

Chairman Pro Tem McCormick called the November 5, 2002 meeting of the Plan Commission to order at 7:30 p.m.

ROLL CALL

PRESENT: Mr. Kahlke, Mr. Matejczyk, Mr. Nicholaou, Mrs. Reynolds, Mr. Stark, Mr. Waechtler, Chairman Pro Tem McCormick

ABSENT: Mr. Griesbaum, Chairman Jirik

STAFF

PRESENT Amanda Browne, Planner
Alice Dornan, Recording Secretary

Chairman Pro Tem McCormick stated the draft minutes of the Plan Commission's October 1, 2002 meeting needed to be reviewed. He asked if there were any additions, deletions or corrections to those minutes. There were none. **Mrs. Reynolds moved, and Mr. Matejczyk seconded that the minutes be approved as presented. The motion passed unanimously.**

Chairman Pro Tem McCormick pointed out that the Plan Commission will be forwarding a recommendation regarding tonight's petition to the Village Council. Chairman Pro Tem McCormick indicated the Plan Commission's motion can be to recommend in favor, to recommend with certain conditions or terms or to recommend denial.

Chairman Pro Tem McCormick outlined the protocol for this evening's agenda item. 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 he is seeking to do and how the proposal conforms to what the Village allows or does not allow.

Chairman Pro Tem McCormick continued, second, Village Staff will present its technical review and recommendations. The third step, the public participation portion of the hearing, is the time for those present, who desire to speak, to be heard. Chairman Pro Tem McCormick pointed out the proceedings are recorded in the form of minutes. He encouraged those wishing to speak to speak clearly and slowly so that detailed minutes can be provided. He explained those wishing to testify should state their name and address before beginning their testimony.

Chairman Pro Tem McCormick stated the final step is the Plan Commission's deliberation of the petition. Plan Commission members can and may ask questions of anyone who speaks regarding the petition so that they can fully understand an issue or concern. The Plan Commission will discuss the petition and then make a motion to recommend approval, recommend approval with changes or recommend denial.

PUBLIC HEARING:

FILE NO. 1084 – STREET RIGHT OF WAY

VACATION – That portion of the unimproved and unnamed 66 foot wide right of way located immediately south of the property commonly known as 5808 Bunning Drive and immediately north of the property commonly known as 5820 Bunning Drive, Downers Grove, IL; Village of Downers Grove, owner, Joan Z. Anderson, 5808 Bunning Drive and John D. & Lora L. Ghan, 5820 Bunning Drive, petitioners

Chairman Pro Tem McCormick asked if there was a representative of the petitioner present.

John Ghan, 5820 Bunning Drive, Downers Grove, stated he and his neighbor Joan Anderson, were asking for the vacation of the unimproved right of way which they have been maintaining for years.

Chairman Pro Tem McCormick asked Staff for its report.

Ms. Browne explained the petitioners are seeking to vacate the dedicated but unimproved and unnamed street right-of-way located immediately south of the property commonly known as 5808 Bunning Drive and immediately north of the property commonly known as 5820 Bunning Drive. The petitioners are the owners of the two properties immediately adjacent to the subject right-of-way within Bunning's Subdivision, which is generally located north of 59th Street west of Fairview Avenue.

Ms. Browne displayed the locator map, which shows Bunning Drive extending westerly from Fairview Avenue a distance of approximately 1,130 feet, then it turns 90 degrees to the south and extends a distance of approximately 250 feet where it terminates at its intersection with Eldon Place. Eldon Place continues east and then turns 90 degrees to the south to provide an outlet onto 59th Street.

Ms. Browne pointed out the 66 foot wide subject right-of-way extends westerly from the north-south section of Bunning Drive a distance of 150 feet which is equal to the depth of the adjacent residential lots to its north and south.

Ms. Browne explained at the time Bunning's Subdivision was platted in 1954, the property immediately to its west was undivided. The subject right-of-way was platted so as to provide a westerly outlet from Bunning Drive that would be available for extension if the opportunity to develop the property to the west arose. However, when the subdivision to the west of Bunning's Subdivision was platted in 1966, the subject right-of-way was not extended west. Instead, lots were platted along Dearborn Parkway which runs in a north-south direction to the west of the subject right-of-way. Due to the presence of two developed single family residential lots immediately to its west, the possibility of the subject right-of-way being extended to the west is virtually non-

existent. Ms. Browne noted Staff does not recognize any need to extend this right-of-way to the west.

With regard to the subject right of way, Ms. Browne stated the Plat of Vacation shows the right of way has a width of 66 feet as measured north to south and a length of 150 feet as measured east to west. The total area of the right-of-way to be vacated is 9,900 square feet. The subject right-of-way is unimproved, and curbs and gutters for a street intersection with the north-south section of Bunning Drive were never constructed.

Ms. Browne advised that the Village contacted the various utility companies, Village Departments, and other local governmental units who may have interest regarding the implications resulting from the potential vacation of the right of way in question, and has received the following responses:

Ameritech has indicated that they maintain facilities within the subject right-of-way. Specifically, they indicated that they have a buried cable line within the westerly eight feet of the right-of-way proposed to be vacated, for which they have requested an easement.

Commonwealth Edison has indicated that they have no objection to the proposed vacation but have requested an easement along the westerly eight feet of the right-of-way to be vacated.

NiCor Gas has indicated that although they do not maintain any services in the right-of-way proposed to be vacated, they have requested a ten foot wide easement running along either the northerly or southerly boundary of the right-of-way to be vacated.

Ms. Browne advised that AT&T Cable Services, the Downers Grove Sanitary District, Downers Grove School District 58, as well as the Village of Downers Grove Public Works Department and Engineering Department have all indicated that they do not require the reservation of an easement.

No response was received from the Downers Grove School District 99 or the Downers Grove Park District; however, Ms. Browne indicated Staff has no reason to believe that they would request that an easement be reserved.

Ms. Browne concluded Staff recommends that the Plan Commission give consideration to making a positive recommendation to the Village Council to vacate the subject right of way. This recommendation is being made conditioned upon the reservation of the various easements as outlined in Staff's findings in order to accommodate the various entities which have requested easements. This recommendation is further being made as there appears to be no need for the right of way for street thoroughfare purposes either now or in the future.

Chairman Pro Tem McCormick explained as there were no members of the public present other than the petitioners. Accordingly, Chairman Pro Tem McCormick closed the public participation portion of the hearing.

Chairman Pro Tem McCormick asked for questions or discussion from the Plan Commission members. Mr. Waechtler asked for clarification of the addresses of the petitioners. Joan Z. Anderson lives at 5808 Bunning Drive, and Mr. & Mrs. Ghan live at 5820 Bunning Drive.

Chairman Pro Tem McCormick asked for clarification that the lots to the west are developed, and Ms. Browne agreed.

Mr. Reynolds stated she assumed the two petitioners plan to divide the right of way down the middle. The petitioners confirmed her assumption. Ms. Browne explained the State Statutes actually designate that rights of way when originally dedicated as part of a subdivision are to be equally divided between properties on either side as if the right of way had never been present. If the petitioners so choose at some other point in time to shift the location of the new common property line between their two properties, they could go through the lot reconfiguration process to do so.

Ms. Browne further explained granting the vacation would technically remove a front yard setback requirement for both lots. Corner lots are required to provide the front setback on both street sides. The vacation would turn this front lot line into a side lot line and, therefore, each lot now has to provide only a side yard setback as opposed to a full front yard setback.

Mr. Stark asked if we recommend vacating this right of way, would half of the right of way go to the property owner to the north and the other half of the right of way go to the property owner to the south? Ms. Browne concurred. Mr. Stark asked if the two property owners could then petition to divide it up and turn into a lot and then sell it. Mr. Ghan commented that it is unbuildable, and Ms. Browne clarified that a lot would have to have a lot area of 10,500 square feet and a lot width of 75 feet. This right of way is not large enough or wide enough to satisfy these requirements, and there cannot be a lot area exception coupled with a lot width exception.

Chairman Pro Tem McCormick asked if there were any further questions or comments. As there were none, Chairman Pro Tem McCormick called for a motion.

MOTION: WITH RESPECT TO FILE NO. 1084 – RIGHT OF WAY VACATION, MRS. REYNOLDS MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO VACATE THE SUBJECT RIGHT OF WAY. THIS RECOMMENDATION IS BEING MADE CONDITIONED UPON THE RESERVATION OF VARIOUS EASEMENTS IN ORDER TO ACCOMMODATE THE VARIOUS ENTITIES WHICH HAVE REQUESTED EASEMENTS. THIS

RECOMMENDATION IS FURTHER BEING MADE AS THERE APPEARS TO BE NO NEED FOR THE RIGHT OF WAY FOR A STREET THOROUGHFARE EITHER NOW OR IN THE FUTURE. MR. KAHLKE SECONDED THE MOTION.

Chairman Pro Tem McCormick asked if there were any comment, discussion or questions regarding the motion. There was no response.

Chairman Pro Tem McCormick asked for a vote.

ROLL CALL:

AYE: Mrs. Reynolds, Mr. Kahlke, Mr. Matejczyk, Mr. Nicholaou, Mr. Stark, Mr. Waechtler, Chairman Pro Tem McCormick

NAY: None

The motion passed unanimously.

Chairman Pro Tem McCormick asked Ms. Browne when this recommendation would be placed on a Village Council Workshop Agenda. Ms. Browne advised that the earliest date would be November 26, 2002. Ms. Browne told the petitioners that she would call them when the exact date was determined. One of the petitioners asked if it was necessary for them to be present. Ms. Browne explained that it was not a requirement but she suggested that at least one person attend in case there are any questions from the Council members.

As there was no further business, Chairman Pro Tem McCormick called for a motion to adjourn. **Mr. Matejczyk moved to adjourn the meeting, and Mr. Kahlke seconded the motion. The motion passed unanimously.**

The meeting adjourned at 7:43 p.m.