

Chairman Jirik called the January 8, 2002 meeting of the Plan Commission to order at 7:30 p.m.

ROLL CALL

PRESENT: Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mrs. Reynolds, Mr. Stark, Mr. Waechtler, Mr. Wlodek, Chairman Jirik

ABSENT: None

STAFF

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

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

Chairman Jirik outlined the protocol for this evening's two agenda items. First, the petitioner, who is the individual proposing to do something with a particular piece of land, will explain what he is seeking to do and how the proposal conforms to what the Village allows or does not allow.

Second, Chairman Jirik advised, the Village Staff will present a fairly detailed technical assessment of the nature of the application. Chairman Jirik suggested members of the audience pay close attention because both of these presentations form the technical basis of what is being discussed tonight and the issues on which the Commission is seeking comment and input from those present this evening.

Chairman Jirik noted the third step, the public participation portion of the hearing, is the time for those present who desire to speak will be heard. Chairman Jirik explained the proceedings are being recorded and will be transcribed into minutes. He encouraged those wishing to speak to come forward to the podium and speak into the microphone. Chairman Jirik asked that those wishing to testify should state their name and address first and speak clearly and slowly so accurate minutes can be transcribed. Chairman Jirik advised those wishing to speak that the Commission does have the right to limit the speakers' time, and every attempt will be made to hold down redundant testimony

Chairman Jirik explained the final step is the Plan Commission's deliberation of the petition. The Commission members can and may ask questions of anyone who participates this evening; Staff, the petitioner or anyone in the audience. When deliberation is complete, the Chairman stated he will entertain a motion to either recommend approval, recommend denial or recommend approval with changes. Chairman Jirik stated upon completion of the minutes all the material is forwarded to the Village Council for its final consideration.

FILE NO. 1070

PUBLIC HEARING – FINAL PLANNED DEVELOPMENT SITE PLAN APPROVAL – P.D. #35 PARKER’S PLACE, A RESIDENTIAL DEVELOPMENT – The petitioner is seeking final approval of a planned development for a townhouse residential development which is being requested under the Landbank Development Provisions of the Zoning Ordinance. The property is located on the south side of Gilbert Avenue commencing at a point approximately 130 feet west of Forest Avenue and on the north side of Curtiss Street commencing at a point 220 feet west of Forest Avenue. The common addresses of the properties involved in this petition include: 1137, 1131, 1127, 1123, 1119, 1115 and 1111 Gilbert Avenue and 1128 and 1122 Curtiss Street, Downers Grove, IL (PINS 09-08-301-001, 002, 003, 004, 005, 006, 007 and 09-08-301-012, 013); Rosol Construction, Inc., Owner; Edward Rickert, Attorney/Petitioner

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

Larry Rosol, President of Rosol Construction, 6566 Berrywood Lane, Downers Grove advised he was the selected contractor for the Landbank property. Mr. Rosol advised he has been a Downers Grove resident for eight years and has been involved in single family custom homes and remodeling projects in Downers Grove for approximately ten years. Mr. Rosol introduced his team: Bill Lorek, his engineer, Rob Walker, Otis, Coughlin & Wilson, Architects, Susie Horn, attorney and Mike Zarumba, who will be handling advertising. Mr. Rosol asked Mr. Lorek to come forward and present the engineering aspects of this project.

William Lorek, P.E., 3 South Blackcherry Lane, Glen Ellyn, Illinois stated he has a degree in civil engineering from Illinois Institute of Technology with 34 years of professional experience. He is a registered professional engineer in Illinois, Indiana and Wisconsin.

Mr. Lorek displayed a colored site plan on the easel in order to show the details of the plan. Each Plan Commission member was given a set of the drawings he displayed. Mr. Lorek advised the project would have 464 feet of frontage on Gilbert Avenue and 145 feet of frontage on Curtiss Street. Mr. Lorek stated the existing site has been occupied by nine homes. These homes have been in a deteriorating state. One home has already been moved from the site. Adjacent to the site across the Gilbert Avenue to the north is the Immanuel Residences which is a seven story retirement complex. To the east of the property along the Forest Avenue frontage, there are 3-4 buildings that look like single family homes, but they are used for commercial businesses. To the south of the proposed park, there is a four-story apartment building called the Kenilworth Apartments. Directly east of the Curtiss Street portion there is a house that is used as an apartment building. To the west of the west line of the Curtiss Street section of the subject property is a four-story condominium building. Directly west of the site along the Gilbert Avenue side of the subject property there is a single family house and there are a couple of single family

houses across to the north. The houses directly across the street on Curtiss are all single family homes.

Mr. Lorek explained the site plan and the engineering was prepared after they had a number of meetings with Staff and the Village's consulting engineer, Christopher B. Burke. As a result the plans were changed. The final plans have been certified by Burke. Mr. Lorek expressed appreciation for being able to work with the Staff and commented that they were very helpful.

With reference to the site plan, Mr. Lorek stated they are proposing 25 townhome dwellings in four buildings. Along Gilbert Avenue, buildings will be located at the closest point 7.67 feet off of the right of way and then they go back as far as 24 plus feet off of the right of way. By way of comparison, Mr. Lorek noted one of the existing homes is actually 4.3 feet off of the existing right of way. The existing homes' setbacks fall within the same range as they are proposing for the new buildings. Mr. Lorek pointed out there is a five unit building on the Curtiss Street side of the project with a four unit building behind it. The bay window portion of one of these buildings has a setback of 17.67 feet. Mr. Lorek stated they tried to set the fronts of the building back at 20 feet on the main building side. The side yard setback for the main building will be 8 feet with 5.67 feet at the little bay on the ends. The side yard setback on the west side for Building No.1 is 15 feet to the main building with a side yard of 12.67 feet for the bay window unit.

Mr. Lorek pointed out the entrance on Gilbert Avenue with a drive-through that goes out to Curtiss Street. There are driveways behind the units where all the garages are located. Every unit has a two-car garage which is accessed via rear of the units.

The area between the sidewalk and the front of the building is called a courtyard area. Mr. Lorek explained in that area they are proposing to have a combination of hard surface and some landscaping. On the perimeter of the courtyard area adjacent to the sidewalk, there will be a wrought iron railing with some brick piers supporting the railing at each one of the sidewalks leading to the units. Mr. Lorek stated there would be front sidewalks and steps going up a half a level off of the main or front entry. Entry to the back of the unit is gained through the garage via a garage door opener.

Mr. Lorek next pointed out the location of the proposed 5,262 square foot park area that is to be dedicated to the Village. The park area will have grass and landscaping as well as a gazebo. Mr. Lorek noted the frontages on Gilbert Street and Curtiss Avenue will be disturbed to reroute some of the existing water and sewer services, but these frontages will then be regraded and replanted. Mr. Lorek advised that all the frontage sidewalks on Gilbert Street and Curtiss Avenue will be redone. The sidewalks will then have a uniform five foot width. Right now the existing sidewalks are not uniform in width and are in a somewhat deteriorated condition.

Mr. Lorek explained there would be a four foot wide sidewalk next to the interior road which would run parallel to the driveways. There will be sidewalk access for people to

walk all the way through the project from Gilbert Street to Curtiss Avenue or to get between the frontage of the units and the parking area.

With regard to stormwater management, Mr. Lorek pointed out on the drawing the location at the west end of the project behind the units is where the main portion of the stormwater will be detained. He noted at its base there would be a one foot deep reflecting pond. Mr. Lorek explained the stormwater management phase of the project has been very conservatively designed. Several times a year there will be water coming into this pond. There will be retaining walls around the pond. The retaining walls will be constructed from keystone pre-cast landscaping blocks. There will be a wall at the south end of the pond which will have some exposure on both sides of it so part of that wall will be reinforced concrete that will be cast with forms to look like blocks. This will create a uniform look. Mr. Lorek pointed out the area adjacent to the reflecting pool where the stormwater will rise during a storm event. He explained that this area would be constructed of hard surface material such as pavers. He continued that there would be a three foot rise to the south wall, and then there would be a landscaped grassy area. To the north, there will be landscaping tiers for various plantings that will add an interesting look to this area.

Mr. Lorek stated there would also be an underground storage detention structure located at the east end of the site under the proposed park. The only portion of the underground structure that will be visible will be the two inlet openings. Mr. Lorek noted that the easterly detention area is a smaller area but is necessary in order to meet the storage volume required by the County and the Village.

Mr. Lorek recalled many years ago Saint Joseph Creek flowed through this property via an open channel. At that time, the creek discharged underneath this property. There is a concrete culvert structure adjacent to the apartment building that is at the southeast corner of the subject property. There was an open channel with two retaining walls that flowed west to Carpenter Street. In the early 1960's that was redesigned, and an 11 foot diameter storm sewer constructed of reinforced concrete was installed. Mr. Lorek explained this pipe would remain in place as it contains all the flood plain in the area as there is no surface flood plain on the site. In addition, there is a 24 inch pipe where the reinforced concrete walls are located. This was installed to take care of the local drainage. There is an 18 inch pipe that was constructed from Gilbert Avenue right along the east wall of proposed Unit No. 8. Mr. Lorek advised that pipe will have to be replaced with an 18 inch pipe to the east in order to take care of the Gilbert Avenue drainage.

Mr. Lorek explained they had to separate this project's drainage from the surrounding properties' drainage. There currently is a low spot in the southeasterly corner where the water percolates into the ground. They plan to install a storm inlet that will go into the park and tie it into the existing structure so that the drainage from the east and from the apartment building goes into that inlet so that it is not mixed in with this project's stormwater. Similarly, they will install another inlet at the southwest corner of the park because there is another area behind the existing condo apartment building where the

water seeps into the ground. A third inlet will be installed in the green space to pick up the drainage from immediately east of the Curtiss Street portion. The rest of the off-site water goes to a small inlet that is about ten feet from the west end of this property. This is where the property currently drains.

Mr. Lorek stated in addition to having storm inlets in the various paving areas, all the storm inlets will go to the storm sewer system that discharges into the basin. As the water level rises, there is an 18 inch pipe that connects the park detention storage to the west surface storage. The release is out through a structure that will be in a six foot diameter manhole that has a 1.48 inch diameter restrictor in it. In addition, there is a flap valve in that structure that will keep the water that comes into the Saint Joseph Creek pipe from backing up into the project's system. Mr. Lorek emphasized that they are separating their system from the neighbors' stormwater and separating it from the water flowing through the 11 foot diameter pipe.

Mr. Lorek next discussed the sanitary sewer that will come in off Gilbert Avenue. A new line will be brought in next to the building, a single service line will go into the ends of each of the buildings. Similarly on Curtiss Street the sanitary sewer will be brought in, branch off and pick up the buildings with one service connection.

With regard to the water main, Mr. Lorek stated there is an existing water main on the north side of Gilbert Avenue and the north side of Curtiss Street. An 8 inch water main will be run through the property following the driveways. This will not only provide service to our property but also help reinforce the water system in the neighborhood. There is an 8 inch interconnect between the two lines. There will be individual domestic water service to each of the 25 townhomes. The water service will come in the front with a separate shut-off valve. The water service will be metered and the sanitary service will go out in a single pipe.

Mr. Lorek stated the ends of the units will also have a separate fire protection water service brought into one end of each of the buildings. A fire hydrant will be installed off the court between the two buildings. Off of Curtiss Street there will be a fire hydrant and another hydrant directly off of the entrance on Gilbert Avenue. These hydrants will provide full protection to the all sides of these buildings. Mr. Lorek noted there currently is a fire hydrant on the north side of Gilbert Avenue and a fire hydrant in front of proposed Unit No. 21 on Curtiss Street.

With regard to pavement, Mr. Lorek explained there would be 10 inches of stone pavement with 3-1/2 inches of asphalt surfacing. This is a typical road section and should be durable. Mr. Lorek pointed out they are proposing rather large radii for all of the turns so that the moving trucks, fire department and emergency vehicles and other large vehicles will be able to access the property. Mr. Lorek noted the only tight spot is behind the last unit on the east adjacent to the park. It is just under 20 feet from the face of the curb to the garage door at one side but the other side has 24 feet.

Mr. Lorek stated he wanted to address the Zoning Ordinance's criteria for planned development approval.

1. Contributes to the general welfare of the neighborhood-- Mr. Lorek commented that the removal of the deteriorating buildings and construction of new buildings will greatly contribute to the general welfare along with providing detention and a park.
2. Not detrimental to health, safety or general welfare -- With regard to safety, Mr. Lorek noted the nine existing homes had nine driveways where people would back out onto these busy streets. It is proposed to have everyone pull out at only two points instead of nine. These access driveways will be facing out so there will be no vehicles backing out which will provide much safer access and egress. Removal of the deteriorating buildings will be helpful for the health, safety and general welfare of the neighborhood.
3. In harmony with the development in the local district – Mr. Lorek recalled that there is a seven story residential building across the street, a four-story apartment building to the east, and a four-story building to the west. The new three-story brick townhomes will be very complimentary to the neighborhood.
4. Not injurious to the use and enjoyment of the adjacent properties and not substantially diminish property values – Mr. Lorek stated all the improvements to this site will be very beneficial to the neighborhood. Removing the deteriorating homes and building 25 new townhomes will greatly improve the property values
5. Nature, location and size of the buildings would not impede, hinder or discourage the development and use of adjacent land -- Mr. Lorek commented the buildings will be smaller than most of the surrounding buildings. The high quality of construction will encourage further growth of this type of redevelopment. Mr. Lorek expressed the belief that neighbors from time to time need to undergo some redevelopment to keep things fresh. Styles change and people's requirements change. New development is very important for a community because it shows that the community is thriving and attracting people willing to invest in the community.
6. Adequate utilities, roads and drainage – Mr. Lorek noted that they would be providing sewer, water, stormwater detention, etc.
7. Adequate parking – Mr. Lorek explained there will be two spaces in the garage within the unit plus there will be nine surface spaces for general parking.

8. Conforms to the regulations of the zoning district – Mr. Lorek expressed the belief that the project meets this requirement. He pointed out the size of the site, 75,500 square feet, would actually allow them to build 29 units on this site. They are only proposing 25 units.

Mr. Lorek turned the microphone over to Mr. Robert Walker of Otis, Coughlin and Wilson to discuss the architecture and landscaping.

Mr. Walker stated he is chairman of Otis, Coughlin and Wilson, Architects located in Lincolnshire and Chicago. Mr. Walker stated his firm has been involved in the suburban marketplace in a variety of residential projects from mid-rise condos to single family custom homes, townhome developments, etc. for 30 years. Mr. Walker stated he has been the leader in doing this type of work in this firm and was pleased when Mr. Rosol called because he had seen something his firm had done that struck his eye.

Mr. Walker commented he does not often get to follow a passionate engineer who speaks so lovingly of the things he has done and believes in strongly. Mr. Walker indicated his firm has worked hand in hand with Bill Lorek in developing and refining the site plan.

Mr. Walker distributed a packet of information to the Plan Commission members which outlines the landscape plan, site plan, elevation drawings, etc. Mr. Walker noted his firm was responsible for the architecture and was involved with the land planning and the landscape architecture.

Mr. Walker displayed a rendering of the five-unit building that faces Curtiss Street. The units are three story buildings; half of the ground floor is a garage of about 420 square feet which is accessed on the rear of the building. There is a small recreation room in the front of the ground floor that is at grade level and would have the opportunity to use a small patio and a courtyard. There will be access out the front through either a single or double door.

Mr. Walker advised the main living level was at the second and third floors. The second floor of the unit is a kitchen, eating area, plus a living/dining space in several different configurations. On the upper level is the two or three bedroom combinations. Mr. Walker explained there are three units types; A, B and C. They range from 2,400 to about 2,700 square feet which includes the 420 square foot garage.

With regard to the exterior materials, Mr. Walker stated the idea was to create a traditional row home of urban character that would fit in with the downtown. There will be pitched roofs with textured architectural tab asphalt shingles. There will be face brick all the way around the building sitting upon a base of renaissance or concrete split face block. The windows are traditional in character. The buildings do present a significant street frontage face but also wrap around the sides.

Mr. Walker concluded by stating he is ready to answer any questions from the Plan Commission members.

Chairman Jirik asked if there was anyone else to speak from the development team. As there was no one else to speak, Chairman Jirik asked Staff for its technical review and critique.

Mr. Rathje explained we are entertaining a petition for final planned development site plan approval for Parker's Place, a residential planned development which is being pursued under the recently amended sections of the Zoning Ordinance which has been referred to as a Landbank development. Specifically, the petitioners are seeking approval of 25 townhouse dwellings within four buildings on an assemblage of nine parcels that are located between Gilbert Avenue and Curtiss Street in the area west of Forest Avenue.

With respect to a brief history, Mr. Rathje explained the Landbank land was an area in which the Village Council began acquiring property in 1979 as it became available. The Council desired to foster some future redevelopment project in that area in order to enhance the downtown area. When the Council began acquisition of the properties, they did not know what the specific nature of the project would be. The current Council felt it was timely to embark on the actual development of the property. They entertained RFP's from several prospective developers. The award for the property was given to Rosol Construction. Rosol Construction purchased the property, and the sale of the property closed on January 3, 2002.

Mr. Rathje explained the subject property is approximately 1.735 acres or 75,577 square feet. The parcel is somewhat of a T-shape with a width on Gilbert Avenue of 464 feet and a width of Curtiss Street of 145 feet. It has a depth that ranges from 70 feet at the extreme east end to 158 feet at the west end and the deepest point of the "T" is 288 feet. Mr. Rathje advised the property carried an R-6, multiple family residential zoning.

Mr. Rathje noted late last year at the request of the Village Council the Zoning Commission considered certain amendments to the Zoning Ordinance to create the Landbank area which is essentially the block in which the subject property is located and to establish certain amendments to the Zoning Ordinance for a Landbank development. Mr. Rathje explained the first element for a Landbank development is that it has to be pursued as a planned development and must have a land area of at least 1.5 acres which is the case in this particular petition.

Mr. Rathje stated the Ordinance was amended with respect to front, side and rear yard provisions so that the properties within this area when pursued as a Landbank development were exempt from front, side and rear yard provisions "except as may be mandated by the Village Council in the context of a planned development". With respect to common open space which is a planned development element, Mr. Rathje advised a similar amendment was made to that aspect of the Zoning Ordinance exempting common open space and again the term was established "except as may be mandated by the Village Council in the context of a planned development".

With respect to density, Mr. Rathje explained the townhome, two family and multi-family dwellings were all put under the same density provisions applicable in the R-6

zoning district. Specifically, you have to have a relationship of land area to dwelling units as follows: 1,452 square feet of land area for each one-bedroom dwelling, 2,178 square feet for each two-bedroom dwelling and 3,000 square feet for each three-bedroom dwelling.

Mr. Rathje noted there is also a provision in Section 28-1611 which we did not know if it would have or would not have affected this development dealing with certain separation of buildings. That section was also modified, and Landbank Development was exempted.

Mr. Rathje noted for the Board's consideration and in the packets available to audience members there is a copy of Ordinance No. 4341 which was the ordinance adopting the Landbank Development amendments to the Zoning Ordinance.

With respect to the petitioner's site plan, Mr. Rathje indicated it proposes the construction of a total of four buildings with 25 total townhome units. There will be two buildings facing on Gilbert Avenue, one facing on Curtiss Street and there will be one building internal to the site.

Mr. Rathje noted the petitioner's engineer Mr. Lorek went over the location with regard to side yards, setbacks and building separation very accurately.

With respect to density, Mr. Rathje stated the petitioner's plans call for a total of 13 two-bedroom units and 12 three-bedroom units. Based on the ratio of 3,000 square feet for each three-bedroom unit and 2,178 square feet for each two-bedroom unit, the total land area necessary to support this density is 64,314 square feet which is about 85% of the maximum density permitted. Mr. Rathje commented that the petitioner could have added as many as three more three-bedroom units, or five more two-bedroom units or seven one-bedroom units or some combination thereof, but they opted for a marketing plan that they felt was more appropriate. They chose a conservative plan with respect to having something that functions well with adequate parking, separation of buildings, greenspace, etc.

Mr. Rathje commented the architecture of the buildings was covered very well by Mr. Walker. The buildings are going to primarily be constructed of brick with the lower area of concrete block veneer, limestone sills, lintels, keystones with painted wood fascia, and decorated wood post trims. Mr. Rathje advised there are a lot of different surfaces and textures which should create very nice-looking buildings. Mr. Rathje stated they appear to be more of a traditional row house which is not a zoning term but more of an architectural term than what we have come to know in the suburbs as a townhome. There is much greater verticality, and a row house may tend to be a little bit narrower than some townhouses. Something the Council was looking for especially given this neighborhood is that there would not be front garage door architecture.

Mr. Rathje explained the units are each approximately 21 feet wide. The architectural height as we define it is to the midpoint of the roof, hovers right around 32.73 to 33.67 feet.

With regard to the floor area characteristics of the dwellings, Mr. Rathje stated the A units are 2,400 square feet inclusive of an approximately 420 square foot garage, the B units are 2,580 square feet inclusive of the 420 square foot garage and the C units are 2,710 square feet inclusive of the 420 square foot garage

With respect to open space, Mr. Rathje explained about .683 acres or 39% of the site will be in open space distributed as follows: landscaped green space which will constitute 20,995 square feet or 27.78% of the site, about 6,660 square feet or 8% of the site will be in front courtyards, another 958 square feet will be devoted to hard surface open space which is basically the hard surface area in the stormwater detention area and the remaining 1,132 square feet of open space will be devoted to the westerly detention pond.

Mr. Rathje advised that the landscaping had been reviewed by the Village Forester and found to be acceptable. Mr. Rathje provided an inventory of the trees (33 shade trees, 28 ornamental trees, 25 evergreens, 146 evergreen shrubs and 223 deciduous shrubs) which will be planted on the site. Mr. Rathje commented this area will be planted very nicely and as it matures it will fill out and will be a relatively lush landscaped area. Mr. Rathje noted the Village Forester in reviewing the plans and in consultation with the petitioner and the engineer has recommended that in lieu of the petitioner being responsible for providing the street tree plantings that the Forestry Department would prefer to take control of that so that they have control over placement and the species which are planted. There will be the added benefit of the guarantee to the Village from the supplier of the trees. There will be a total of five trees for which the Village will assume control, and there will be a fee of \$1,347.40 payable to the Village's Forestry Department if this option is exercised.

Mr. Rathje recalled that Mr. Lorek indicated as part of the negotiations with the Village Council an agreement was reached that the area at the extreme east side of the site which is shown as a park site was sold by the Village to the developer and is going to be developed by Rosol and then will be given back to the Village once it has been completed. The park site, which is about 5,262 square feet, will provide a fair amount of stormwater detention, but it will be contained within a substantial concrete box that will be below grade. The developer will, at his expense, improve the park site with a gazebo structure for the general public's benefit prior to conveying it back to the Village. This donation is a part from and does not do anything to satisfy any of the developer's obligations for school and park district donations. Those have to be met in a standard manner.

With respect to stormwater detention, Mr. Rathje noted Mr. Lorek spent a great deal of time describing how they will have two stormwater detention areas; one in an open area at the southwest corner and a vaulted area on the east side, which will be tied together with pipe and will function very complimentarily with the 11 foot storm sewer which

runs through the site. Mr. Rathje pointed out that the petitioner's engineer has worked closely with the Village's Engineering Department and the Village's stormwater management consultant, Christopher Burke & Associates. Not only was their engineering determined to be completed and certified, but in the packet there is a copy of the stormwater management permit which was signed by Kay Whitlock who is the Village's Stormwater Administrator under contract with Christopher Burke. The stormwater design has been found to be satisfactory, and the plans are construction-ready. For general interest, Mr. Rathje advised there is going to be approximately 0.74 or three-quarters of an acre foot of stormwater storage provided for the 1.74 acre site. The reinforced concrete box, which will be under the park site, will measure 56 feet by 10 feet by 4 feet.

Concerning fire prevention, Mr. Rathje explained Staff worked with the developer and the Fire Prevention Bureau as access for this development will be important, especially as there will be a building set in between the two streets. All of the pavement widths and geometry of pavement were more than satisfactory to the Fire Department for all forms of its emergency services activities. Because of the number of townhomes and partly by choice of the developer, all of the dwelling units are to be sprinklered. Mr. Rathje pointed out that is not always a building code obligation of every townhome development.

Mr. Rathje advised the petitioner would be seeking one exception under the terms of the Ordinance. Both Gilbert Street and Curtiss Avenue appear on the Village's Future Land Use Plan as collector roadways. In the undeveloped sections of the Village when a new collector roadway is built, the Village looks for a right of way width of 80 feet and a pavement width of 36 feet in contrast to a local street in a new portion of the Village where we look for a right of way width of 70 feet and a pavement of about 31 feet back to back of curb. The Future Land Use Plan recognizes that not all streets will ever be built to the full right of way width or to the full pavement width. There is a functional value indicating that certain streets will carry higher volumes or will provide interconnection purposes greater than what a local street would provide. In the case of both Gilbert Street and Curtiss Avenue, the opportunity for acquiring additional right of way is extraordinarily unlikely and without the additional right of way, widening the pavement likewise is extraordinarily unlikely. Mr. Rathje advised the petitioner has requested a waiver from having to dedicate any additional right of way or to widen the pavement. One of the things that was done with respect to the design of this project which was sensitive to the fact that additional right of way or pavement would not be able to be added was the approach the petitioner took with respect to limiting access to one driveway each on Curtiss Street and Gilbert Avenue rather than having potentially five driveways on Curtiss Street and 16 driveways on Gilbert Avenue. Even though this is a planned development, the terms of the Subdivision Control Ordinance with respect to roadways would apply, and the petitioner is seeking a variation from the public improvements under the provisions of the planned development section of the Zoning Ordinance.

With regard to school and park district donations, Mr. Rathje explained the petitioner is obligated to satisfy the requirements under Section 20-300 of the Subdivision Control Ordinance for school and park district donations. Section 20-300(e)(2) indicates that any dwelling units which are or were on the property a year prior to the hearing are eligible to count as credit against the school and park district donations. Mr. Rathje stated Staff took an inventory of the dwelling units and found there to be single family dwellings as follows: one, one-bedroom, one, two-bedroom, two, three-bedroom, one, four-bedroom and one five-bedroom. Several of the structures, although they appear to look like single family dwellings, actually contain multi-family dwellings. Within that category there are six one-bedroom apartments, three two-bedroom apartments and one three-bedroom apartment for a total of 16 dwelling units in nine structures. Mr. Rathje explained applying the schedule of donations which appears under Section 20-300, the developer was due credit against the total donation amount of \$36,192.52. This leaves a donation obligation of \$23,703.21. Mr. Rathje pointed out the Staff report breaks down how much goes to the two school districts and the park district. Mr. Rathje stated if this had been a completely vacant piece of property with no credit available, the donation fee for the proposed development would have been \$59,895.

With regard to easements, Mr. Rathje stated there are three points: No. 1, the Village recently expanded the easements which exist over the existing 132 inch pipe. As Mr. Lorek indicated the construction of the pipe was in the 1960's, and the Village had easements over some property but not all of the property. That issue has been resolved. The second point as Mr. Lorek indicated is an 18 inch pipe which is in place that runs from Gilbert down to the 132 inch pipe that will conflict with proposed Building No. 8. The solution is to build a new pipe, abandon the 18 inch pipe in place and fill it with concrete. The 18 inch pipe is deep enough, and the foundation for Building No. 8 will work structurally with that approach. Once the new pipe is in and working, the plan is for the Village to abrogate the easement over the 18 inch pipe and take a new easement over the new pipe. As long as the existing 18 inch pipe serves a public purpose, we will keep the easement as is. No easements will be vacated until the new pipe is in and has been accepted. Finally with regard to the drainage and utility easements, after a great deal of discussion, the Village Engineer, Public Works and other involved parties determined that with a piece of property like this we are better off getting the utilities, the stormwater detention areas and structures in place, surveying the locations of these features and then creating the easements after we know where everything is. With a custom fit project like this, we are going to do it under a forward approach rather than a backwards approach of trying to construct the features to fit inside of the easements. With regard to the homeowners association documents and restrictive covenants, Mr. Rathje explained the Village Attorney would find it most acceptable to have these documents provided to the Village in a form that would be acceptable to the Village Attorney prior to any dwelling units receiving a final occupancy permit.

In conclusion, Mr. Rathje stated it would be the Planning Staff's recommendation that the Plan Commission forward a positive recommendation for granting final planned development approval designating the subject property as a planned development, approval of the architectural drawings and approval of the landscape plan subject to the

petitioner coming to agreement with the Village Forester over whether or not they are going to pay for the parkway trees in lieu of planting them. This recommendation is being made with several conditions:

First, that the petitioner submit in a timely manner homeowners association covenants acceptable to the Village Attorney but prior to the issuance of the first building permit.

Secondly, that either plat(s) of easement for stormwater utility purposes will be required to be completed at least after the fourth foundation is poured, but basically based on the actual construction of the stormwater detention areas and other utilities. Whether this is going to be specific easements or in some form of a blanket easement will be left to the petitioner's discretion. Those easements will have to be provided to the Village prior to the first occupancy permit being issued to the dwellings.

Thirdly, the Village should undertake the necessary procedures to abrogate the existing easement over the 18 inch north to south storm sewer once the new 18 inch storm sewer is provided and is found to be acceptable to the Public Works Department.

Fourth, the developer has to satisfy the school and park donation fees prior to final action by the Village Council.

Fifth, that the Village accept payment for the parkway trees rather than requiring the petitioner to plant and guarantee parkway trees that are to be planted as part of this development.

Mr. Rathje noted that the Planning Staff would support the petitioner's request for waiver from having to widen the right of the way or the pavement either for Gilbert Avenue or Curtiss Street in light of the virtually non-existent possibility of acquiring a uniformly widened right of way for either of these two roadways.

Mr. Rathje concluded the site plan has been prepared in a manner which will permit a reasonable flow of traffic along both Curtiss and Gilbert by eliminating many existing driveways or many potential driveways. The site plan shows only one driveway on each street side.

Chairman Jirik noted Staff has completed a very thorough and complete assessment of the technical requirements of the project.

Chairman Jirik explained the next step is public participation, and he asked if there was anyone present who wished to speak regarding this petition.

Dave Brown, 1508 Gilbert Avenue, asked if he was allowed to ask questions. Chairman Jirik responded that he could state his questions. The Plan Commission gathers all the questions and addresses them at the end of the public participation.

Mr. Brown stated housing units where the master bedroom is on the third floor is not necessarily a retiree's paradise. He assumed with this type of construction that the market for these homes is not necessarily empty-nesters. He asked if there was any specific thought as to who would buy these townhomes. He continued, given the fact that there is no specific thought, there is always the possibility children will live in these units, and he asked where they would play? He questioned if the site plan provides each space or activity area for children as the possibility certainly exists that there would be children in these houses.

Mr. Brown asked what it means if the Village waives the Ordinance requirements for street width. He asked what the petitioner gains by such a waiver? Does he gain more frontage; is he allowed to then build closer to the roadway? Chairman Jirik asked Mr. Rathje to address these questions. Mr. Rathje explained with respect to the street right of way waiver that the developer gets to build where everybody else gets to build according to the Landbank Planned Development rules. He explained that the Subdivision Control Ordinance and the Zoning Ordinance has to take into account both developed and undeveloped sections of the Village. Our Ordinance has been in place for a number of years. If we had the best of opportunities with respect to a collector roadway, we would like to have uniform 80 foot wide rights of way and 36 foot wide pavements. If we were to start off in an area that was not developed or was significantly underdeveloped, we would look to get dedication of that type of right of way. In the case of both Curtiss Street and Gilbert Avenue, there is virtually no possibility of getting additional right of way along either of these streets which would give the Village uniformly wider roadways. Mr. Rathje stated all we are suggesting is that in lieu of providing additional right of way, the petitioner be permitted to construct based on the existing conditions of both of those roadways.

Mr. Brown commented that anyone who lives in town knows that both Gilbert Avenue and Curtiss Street are highly traveled arteries during rush hour to the point where the cars can be backed up to Carpenter waiting at stop signs. In his opinion, it is not necessarily an unforeseeable possibility that those roads are going to need to be widened. Mr. Brown stated his concern is that by granting a waiver to the south side of the street, the burden for widening then is placed on the established homes on the north side of the street. Mr. Rathje commented, if there was a real possibility of a widening, each side would have to provide their fair share of additional right of way. It does not all come from one side or all go to the other. If you have a 70 foot wide right of way and you need a 80 foot wide right of way, you would get dedication of five feet from each side. Mr. Rathje emphasized that there is no real possibility of having a uniform additional right of way widening because of the level and nature of development in that area. As an example, Mr. Rathje cited the reconstruction of Ogden Avenue. If you were to build a new Ogden Avenue in a generally undeveloped area, you would have to have at least a 100 foot wide right of way. Most of Ogden Avenue was platted at 66 feet, the same as most of the local streets in the downtown area. When Ogden Avenue was rebuilt in the mid-1970's, the State did not work in terms of acquiring the additional right of way it needed to bring Ogden Avenue up to a uniform 100 foot wide right of way. They worked within the right

of way they had. In some cases it was 66 feet wide, in some places it was 83 feet wide and in other places it was 100 feet wide.

Mr. Brown reiterated it seemed inconceivable to him that Gilbert Avenue could continue being two lanes given the traffic load that already exists there, plus increasing the density in the downtown area would only invite more traffic. Even though it would be difficult to accommodate that extra width to widen the right of way, Mr. Brown felt pressure will be there because it seems impossible for it not to be there. Mr. Brown stated his only concern is if by granting this waiver, the burden would be forced on the established homes on the north side of the street. Mr. Rathje emphasized if the street would be widened in the future, the Village would need to acquire the additional width equally from both sides of the street including this property. In Mr. Brown's example, everybody would lose the exact same amount of frontage.

Jim McBride, 1217 Gilbert Avenue, Downers Grove stated he has been following this project since it started. Mr. McBride expressed concern about all the text changes to the Zoning Ordinance in order to make a landbank development. Mr. McBride acknowledged there is a yellow house that currently sits nearly on the sidewalk. He commented that one of the reasons why the Code was changed was to get some uniformity. Now we are saying because this old house was there and was so close to the sidewalk, lets build new stuff that close to the sidewalk.

Mr. McBride recalled that he met with Mr. Rathje several years ago because he wanted to redo his front porch. He has an old home set near the sidewalk. Mr. McBride stated he was told he could not make his porch bigger because it would be infringing on the front yard setback. Mr. McBride stated he changed his plans because of that requirement. Now that a whole bunch of buildings want to be built close to the sidewalk, it is all right.

Mr. McBride commented on the size of the fence. His concern is if you go too short on the fence, someone could flip over it. If the fence is big enough not to be a safety risk, then it gets imposing. This is a neighborhood concern. Mr. McBride commented he has small children who are getting older. He is concerned about people cutting through the proposed development from Gilbert to Curtiss. Mr. McBride expressed the opinion that the driveway is almost a little side street in the middle of the project, similar to Ross Court.

In looking at the drawings, Mr. McBride noticed if you are in the house and there is a fire towards the front and the resident is going out the back, you have to lift the garage door. If the power has already gone out, it will be difficult in his estimation to lift the garage door. Mr. McBride stated he did not know this only means of egress was all right, but he indicated it must be because it has gotten this far.

With regard to the side yard setbacks for units C-17 and C-21, Mr. McBride pointed out it is eight feet but it narrows down to around five feet because of the bay windows.

With regard to the height, Mr. McBride commented that because the first floor is not underground, the building are actually three stories high. Mr. McBride expressed the opinion that such height was imposing.

Mr. McBride recalled when the Lakota Plan, the Master Plan, was developed, the two recommendations by the Lakota Group at that time were leave the landbank as it is, single family homes with the same number or turn it into townhomes. He commented that the number of units proposed exceeded what the Lakota Group recommended for the landbank land. In his opinion, the proposed density is excessive.

Mr. McBride noted Gilbert Avenue going west has a lot of accidents on the corner of Gilbert & Carpenter. It is a rush hour phenomena. Mr. McBride asked what density level necessitates a stop sign at Gilbert and Carpenter. Mr. McBride indicated he did not know if this is something the Plan Commission would consider. He noted the only traffic concerns that have come up at Council meetings are with regard to the drivers in the senior housing building on the north side of Gilbert Avenue. Mr. McBride stated they only drive during the middle of the day in order to avoid the morning and evening rush hours. Mr. McBride commented the owners of these proposed townhouses will not be empty nesters, will have two cars, and they will be driving in and out all day long. Mr. McBride expressed the hope that one member of the family would be using the train to commute.

Mr. McBride stated the neighbors are also concerned about the units in the middle of the project and noted it was a strange building style for Downers Grove. He agreed that it does, however, frequently show up in Chicago.

Chairman Jirik asked if there was anyone else who wished to speak this evening. There was no response, and Chairman Jirik closed the public participation portion of the public hearing closed.

Chairman Jirik asked Staff if he could address the issues raised by Mr. Brown and Mr. McBride before asking for questions or comments from the Plan Commission members.

There was an issue raised about where the children would play. Chairman Jirik noted children live in downtown Chicago, and there are different environments for different kids. This matter is not within the Plan Commissions purview. Mr. Rathje noted children who live in homes with big yards still remain indoors playing computer games. He pointed out there is a park a block away from this site which would be available to the future residents.

With regard to text changes to the Zoning Ordinance, Chairman Jirik advised such matters are handled by a different commission. Mr. Rathje noted the Zoning Commission conducted public hearings, and the Village Council reviewed the Zoning Commission's recommendations in a public meeting. The text changes have been adopted. The text changes are not something that is currently being considered.

Chairman Jirik pointed out the Plan Commission follows the current text of the Zoning Ordinance.

With regard to cut-through traffic, Chairman Jirik indicated he was not sure where to direct those questions and/or comments. Mr. Rathje admitted the possibility does exist for that to happen. In order to provide for reasonable access for the dwellings and provide two ways in and out, especially for the interior building, this design was found to be the most safe and the most accessible. Mr. Rathje pointed out if someone cuts through this development there are laws concerning trespass. A complaint can be filed, and action pursued through the Police Department. Mr. Rathje noted there is, however, no good traffic reason for anybody to cut through given the circulation pattern in the area. Mr. Lorek commented Mr. Rosol asked him if speed bumps should be installed. Mr. Lorek noted the sight lines from the two streets would make each driveway look like a dead-end private drive. There will not be a viewpoint where they can see that they can drive through from one to street to the other. Mr. Lorek stated for these reasons he felt it was not a good idea to install speed bumps. Mr. Lorek noted he drove past the site at 5:30 p.m. this evening, and there was a little traffic on Gilbert; and there was one car turning left.

Chairman Jirik commented people might utilize a cut through to relieve pressure that results in the same destination, but as Mr. Rathje pointed out there is not a flow dynamic that this type of movement would relieve traffic pressure. Mr. Rathje stated it is not as though there is a very difficult traffic signalized intersection with inadequate lane capacity and no turn lanes. That type of situation fosters by-pass traffic. There is a good flow of traffic in the area from Curtiss to Gilbert or vice versa.

Mr. Waechtler commented if it became a problem certainly a sign could be posted by the Village indicating this is for local residential traffic only.

Chairman Jirik addressed the concern regarding the comment about the single door access. Mr. Rathje commented one of the points that may have been missed is that these will be sprinklered buildings. Mr. Rathje stated he asked Fire Prevention to take a look at the travel distances internal to the building to get to the front door. The distances are consistent with Code. The release mechanism for a modern day garage door is very easy to pull. and garage doors are not particularly difficult to lift should that be necessary.

Mr. Walker pointed out there is an additional door on the lower level at the front of the building. There are two physical doors at the front of the building.

Chairman Jirik asked if the side yard setbacks are consistent with Code. Mr. Rathje responded, based upon the new amendments, there is no minimum Code requirement. The Village Council saw the prototype of the site plan and that was part of the negotiations for the ultimate sale of the property. The Council knew what was being proposed to be built in pretty good detail.

With regard to a stop sign at Gilbert Avenue and Carpenter Street, Chairman Jirik stated that issue would be a matter for the Parking and Traffic Commission. There are warrants that have to be met in order to install a stop sign. When the traffic volume or accident statistics do not warrant the installation of a stop sign, to install one can create a negative aspect. If the residents feel this is an issue, the concern should be forwarded to the Parking and Traffic Commission. Mr. Rathje pointed out the Parking and Traffic Commission would also base their decision on fostering an uninterrupted traffic flow. In this situation, Gilbert, Curtiss and Carpenter are very important routes for people to get out of the downtown at night and into the downtown in the morning. As these are important routes, traffic should move at or below speed limit, but not create an exceedingly long line of cars stopping at a stop sign just to make them stop at a stop sign. With regard to the somewhat urban nature of the middle building, Chairman Jirik advised the Commission to consider this matter. Mr. Rathje stated this is an urban issue, but when you also have appreciable separation between the interior building and the three exterior buildings, it has its own courtyard and some of its own green space and its own front yard, its own front entrances, and this project is to be located adjunct to the downtown area. The downtown area although it is a suburban area, is an urban portion of our suburban area. While this may not be appropriate in other parts of Downers Grove, given the site's proximity, the nature of the surrounding buildings and land use on the neighboring property, it is a reasonable development approach. Mr. Rathje showed the aerial photograph of the area to the Plan Commission members and pointed out the locations of the proposed townhomes in relationship to the other buildings in the neighborhood which includes a substantial condo building, a substantial senior housing project and an apartment building.

Chairman Jirik asked the Plan Commission members for their comments and questions. Mrs. Reynolds commented she watched the Village Council debate this project when they were choosing a construction company, and one of the key issues was density. Mrs. Reynolds stated it was her impression that Rosol Construction's proposed density appealed more to the Village Council than the other developer's proposed density. She pointed out that is no longer an issue given the Zoning Ordinance amendment and is not for the Plan Commission to decide.

Mr. Matejczyk stated he understood that the units will all be sprinklered but he wondered if there will be any fire walls anywhere in the units, particularly below the roof line. Mr. Walker answered each one of the units is separated by fire walls which go all the way up to the roof structure. There will be fire retardant material placed between each dwelling unit. Mr. Matejczyk asked if there would be any sound protection between the units. Mr. Walker responded the same wall that serves as a fire resistant wall is also an excellent wall design for sound resistance. Mr. Walker pointed out there is only vertical separation between units because there are no units on top of each other which also cuts down on sound transmission between dwelling units.

Mr. Matejczyk asked what the price range would be for these units. Mr. Rosol responded that they would be between \$375,000 to \$395,000.

With regard to the existing 18" stormwater pipe that is going to be abandoned, Mr. Kahlke asked if the foundation of Unit No. 8 is going to be located over that line. He also wanted to know if the old pipe will be removed. Mr. Lorek responded the existing clay pipe will be filled with concrete so that the foundation can be put over it. The construction is basically slab on grade so it will be about 3.5 to 4 feet deep. The existing pipe is deeper than that.

Mr. Wlodek commented in defense of older people, he recently bought a house with a bedroom on the third floor, and he has no problem getting up to it. As a matter of fact, it is good exercise.

Mr. McCormick asked where guests would park. Mr. Lorek responded there are nine guest parking spaces, and there is Village parking available about a half of a block to the east. Mr. Rathje stated there is also a commuter parking lot immediately to the north of the senior citizen building. During non-commuter hours, anybody that wants to use that parking lot could park there. Mr. Rathje noted in most townhouse developments even if there is a lot of street frontage, very little of it is very little uninterrupted street frontage because there are usually so many driveway openings. He noted that some additional street parking spaces may be created over what currently exists. Mr. McCormick asked if the current parking restrictions on Gilbert would be maintained. Mr. Rathje responded yes, and Mr. Lorek noted some parking is allowed on the north side of Curtiss Street. Mr. Walker noted the possibility of parking a car in front of the garage as long it did not interfere with a neighbor's access. Mr. Rathje pointed out this project is only 210 feet away from the Library's parking lot.

Mr. Stark asked Mr. Rathje if the petitioner is asking for a variation for the island (middle) unit's distance from the street. Mr. Rathje stated there is no variation requested nor is one necessary with regard to the distance to the street. The only necessary variation is the width of the street right of way. The amended Ordinance states there is zero setback obligation except as Council may require. Mr. Rathje noted the Council saw a preliminary site plan that had one more dwelling unit than what this site plan proposes.

Mr. Rathje stated this is an unusual situation in that the Village is the seller as well as the legislative agency.

Mr. Stark asked about garbage removal. Mr. Walker responded each unit will keep their garbage receptacles within their garage and place them outside on the appointed collection day. The garbage truck will have access to the area to the rear of the units and will park in a selected spot and collect the receptacles. Mr. Walker stated there will not be a common trash area. Mr. Lorek noted there is approximately 4.5 to 5 feet of wall space between each garage door where garbage receptacles may be stored.

Mr. Stark asked how the back of the units and the parking area in the middle would be lit. Mr. Walker noted there would be traditional style lights on the fronts of all the buildings. On the rear side there will be a light fixture located adjacent to each one of the garage doors that will light the courtyard. There will not be any street lights within the parcel.

Mr. Stark asked if there were any zoning rules on lighting. Mr. Rathje advised in this type of situation there are no specific requirements. They will be using the same type of lighting fixtures as would be installed next to a garage door in any residential area. There will not be any commercial single standard or dual standard parking lot lighting structures.

Mr. Waechtler commended the petitioner for addressing the issue of three bedroom units because in many of the suburban areas there seems to be more of a demand for three bedroom units in condo or townhouse developments. Mr. Waechtler noted a lot of work with the Staff, the petitioner and the Village Council has gone into this project. Everybody did their homework and clearly worked real hard. Mr. Waechtler stated it looks like a very good development.

Chairman Jirik stated if there is nothing further, he would entertain a motion.

MOTION: WITH RESPECT TO FILE NO. 1070, FINAL SITE PLAN APPROVAL FOR P.D. #35 PARKER'S PLACE RESIDENTIAL DEVELOPMENT, MRS. REYNOLDS MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED 25 UNIT TOWNHOUSE PLANNED DEVELOPMENT WHICH IS BEING PURSUED UNDER THE LANDBANK PLANNED DEVELOPMENT PROVISIONS OF THE ZONING ORDINANCE. THIS RECOMMENDATION IS BEING MADE AS THE PETITIONER HAS SUBMITTED A SITE PLAN, LANDSCAPE PLAN AND BUILDING ELEVATION DRAWINGS WHICH WERE PREPARED IN A MANNER CONSISTENT WITH THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE, AND AS IT APPEARS THAT THE PROPOSED DEVELOPMENT HAS BEEN PREPARED CONSISTENT WITH THE STANDARDS FOR APPROVAL OF A PLANNED DEVELOPMENT AS OUTLINED UNDER THE PROVISIONS OF SECTION 28-1607 OF THE ZONING ORDINANCE. THIS RECOMMENDATION IS BEING MADE BASED UPON THE FOLLOWING PROVISIONS AND CONDITIONS AS THEY APPEARED IN THE STAFF'S REPORT :

- A. THAT THE PETITIONER OR HIS REPRESENTATIVES SUBMIT HOMEOWNERS ASSOCIATION DOCUMENTS WHICH ARE IN A FORM THAT IS ACCEPTABLE TO THE VILLAGE ATTORNEY. THE DOCUMENTS SHOULD BE PRESENTED IN A TIMELY MANNER FOLLOWING APPROVAL OF THE PLANNED DEVELOPMENT TO INSURE THAT THEY ARE RECORDED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMITS FOR THE PROPOSED DWELLING UNITS.**

- B. THAT THE PETITIONER PROVIDE THE VILLAGE WITH PLAT(S) OF EASEMENT DEDICATING STORMWATER AND UTILITY EASEMENTS AS SUCH ARE DETERMINED TO BE NECESSARY BY THE VILLAGE. SPECIFICALLY, IT IS ANTICIPATED THAT PLAT(S) OF EASEMENT ARE TO BE PROVIDED TO THE VILLAGE FOR STORMWATER DETENTION FACILITIES BASED UPON THE SURVEYED LOCATION OF THE COMPLETED FACILITIES, AND THAT UTILITY EASEMENTS ARE TO BE PROVIDED BASED UPON THE LOCATION OF THE COMPLETED UTILITIES OR IN THE ALTERNATE, A “BLANKET” TYPE OF UTILITY EASEMENT MAY BE PROVIDED.**
- C. THAT THE VILLAGE AND THE DEVELOPER UNDERTAKE THE NECESSARY PROCEDURES TO ABROGATE THE EXISTING DRAINAGE EASEMENT WHICH HAS BEEN IDENTIFIED AS BEING IN CONFLICT WITH THE LOCATION OF PROPOSED DWELLING UNIT NO. 8. THE ABROGATION IS TO TAKE PLACE ONCE THE VILLAGE’S PUBLIC WORKS DEPARTMENT IS SATISFIED THAT THE REPLACEMENT SECTION OF STORM SEWER IS CONSTRUCTED AND ACCEPTED AND IS APPROPRIATELY PROTECTED BY AN EASEMENT THAT HAS BEEN PROVIDED IN A FORM ACCEPTABLE TO THE VILLAGE ATTORNEY.**
- D. THAT THE DEVELOPER SATISFY THE REQUIREMENTS FOR THE SCHOOL AND PARK DISTRICT DONATIONS AT A TIME PRIOR TO THE VILLAGE COUNCIL GRANTING FINAL PLANNED DEVELOPMENT APPROVAL.**
- E. THAT THE VILLAGE ACCEPT PAYMENT FOR PARKWAY TREES RATHER THAN REQUIRING THE PETITIONER TO PLANT AND GUARANTEE THE NEW PARKWAY TREES THAT ARE TO BE PLANTED AS PART OF THIS DEVELOPMENT.**
- F. FINALLY, THIS RECOMMENDATION IS BEING MADE IN SUPPORT OF THE PETITIONER’S REQUEST FOR A WAIVER FROM HAVING TO PROVIDE ADDITIONAL RIGHT OF WAY OR ADDITIONAL PAVEMENT WIDTH EITHER TO GILBERT AVENUE OR CURTISS STREET. THIS RECOMMENDATION IS BEING MADE BASED**

UPON THE RATHER UNLIKELY SITUATION OF ACQUISITION OF ADDITIONAL RIGHT OF WAY FOR EITHER OF THESE ROADWAYS BY MEANS OF FUTURE NEW DEVELOPMENT OR RE-DEVELOPMENT, NOR IS IT LIKELY THAT THE VILLAGE WILL BE AFFORDED AN OPPORTUNITY TO HAVE THE STREET PAVEMENT FOR EITHER OF THESE STREETS WIDENED AS A RESULT OF FUTURE NEW DEVELOPMENT OR REDEVELOPMENT.

MR. WLODEK SECONDED THE MOTION.

Chairman Jirik asked if there were any questions or comments regarding the nature, intent or content of the motion. There was no response.

ROLL CALL:

AYES: Mrs. Reynolds, Mr. Wlodek, Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mr. Stark, Mr. Waechtler, Chairman Jirik

NAYS: None

The motion passed unanimously.

Chairman Jirik stated it will be a few weeks before the Mayor and Village Council will consider this recommendation and the accompanying body of information. Those wishing to follow this petition as it progresses through the review levels should contact Staff. The Village Council Workshop agendas are published on Fridays in the Village Corner of the Downers Grove Reporter.

FILE NO. 1072 LOT SPLIT – (Petition includes a request for a flag lot) –
Property located on the east side of Highland Avenue,
approximately 850 feet south of 39th Street, commonly known as
4013 Highland Avenue, Downers Grove, IL (PIN 09-05-105-038);
Steve & Gail Ohnsman, Owners/Petitioners

Chairman Jirik asked if there was a representative of the petitioner present. Mr. Ohnsman, 4013 Highland Avenue, Downers Grove, explained he and his wife bought this property in 1983. At that time the home itself was on a lot that consisted of the front 200 feet of this property. During negotiations for purchase, it became clear that the people who owned the lot at the back, which was a separate deeded lot 300 feet deep, wanted to sell their lot as well. Mr. Ohnsman advised he and his wife were able to purchase both lots and combine them together.

Mr. Ohnsman stated he is now proposing to create a flag lot with a 20 foot wide access drive that would run along the south side of the property from Highland Avenue. The front lot would be approximately 80 feet wide by 200 feet deep and would include the existing home. The 20 foot wide access drive would access the rear lot where a new home could be built. Before any construction would begin on the flag lot, the attached garage on the front lot would be razed so that there would be no encroachment into the access drive of the flag lot.

Mr. Ohnsman pointed out that once the garage is razed, the resulting space between the lot line and the side of the house would be more than 27 feet. There would be a 20 foot wide access drive and 7.5 feet of setback between the edge of the access drive and the existing home.

Mr. Ohnsman explained the flag lot would result in a piece of property over 25,000 square feet in area plus the access drive which is approximately 4,000 square feet in area. The front lot would be close to 16,000 square feet in area. The proposed plan exceeds the depth requirements and the square foot requirements. Both of the newly created lots would far exceed the vast majority of lots in the neighborhood which range between 8,000 to 12,000 square feet.

Mr. Ohnsman pointed out he has talked to the Downers Grove Sanitary District, and they can service the lot in one of two ways. The Sanitary District would have some provisions which would be required, and Mr. Ohnsman stated they would meet those provisions. The Village's Stormwater Engineer, Ms. Rymas, has determined that there should be no flooding problems resulting from the creation of the back lot.

Mr. Ohnsman concluded by stating he and his wife plan to retire this year. They want to be able to maximize the value of their property and also get a high quality home built in the Village of Downers Grove.

Chairman Jirik asked Staff for their presentation.

Ms. Browne advised that the petitioners are seeking approval to divide their property at 4013 Highland Avenue into one flag lot and one regular lot.

Ms. Browne explained the subject property has a width of 99.82 feet as measured along Highland Avenue on the west and a depth ranging from 464.71 feet on the north to 450.3 feet on the south. The total lot area is approximately 45,635.5 square feet, or 1.05 acres.

Ms. Browne stated the subject property is zoned R-4, Single Family Residence, and it is improved with the petitioner's one-story, single family residence with an attached garage. The residence has a front setback as measured at its closest point of 55.41 feet, a northerly side yard of just over 21 feet and a southerly side yard of just over 7 feet as measured to the attached garage.

With regard to newly created lots, Ms. Browne advised that the Subdivision Control Ordinance does require a minimum lot width of 75 feet, a minimum lot area of 10,500 square feet and a minimum lot depth of 140 feet. A flag lot, however, may be created with a frontage as narrow as 20 feet, provided that the creation of a flag lot is created as an exception under the Subdivision Control Ordinance, and it meets all other applicable ordinance requirements. In addition to the minimum land area and width requirements for newly created lots, a flag lot does have a requirement that it has to maintain a minimum depth of 165 feet exclusive of the access drive.

Ms. Browne stated the proposed westerly parcel (the front lot with the existing residence) is proposed to have a lot width of 79.82 feet, a depth of 200 feet, and a lot area of approximately 15,953.9 square feet.

The proposed easterly parcel, the flag lot, exclusive of its access drive, will have a width of approximately 99.82 feet as measured along its front property line on the west and a depth ranging from 264.71 feet on its northerly property line to 250.3 feet as measured along its southerly property line. The "pole" portion of the flag lot is comprised of a 20 foot wide by 200 foot long access drive located immediately to the south of the westerly (front) parcel. The lot area of the flag lot, excluding the area of the access drive, is proposed to be 25,682.7 square feet and including the access drive would be 29,681.6 square feet.

Ms. Browne commented as the property is currently improved, the proposed lot split must not only meet the bulk requirements of the Subdivision Control Ordinance regarding lots, but it is also required to meet the Zoning Ordinance requirements with respect to setbacks for existing structures. The existing garage located on the south side of the residence is located within the area proposed to serve as the 20 foot wide access drive of the flag lot. If the lot split is approved, the petitioner has indicated the attached garage will be demolished in order to comply with the Zoning Ordinance requirements with respect to setbacks which are as follows: The minimum side yard as measured from the residence to the common property line between the front lot and the access drive is required to be no less than 5 feet plus one foot of additional setback for every one foot in structure height over 20 feet. The minimum side yard as measured to the northerly property line is required to be no less than 10 feet as the residence will no longer have an attached garage. The ten foot side yard is intended to accommodate a driveway leading to the rear of that structure. Upon removal of the attached garage, it appears that all of the applicable setbacks will be exceeded.

With respect to the creation of a flag lot, Ms. Browne advised that Section 20-302 of the Subdivision Control Ordinance specifies that a flag lot may be created as part of a lot split subject to certain conditions and requirements:

- (a) **THE USE OF A FLAG LOT WOULD MAKE IT POSSIBLE TO BETTER UTILIZE IRREGULARLY SHAPED PROPERTIES.**

Ms. Browne stated in its current configuration, the depth of the lot is greater than five times its width which is a substantial lot width to lot depth ratio. Also, at more than 45,635 square feet in area, which is just over an acre, the subject lot is also very large for a single lot in the R-4, Single Family Residential Zoning District. The proposed lot split, if approved, would result in two parcels both of which would be considerably larger than the requirements of the Subdivision Control Ordinance and of the underlying Zoning Ordinance requirements.

- (1) **THE POLE OF THE FLAG LOT SHALL BE NO LESS THAN 20 FEET WIDE.**

Ms. Browne noted the petitioners' proposal does meet the 20 foot wide pole requirement.

- (2) **AN ACCESS CORRIDOR, INCLUDING A PAVED SURFACE NOT LESS THAN 10 FEET IN WIDTH, SHALL BE MAINTAINED ALONG THE LENGTH OF THE POLE. NO ENCROACHMENTS SHALL BE PERMITTED WITHIN THIS ACCESS CORRIDOR WHICH WOULD INTERFACE WITH EMERGENCY VEHICLE ACCESS.**

Ms. Browne stated the petitioners understand that the development of the proposed flag lot must be made consistent with this requirement of the Ordinance, and they have indicated the garage will be razed to satisfy the side yard setback requirement.

- (3) **THE MINIMUM DEPTH OF THE FLAG LOT, EXCLUSIVE OF THE POLE, SHALL BE AT LEAST 165 FEET DEEP, AND THE LOT SIZE SHALL COMPLY WITH THE PROVISIONS OF SECTION 20-301.**

Ms. Brown explained at its most shallow point the proposed flag lot will be just over 250 feet which exceeds the 165 foot depth requirement of this section by 83 feet. The area of the proposed flag lot is to be 25,682.7 square feet exclusive of the access drive and 29,681.6 square feet inclusive of the access drive which more than doubles the 10,500 square foot requirement for newly created lots.

- (4) **THE FRONT YARD SETBACK SHALL BE MEASURED FROM A LINE PARALLEL TO THE STREET, WHERE THE LOT MEETS THE MINIMUM WIDTH OF THE UNDERLYING ZONING DISTRICT.**

Ms. Browne explained the petitioners understand the obligation regarding the front yard setback for the proposed flag lot which is required to meet the R-4 Zoning District's minimum setback of no less than 25 feet plus one additional foot of setback for every two feet of structure height over 20 feet.

- (5) THE ADDRESS OF THE FLAG LOT MUST BE CLEARLY DISPLAYED WITHIN THREE FEET OF THE PROPERTY LINE ADJACENT TO THE PUBLIC STREET, AND SHALL BE DESIGNED AND MAINTAINED TO CLEARLY DIFFERENTIATE THE FLAG LOT FROM THE ADJACENT PROPERTY.**

Ms. Browne stated the petitioners understand that they or any subsequent owner will be required to post and maintain an address sign consistent with this requirement.

- (6) THE FRONT LOT SHALL COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER INCLUDING MINIMUM AREA, DEPTH AND WIDTH.**

Ms. Browne explained the front lot would exceed all minimum area, depth, and width requirements.

Ms. Browne pointed out Section 20-302(b) of the Subdivision Control Ordinance states that petitions for flag lots shall be processed as an exception, and Section 20-302(d) states that no other exceptions shall be permitted for either the flag lot or for the front lot. Exceptions are provided under Section 20-602 (a), (b), and (c). Section 20-602(c) states that an exception shall be recommended by the Plan Commission only if it finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Chapter. In its consideration of the standards of practical difficulties or particular hardships, the Commission may consider, but is not limited to, the following:

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

Ms. Browne indicated Staff is of the opinion that the proposed lot split will not have a negative impact on either the value or the reasonable use of the surrounding properties as a preponderance of the lots in the surrounding area are of narrower width and shallower depth than as proposed by this flag lot configuration. She pointed out the three lots immediately to the north of the subject property are of comparable size to the subject property, and explained that these three lots are held in common ownership.

The lots to the south of the subject property appear to originally have been of comparable size to the subject property but have been previously divided into two lots each. Immediately to the south of the subject property are two lots: a westerly lot fronting Highland Avenue (Parcel No. 039) which is 99.75 feet in width and 228.15 feet in depth with an area of approximately 22,758 square feet; and an easterly lot with frontage on its easterly property line at the terminus of the 40th Street right of way. This lot has 49.5 feet of frontage on 40th Street and has

an area of approximately 21,367 square feet. The lot split creating these two lots was approved by the Village as a flag lot in 1993 (File Number 927) due to the 49.5 foot frontage along 40th Street.

South of these two lots is another set of two lots. Ms. Browne noted that these two lots are held in common ownership and cannot be used or sold independently of one another due to fact that the easterly property does not front on a public street and does not have an easement of access created prior to April of 1965.

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

Ms. Browne stated in addition to the one Village-approved flag lot configuration south of the subject property, the general trend has been the creation of lots of significantly smaller size and of narrower width than is proposed in this case. As illustrated on the map of the surrounding area included in the Board's packets, properties to the west range from 50 to 75 feet in width and are typically 138 feet in depth. Properties to the east are typically 50 feet in width and approximately 185 feet in depth. And excepting the lots previously noted in item (1), properties to the south are typically 50 feet in width and approximately 160 feet in depth

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

Ms. Browne stated the primary characteristic which supports the granting of the exception for the proposed flag lot is the relationship of the parcel's width to its depth and area. As a single parcel of more than 45,635 square feet, it is considerably larger than the majority of the surrounding lots and is more than four times as large as a lot meeting the minimum 10,500 square foot requirement for newly created lots in the R-4, Single Family Zoning District. If the lot is divided as proposed, the two resulting parcels will have lot areas which exceed the minimum area, width and depth requirements of the Subdivision Control Ordinance.

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

Ms. Browne stated Staff is of the opinion that both of the resulting parcels have width, depth and area characteristics that will readily accommodate very reasonable sized residences, subject to the demolition of the existing attached garage to accommodate the required side yard setback on the south side of the residence.

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

Ms. Browne pointed out as noted under Number (3) above, Staff is of the opinion that the flag lot will not alter the essential character of the area.

With respect to future development of the property, if the proposed flag lot should be approved, Ms. Browne advised that the Village's Stormwater Management Engineer, Ms. Chrys Rymas, has been consulted with respect to the proposed flag lot, and has indicated that through proper design and grading, surface water management would appear to be able to be accommodated should development of the flag lot occur.

The petitioner has also consulted the Downers Grove Sanitary District and has submitted the attached correspondence dated October 29, 2001. The Sanitary District indicated that there are two public sewer mains which could potentially provide sanitary sewer service to the proposed flag lot.

In conclusion, Ms. Browne advised Staff recommends that the Plan Commission forward a positive recommendation to the Village Council for the proposed lot split which involves the creation of a flag lot. This recommendation is being made with the condition that prior to any construction being permitted on the flag lot, the attached garage must be razed so that there is no encroachment into the access drive of the flag lot, and so that there are no substandard setbacks from the requirements of the Village's Zoning Ordinance.

Ms. Browne stated she would be pleased to answer any questions.

Chairman Jirik asked if there were any comments or questions regarding this petition from anyone in the audience. There was no response. Chairman Jirik closed the public participation portion of the hearing closed.

Chairman Jirik asked the Commissioners if there were any comments or questions regarding this flag lot petition.

Mr. Griesbaum asked when the garage is razed, will the driveway for the existing home lead to the back to another garage or will there be two driveways next to each other? Mr. Ohnsman stated their intent is sell the property to a builder who would come in and make the site decisions. His expectation is that the driveway for the existing home will be along the north side as there is 21 feet between the house and the property line. Mr. Ohnsman stated if he were doing the development, he would have the garage attached at the rear of the house on the east and have the driveway come around the house on its north side.

Mrs. Reynolds recalled that the petitioner indicated when they purchased the property in 1983, and she wondered about access to the rear lot they purchased. Mr. Ohnsman

explained he thought the property owner from Naperville was originally the seller of the total property, and he retained the back 300 feet with the hope that 40th Street would go through to Highland. He held onto the property and paid taxes on it for many years. When the Ohnsmans were negotiating to purchase the front portion, he decided to sell his property.

Mr. Waechtler thanked the petitioner for his candor, honesty and excellent presentation. As there were no further questions or comments, Chairman Jirik called for a motion.

MOTION: MR. WLODEK MOVED WITH RESPECT TO FILE NO. 1072 – LOT SPLIT CONCERNING THE PROPERTY ON THE EAST SIDE OF HIGHLAND AVENUE APPROXIMATELY 850 FEET SOUTH OF 39TH STREET, COMMONLY KNOWN AS 4013 HIGHLAND AVENUE, DOWNERS GROVE, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED LOT SPLIT WHICH INVOLVES THE CREATION OF A FLAG LOT. THIS RECOMMENDATION IS BEING MADE BASED UPON THE PETITIONER HAVING SUBMITTED AN APPLICATION WHICH HAS BEEN PREPARED IN A MANNER CONSISTENT WITH SECTIONS 20-301, 20-302 AND 20-602 OF THE SUBDIVISION CONTROL ORDINANCE. THIS RECOMMENDATION IS BEING MADE WITH THE SPECIFIC CONDITION THAT PRIOR TO ANY CONSTRUCTION BEING PERMITTED ON THE FLAG LOT THAT THE ATTACHED GARAGE MUST BE RAZED SO THAT THERE IS NO ENCROACHMENT INTO THE ACCESS DRIVE OF THE FLAG LOT AND SO THAT THERE ARE NO SUBSTANDARD SETBACKS FROM THE REQUIREMENTS OF THE VILLAGE’S ZONING ORDINANCE. MR. WAECHTLER SECONDED THE MOTION.

Chairman Jirik asked if there were any questions, comments or discussion regarding the motion. There was none. Chairman Jirik called for the roll

ROLL CALL:

AYES: Mr. Wlodek, Mr. Waechtler, Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mrs. Reynolds, Mr. Stark, Chairman Jirik

NAYS: NONE

The motion passed unanimously.

Chairman Jirik advised that the recommendation and the accompanying documentation will be reviewed by the Village Council in several weeks. Chairman Jirik stated Staff can

be contacted to find out when this recommendation will be placed on a Village Council Workshop agenda.

Mr. Ohnsman recognized the work Ms. Browne did with him. She demonstrated that she is extremely knowledgeable, is a very good representative of the Village and is a pleasant, courteous person to work with on a complex subject.

As there was no further business, Chairman Jirik called for a motion to adjourn. **Mr. Griesbaum moved to adjourn the meeting, and Mrs. Reynolds seconded the motion. The motion passed unanimously.** The meeting adjourned at 9:35 p.m.