

**VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY**

INITIATED: Applicant

DATE: June 19, 2001

RECOMMENDATION FROM: Plan Commission

FILE REF: 1060

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

RESOLUTION

Motion to adopt "A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR SCHWEMM SUBDIVISION", as presented.

SUMMARY OF ITEM:

03

At their meeting of May 1, 2001 the Plan Commission unanimously recommended approval of the final plat of subdivision for Schwemm Subdivision and that exceptions be approved as regards roadway improvements on Turvey Court and lot width for Lot 1.

RECORD OF ACTION TAKEN:

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF
SUBDIVISION FOR SCHWEMM SUBDIVISION**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for final plat approval for the property commonly known Schwemm Subdivision located on the east side of Turvey Road Court, approximately 180 feet south of Turvey Road in Downers Grove, Illinois; and,

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

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

1. The subdivision shall be in accordance with the Plat entitled "Final Plat of Subdivision Schwemm Subdivision", reduced copy attached.

2. Except as provided herein, the Schwemm Subdivision shall be subject to the conditions and recommendations of the Plan Commission as set forth in their findings dated May 21, 2001 (Copy attached as Exhibit 2); as set forth in the minutes of the meeting of the Plan Commission on May 1, 2001 and as set forth in the Staff Report (Copy Attached as Exhibit 3). This includes, but not limited to, completion of all required public improvements as set forth in the letter of Robert Jungwirth dated April 16, 2001 (Copy attached as Exhibit 4).

3. An exception from the lot width requirements for Lot 1 is granted as shown on the Preliminary Plat and as outlined in the Staff Report.

4. An exception is granted from the public improvement requirements for Turvey Court as outlined in the Staff Report.

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

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

Mayor

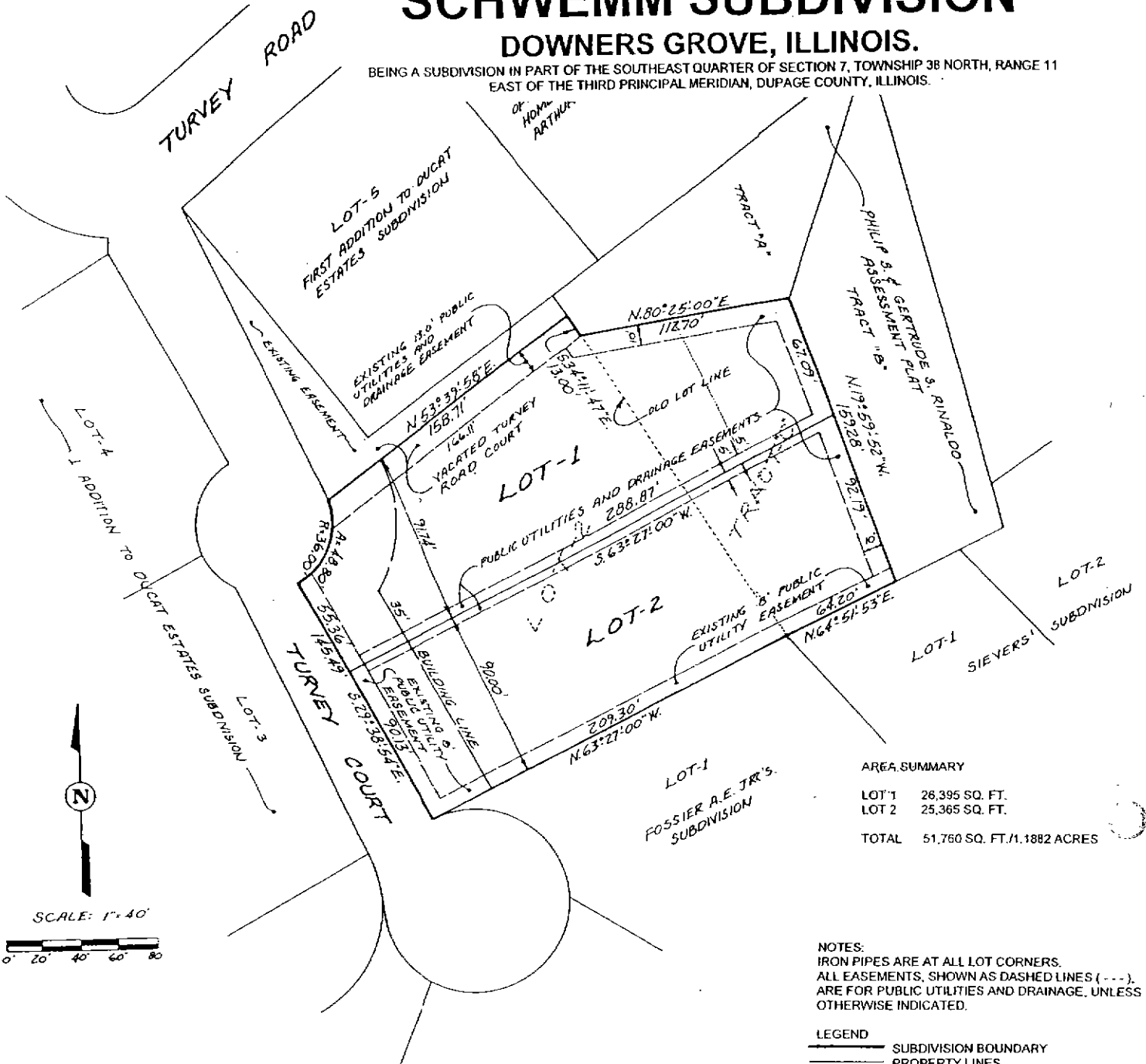
Passed:

Attest: _____

Village Clerk

FINAL SUBDIVISION PLAT SCHWEMM SUBDIVISION DOWNERS GROVE, ILLINOIS.

BEING A SUBDIVISION IN PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.



AREA SUMMARY

LOT 1	26,395 SQ. FT.
LOT 2	25,365 SQ. FT.
TOTAL	51,760 SQ. FT./1.1882 ACRES

NOTES:
IRON PIPES ARE AT ALL LOT CORNERS.
ALL EASEMENTS, SHOWN AS DASHED LINES (---),
ARE FOR PUBLIC UTILITIES AND DRAINAGE, UNLESS
OTHERWISE INDICATED.

LEGEND

- SUBDIVISION BOUNDARY
- PROPERTY LINES
- EASEMENT LINES



May 21, 2001

Village of
DOWNERS GROVE
ILLINOIS

Civic Center
801 Burlington Avenue
Downers Grove
Illinois 60515-4776
630.434.5500

TDD 630.434.5511
FAX 630.434.5571

CBD Redevelopment Office

1015 Curtiss Street
Downers Grove
Illinois 60515
630.434.5940

FAX 630.968.6346

Fire Department

Administration
3900 Highland Avenue
Downers Grove
Illinois 60515-1506

630.434.5980
630.434.5988

Police Department

825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

Public Works Department

5101 Walnut Avenue
Downers Grove
Illinois 60515-4074
630.434.5460
FAX 630.434.5495

*Department of
Social & Health Services*

842 Curtiss Street
Downers Grove
Illinois 60515-4776
630.434.5599
FAX 630.434.5599

Village of

Downers Grove Web site

http://www.vil.downers-grove.il.us

Info Line

630.434.6800

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

FILE NO. 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; Herb Bell, Petitioner

Dear Mayor Krajewski & Village Council Members:

The following motion was adopted by the Plan Commission at their meeting on May 1, 2001:

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 BE PROVIDED FOR DRAINAGE PURPOSES, 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.

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

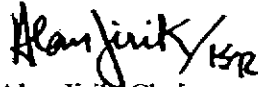
Nay: None

The motion passed unanimously.

This recommendation is being forwarded to the Village Council as the Plan Commission was able to determine that the resulting parcels meet the requirements of both the Subdivision Control Ordinance and the Zoning Ordinance.

Sincerely,

VILLAGE OF DOWNERS GROVE



Alan Jirik, Chairman
Plan Commission

AJ:amd

Chairman Jirik called the May 1, 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.

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. Confran 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. Waechter 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.

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; Herb Bell, Petitioner

1. The petitioner is seeking final subdivision plat approval for a two lot, single family residential subdivision of the approximately 1.188 acre parcel of land located on the east side of Turvey Court approximately 170 feet south of Turvey Road. The property is currently improved with a single-family residence that is commonly known as 2 Turvey Lane. It is the petitioner's intention for the existing residence to be razed if the proposed subdivision is approved.
2. The owner of the subject property along with 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 1048. 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 utility easements under Ordinance #4230 dated December 19, 2000.
3. 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, the southerly of which has a length of 145.49 feet and the northerly which 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 with lengths of 209.30 feet and 64.20 feet and a has 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.
4. 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 according to the provisions of the Subdivision Control Ordinance, all newly created lots are to have a minimum lot depth of 140 feet.
5. 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 right of way, has a width as measured at the setback line of 91.74 feet and a width as measured along the easterly lot line of 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. As the easterly approximately 52 to 53 feet of this proposed lot has a width of less than 85 feet, the petitioner is seeking approval of a lot width exception. Proposed Lot 2 is to have a width that will range between 90.13 feet as measured along the west property line and 92.19 feet as measured along the east property line, a depth along the south of 273.50 feet as made up of two line segments with lengths of 209.30 feet and 64.20 feet and a depth of 288.87 feet as measured along the north. This proposed lot is to have an area of 25,365 square feet.

6. With respect to public improvements, the petitioner is seeking approval of exceptions from having to make any improvements to Turvey Court as the present country-style character of this street establishes the character of this neighborhood. Regardless of a request from having to make public improvement modification, the terms of Section 20-602(b)(1) of the Subdivision Control Ordinance holds the petitioner to be responsible to pay for sidewalks in lieu of constructing them. Additionally, the petitioner will have to provide appropriate sanitary and water connections as part of the construction of future houses.

The Village Engineer, Mr. Jungwirth, has provided a memorandum outlining the engineering-related issues. He has pointed out that due to the rather small nature of the subdivision, stormwater detention should not be required, but that payment in lieu of detention will be assessed at the time building permits are requested. His memo also notes his support of the request for an exception from having to make full roadway improvements to the section of Turvey Road Court in front of the subject property citing the rather unique character of the surrounding Denburn Woods neighborhood. 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. He has noted in his memorandum that water services and sanitary sewer services to the new houses which are anticipated to be constructed on the resulting lots will be required to be installed on a lot by lot basis as part of the building permit function. Finally, Mr. Jungwirth noted that certain Engineering review fees must be paid to the Village prior to the Village taking final action on the requested subdivision.

7. With respect to the school and park district donations, 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. This credit is applicable as there is currently an existing house located on the property.

The petitioner has indicated that they anticipate that 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. A total payment of \$4,130.20 must be submitted to the Village in order to satisfy the donation requirements prior to the Village Council granting final plat approval.

8. The petitioner has requested lot width exceptions for a portion of proposed Lot 1 from 85 feet to 67.09 feet at its narrowest point which 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 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. 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. (b) Exceptions may be granted only in specific cases where such exceptions do not alter the general plan and spirit of this Chapter and where the Council determines that a requested exception does not adversely impact the public health, safety and welfare."

The Ordinance provides five measures found under Section 20-602(c) to help to determine if the conditions that are described above are present so that an exception may be considered to be granted. The Planning Staff has reviewed these conditions and has made the following observations based upon these conditions:

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;**

The proposed lot width exceptions should not have any negative impact either on the value or the reasonable use of surrounding properties as the exception, if granted, will effect only the easterly-most approximately 52 to 53 feet of the subject property. The subject property would be in full compliance with the various lot area and lot dimensional requirements without the easterly approximately 52 to 53 foot portion of the proposed lot that has a width of less than 85 feet. It should further be noted that the granting of the requested width exception would have no bearing on the petitioner's responsibility to provide the required side yard setback nor would the reduced lot width have any impact regarding how neighboring property owners might choose to use their properties.

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

The trend of development within the Denburn Woods area is characterized by lots with irregular shapes. 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. The proposed lot would be consistent with the trend of development in the area.

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

The primary characteristic of the subject property which has necessitated the requested lot width exception is the narrowing of the lot at its easterly end. As 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;

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;

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 neighboring lots. As previously noted, lots within the surrounding area are characterized by their somewhat irregular shapes.

9. 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;

The Staff is of the opinion that the petitioner's request for exceptions will not have any negative impact either to the value or reasonable use of surrounding properties. The granting of the exceptions will in fact maintain the character of the surrounding properties which in reality is the more important measure to consider.

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

The petitioner's requested exception will tend to maintain the somewhat country style or informal character of the roadway improvements. The installation of curbs and gutters, full width pavements, etc. would be far disruptive to the character of the neighborhood and would tend to be counter to the trend of development in the area.

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

The characteristic of the subject property that supports the requested exception is its location within the Denburn Woods neighborhood which has a distinctive country style of roadway improvement.

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

The granting of the requested exception should have no negative impact on the current adequacy of public improvements as the existing public improvements have functioned in an adequate manner, and as the proposed subdivision will result in only one additional house accessing Turvey Road Court.

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

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

RECOMMENDATIONS:

The Planning Staff would recommend that the Plan Commission forward a positive recommendation for the proposed final plat of subdivision including the requested exceptions for lot width and for relief from additional construction of public improvements 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 Staff is 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 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, that the petitioner is to make the appropriate payment to the Village for School and Park District impact fees.

KJR:amd
Attachments

04/27/01

VILLAGE OF DOWNERS GROVE

DEPARTMENT OF CODE SERVICES INTERDEPARTMENTAL CORRESPONDENCE

DATE: May 16, 2001

TO: Rick Ginex, Acting Village Manager

FROM: Robert Jungwirth, Village Engineer

SUBJECT: Drainage Investigation: Schwemm Subdivision

Towards the end of the May 1, 2001 Plan Commission's discussion of the two lot Schwemm Subdivision Final Plat application, Mr. Richard Cofran of 1318 Turvey Road objected to Staff's recommendation that onsite stormwater detention not be provided by this development. Mr. Cofran was worried that uncontrolled runoff from this property would worsen the drainage problem on his land. He urged that a detention basin be constructed even if the benefits were minimal. I was present at the meeting and at the request of the Commission responded to his concerns.

I explained the drawbacks we have experienced building small ponds and why we prefer a fee in lieu of construction. In order to develop runoff storage in developments under three acres (the proposed Schwemm subdivision has an area of 1.188 acres) the restrictor installed in the storm sewer must be so narrow that any floating debris will cause a blockage, creating at least a nuisance and often a flood hazard. The heavily wooded character of Denburn Woods almost assures that this would occur several times a year.

We have also learned that immediate release of runoff from small catchments adjacent to waterways takes advantage of channel capacity. The flooding that occurs in St. Joseph Creek is not from runoff in Downers Grove. It is the result of the accumulated flows from the large upstream watershed that extends into Westmont and Darien. Flood peaks don't occur until several hours after the storm has begun. Delaying

discharges (through detention) from small watersheds may compound those peaks.

Since I was unaware of this previously unreported flooding I agreed to investigate it further. I have discovered that stormwater runoff from the Schwemm development never crosses the Cofran property. It drains into an intermittent ditch that originates at the Avery Coonley school and flows through the western edge of the Schwemm site. It then flows northward and discharges directly into St. Joseph Creek.

It appears that the Cofran lot is normally subject to no more than a couple of acres of runoff from the three or four lots directly uphill to the south. It does seem possible that in intense rainstorms runoff is "jumping" the shallow ditch on the south side of Turvey and contributing to this discharge. (I will check for this during future storms.) That however, would add no more than one or two additional acres of tributary runoff. The sideyard swale on the Cofran property looks capable of safely handling all of this flow.

The gentleman and I spoke on this and several other topics for nearly an hour. Mr. Cofran did admit that there had not been damage to any structures nor was his yard wet for an extended period. He agreed that a detention basin on the Schwemm site was ill-advised.

In conclusion, I wish to reaffirm our recommendation that detention not be constructed at the Schwemm subdivision. The fee in lieu can be spent on a more effective stormwater management facility elsewhere in the watershed.

CC: Ken Rathje, Director of Planning Services
Jack Bajor, Director Public Works
Don Rosenthal, Director of Code Services

VILLAGE OF DOWNERS GROVE

DEPARTMENT OF CODE SERVICES STORMWATER MANAGEMENT DIVISION INTERDEPARTMENTAL CORRESPONDENCE

DATE: April 16, 2001
TO: Ken Rathje, Director, Planning Services Department
FROM: Robert Jungwirth, Village Engineer
SUBJECT: **Final Plat Review: Schwemm Subdivision**

The Public Works and Code Services Departments have completed their review of the engineering documents for the above referenced development located at the south end of Turvey Road. These documents were found to be in substantial compliance with the requirements of the Village's Subdivision Ordinance.

The following documents were considered:

- 1) Final Subdivision Plat dated 19 January 2001 prepared by Intech Consultants; and
- 2) Site Development Plan dated 12 February 2001 prepared by Intech Consultants.

At our request the developer is providing a grant of roadway easement on Lot 1. This easement is a circular segment twenty-four feet in width that encompasses the relocated roadside ditch. It would also allow the Village to widen the street pavement width if that became desirable at some future date.

Characteristic of the Denburn Woods neighborhood is the absence of the traditional pavement related public improvements. Curb and gutter, full street width and even public sidewalk were not yet the Village's standard when this area was originally subdivided. Since that time development has been very piecemeal, with very few subdivisions occurring. Staff supports the developer's request that the construction of traditional public improvements be waived.

Since the only remaining items absent are water and sanitary services and these utilities are generally installed on a lot by lot basis, we also recommend that the conventional two year letter of credit guaranteeing the completion of the public improvements not be required. This work will be bonded when permits are issued for the construction of each home.

The total development size is only slightly more than one acre and onsite stormwater detention would probably be more of a nuisance than a public benefit. Payment in lieu of facility construction is preferred. Therefore when the stormwater management permit is issued for each of the two lots, the site runoff storage fee will be calculated and assessed.

Although the subdivision letter of credit is being waived, the developer is still required to pay the minimum engineering review fee of \$325.00. This money should be collected when the plat fee is paid. In addition, the developer must reimburse us for the cost of our wetland consultant who checked the site for the presence of any special management areas. This charge was \$244.04.

Finally, there is the requirement of a payment in lieu of constructing the sidewalk. Since the frontage is a fixed length (194.29 feet), the fee can be paid at this time. At \$3.00 per square foot, this amounts to \$2,914.35.

Cc: Jack Bajor, Director of Public Works
Dave Conley, Assistant Director of Public Works
Don Rosenthal, Director of Code Services