion. The motion passed unanimously.** The meeting adjourned at 10:17 p.m.