

Chairman Jirik called the April 2, 2002 meeting of the Plan Commission to order at 7:30 p.m. (Mr. Stark arrived at 7:35 p.m.)

ROLL CALL

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

**ABSENT:** Mr. Griesbaum

STAFF

**PRESENT** Kenneth J. Rathje, Director Planning Services  
Amanda Browne, Planner  
Alice Dornan, Recording Secretary

Chairman Jirik stated the draft minutes of the Plan Commission's March 5, 2002 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. Matejczyk 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 would present a detailed technical assessment of the nature of the application. Chairman Jirik suggested members of the audience pay close attention because both 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 to be heard. Chairman Jirik explained the proceedings are being recorded and will be transcribed into minutes. Chairman Jirik stated that those wishing to testify should state their name and address first and speak clearly and slowly so accurate minutes could 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 reasonably omit redundant testimony.

Chairman Jirik explained the final step is the Plan Commission's deliberation of the petitions. 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 would entertain a motion to either recommend approval, approval with changes or recommend denial.

Chairman Jirik stated upon completion of the minutes, all the support materials are forwarded to the Village Council for its final consideration.

**PUBLIC HEARING:**

**FILE NO. 1075 – RIGHT OF WAY VACATION –**

That portion of the easterly 33 feet of the northerly 74.22 feet of Puffer Road, approximately 310 feet north of Chicago Avenue, commonly known as 4605 Puffer Road, Downers Grove, IL; Village of Downers Grove, Owner; Philip M. Barr, Petitioner.

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

Philip M. Barr, 4605 Puffer Road, Downers Grove, Illinois stated the reason he is here this evening is as a result of the new Recreation Center which will have a 234 car parking lot immediately to the north of his property. Mr. Barr pointed out that the Recreation Center is an exceptional structure in a R-1, R-3 zoning district area. He commented that he will be faced with lights, noise, turn-around traffic which are things he is not used to having. Mr. Barr stated he has lived at 4605 Puffer Road since 1954, and Puffer Road has been a dead-end road as long as he has lived there. Mr. Barr indicated his proposed right of way vacation would not be creating a dead-end road.

Mr. Barr read into the record a letter dated October 23, 2001 from Susan C. Dunlap, President of the Park Board. "Dear Mayor and Members of the Village Council: This letter is to advise you that the Downers Grove Park District does not object to the Petition for Vacation of Puffer Road filed by Mr. Phillip Barr. The Park District is the owner of property located at the northern terminus of Puffer Road, adjacent to the Barr property."

He next read a letter dated October 26, 2001 which he wrote to the Board of Park Commissioners. "I have received a copy of your letter dated October 23, 2001, sent to the Mayor and Members of the Village Council, stating that you have no objection to my petition for vacation of Puffer Road. Thank you for a prompt response to my request. Hopefully, your letter will aide the Council in granting vacation of Puffer Road, thus relieving concerns which I have regarding parking, turning, and increased traffic on Puffer Road following the construction of the recreation center."

He next read excerpts from a letter dated November 6, 2001 from Susan Dunlap, President Board of Park Commissioners. "2. Park District agrees to sign off on the request for plat of vacation of Puffer Road submitted by the Barrs. The Park District sent a letter to the Village on October 23, a copy of which is enclosed, stating it had no objection to the vacation of Puffer Road. However, the Park District cannot control whether the Village approves the vacation. The Village has sole legal description." "8. Reimburse neighbors for the cost of any fences they wish to place on their own property..." "9. Will not breach the berm along the south side of the Park District property." "10. Will not build a pedestrian walkway from the Park District property to Puffer Road and landscaping will discourage pedestrian traffic." "13. Place bus parking and garbage on the NW corner of the property away from the neighbors." "15. Stage lighting such that the parking lot lights closest to the neighbors can be dimmed earlier than the lights closest to the Center." "16. Construction traffic will not use Puffer Road." "20. Guarantee that the Park District will be responsible for any damage to houses, persons or property that are damaged due to the construction." "21. "Guarantee that the Park District will be responsible for any damage to neighborhood homes or property due to flooding problems during or after construction."

Mr. Barr stated he is trying to make the point that the Park District supports the vacation of Puffer Road although they are not the final authority.

Mr. Barr next read from an addenda to a letter from Mr. Dan Cermak, Administrator. "A. No construction traffic will be allowed on Puffer Road except to the minimum extent necessary to tie into the water main under Puffer. All ingress and egress from the project site shall be on Belmont Road." "B. The berms shall be constructed along the south property line of the project site as soon as practical in the work, and shall be landscaped as soon as possible after final grading of the berms." "D. The parking lot lights shall be switched so that the Park District can manually turn off the lights on the southern half of the parking lot when the entire parking lot is not needed."

Mr. Barr read an excerpt from a letter from Gene Cromwell, Director of Parks. "I wanted to communicate to you that the Park District will need to contract with a Home Inspection Company prior to the beginning of any driveway construction to ascertain and document any conditions that currently exist." Mr. Barr stated the Park District sent out a home inspector and provided them with a free home inspection.

Mr. Barr stated he spoke to almost all of his neighbors to see if any of them had an objection to his proposed vacation of Puffer Road. He circulated a petition and presented a copy of the completed petition. Mr. Barr noted the petition stated that the signers supported the right of way vacation petition submitted by Philip Barr and James Slepicka. Mr. Barr explained Mr. Slepicka is his neighbor on the west who owns the two acres across from him. Mr. Barr indicated, while he was not sure, he would anticipate that Mr. Slepicka would have a corresponding request for a vacation of the portion of Puffer Road that abuts his property.

Mr. Barr advised that he went to Puffer School to talk to the superintendent, Mr. Gary Zabilka and asked for his support. Mr. Barr read a letter from the superintendent to Mr. Rick Ginex. "Dear Mr. Ginex: This is to advise you that Henry Puffer School in Puffer-Hefty District #69 has no objection to the Village granting a plat of vacation in accordance with the request by the Barr and Slepicka households for the section of Puffer Road in front of their houses. There (sic) home addresses are 4605 Puffer Road and 4606 Puffer Road, respectively. Thank you for your attention. Gary T. Zabilka, Ed.D."

Mr. Barr next read from Village Code which states "Frontage - all single family dwellings shall be built on lots which front directly upon a public street with such frontage being a minimum of 45 feet in width." Mr. Barr advised that he currently has a frontage of 74 feet but it will go down to 64 feet if it is extended 33 feet out. He next quoted "Lot Area - Nothing in this Section shall be interpreted so as to allow the creation of newly subdivided lots within a minimum of less than 10,500 square feet - R-1, 20,000 square feet." Mr. Barr indicated he currently has 21,209 square feet, and with the addition of this potential vacated property it would be 23,486 square feet. Mr. Barr stated that would enhance the value of the lot because at this time it is an odd-shaped lot. Mr. Barr stated on the plus side for the Village he would take care of all the street cleaning, snow removal, repair and maintenance of that portion of Puffer Road. This would result in a small monetary savings for the Village.

Mr. Barr stated even though the proposed vacation would reduce property frontage he felt the greater size of his property as well as increased privacy will add value and quality of life for his family.

Mr. Barr pointed out one of the reasons he is here tonight is his concern about what is currently being built to the north of his property. He is also concerned about possible changes to the plan. He referred to a newspaper article which stated that Williams Development submitted revisions to its plans for the water detention pond to DuPage County officials for approval. He also pointed out that the water detention pond site has been moved once, and the parking lot has been raised. Mr. Barr noted that the newspaper article indicated Mr. Dan Cermak did not learn of the change until a commissioner contacted him on January 29, 2002. He quoted Mr. Cermak's response. "They should have certainly notified us. Certainly, the communication process from the architects to the District has to improve, and we've already spoken to them about that." Mr. Barr stressed that the Family Recreation Center will impact him and his neighbors as will any changes to the current plans impact them.

Mr. Barr recalled that he went to two Zoning Board of Appeals meetings in 2001 and he saw the approved plans. He noted there is some gray area involved about plans being approved and submitted at one meeting and plans being approved and submitted at another meeting. Some of the plans were the same and some were different. He read an excerpt from a letter he wrote to the Mayor and Council dated February 26, 2002. "...It is our understanding that the Village grants special use permits on a specific date, for a specific project and not concept plans. Could a private resident or commercial contractor receive construction approval from the ZBA and Village and then build something different from the plans without further approvals? We think that the Park District should be held to the same standards as any other builder. Hopefully, you understand our concern."

Mr. Barr referred to a drawing dated January, 2001 that was submitted to the Zoning Board of Appeals and noted the contractor is not going by this drawing any more.

Mr. Barr next referenced the Park District's ongoing debate about a pool being built somewhere in Downers Grove. He noted it seems to have been put on the back burner for a while, but people are still raising the issue of putting the pool next to the Park District's Belmont site. In Mr. Barr's opinion discussion of possibly purchasing the remaining old homes along Belmont and tearing them down has caused fear and resentment.

Mr. Barr commented there are concerns regarding zoning everywhere in Downers Grove. He referred to the possible annexation and rezoning of property on Fairview Avenue, south of 63<sup>rd</sup> Street.

Mr. Barr referenced the May 23, 2001 Zoning Board of Appeals minutes where former Chairman Greg Beggs said "He does not know how to resolve the aesthetic and financial problems of the immediate area. He assured that needs to be addressed somehow." Mr. Barr suggested tonight's action may be a way of addressing it by vacating the right of way.

Mr. Barr next referred to the July 17, 2001 Village Council minutes regarding the zoning and approval of the Park District's Recreation Center. It was given a special use permit. He noted that Commissioner Sisul did not attend this meeting but he read a quote from a letter Commissioner Sisul wrote which was read by Mr. Ginex. "... urge the Park District to work where possible to mediate the impact on the residents". Mr. Barr stated the proposed right of way vacation could be a mediation in that it would help the residents and would make him feel good and restore some of his confidence. He next referenced Mr. Zabloudil's statement "...the Council understands and sympathizes with the situation the neighbors are facing." Mr. Barr referenced Mr. Tully's statement "Concerning compromises, Commissioner Tully repeated that the Village cannot dictate how the Park District chooses to conduct its affairs, and it cannot condition or reject the petition simply to force a compromise among those who apparently cannot. He stated that if there is a compromise to be had, that debate lies squarely with the Park District. He suggested that the end to the unproductive divisiveness should begin there." Mr. Barr next read from Commissioner McConnell's comments "...she expected the Park District to proceed with the changes discussed last week regarding moving the berm of the south side that will in some way help mitigate some of the issues raised by the residents. She believes they expressed their intention to do that and she added her personal request that they meet that commitment." Mr. Barr read from Commissioner Schnell's comments "...she believes as a special use permit the Council has a certain amount of leeway. They can attach certain conditions to that permit." Mr. Barr pointed out the Village Attorney Daniel Blondin stated the Council cannot attach conditions. Mr. Barr noted Mrs. Schnell voted against the special use permit approval..

Mr. Barr presented pictures of Puffer Road showing that it is a dead-end road. Mr. Wlodek asked what any of this has to do with the street vacation. All the Plan Commission is hearing is everybody's complaints about the Park District.

Mr. Barr apologized and emphasized that the Park District would favor the right of way vacation of this portion of Puffer Road.

Chairman Jirik noted much of what Mr. Barr presented dealt with buffering. The question is whether the vacation of Puffer Road would constitute buffering as promised or alluded to in the various minutes, etc. presented by Mr. Barr this evening.

Mr. Barr advised that he had no objection to any easements over the proposed vacation of the Puffer Road right of way. He noted he already has a fire hydrant on his property, and there are power lines in the front and back of the yard.

Mr. Barr recalled in 1998 when his mother fell and broke her hip the fire truck had no trouble getting up Puffer to his house.

Chairman Jirik next asked Staff to make its review and assessment.

Mr. Rathje stated the petitioner has filed a petition to vacate the easterly 33 feet of the northerly-most 74.22 foot section of the portion of Puffer Road located north of Chicago Avenue. This dead-ended section of Puffer Road runs north a distance of about 384 feet north of the north line

of Chicago Avenue and terminates in the south line of the Downers Grove Park District's family recreation center property.

Mr. Rathje explained this section of roadway is a semi-improved roadway with a pavement width ranging from 20-22 feet. It is absent curbs and gutters, nor does it have sidewalks. Mr. Rathje advised that Staff chatted with the Public Works Department concerning the issue of sidewalks in this area, and Puffer Road does appear on the Public Works' current sidewalk matrix with anticipation for construction within the next seven to ten years; however, a determination has not yet made as to which side of the right of way sidewalk will be constructed. Such a determination will be based on an evaluation of the right of way, which will be made prior to the construction of sidewalks.

Mr. Rathje noted a view of the Village's Future Land Use Map indicates that an extension of Puffer Road north of its current terminus is not anticipated. This is especially the case in light of the fact that the Park District is constructing their Family Recreation Center, which will include berming along the area immediately north of the terminus of Puffer Road, and as there is adequate access available to the Park District facility via Belmont Road. Mr. Rathje commented that there is little likelihood that the Park District would ever use this section of Puffer Road for access or for any extensions.

Mr. Rathje explained that Staff provided its normal notification to the various utility companies, other governmental agencies and various Village departments. The Downers Park District, which abuts the right of way in question on the north, has indicated that it has no objection to the proposed vacation. The Village's Public Works Department indicated that it has a water main located within the area to be vacated and would, at minimum, require a full width access easement. The Downers Grove Sanitary District stated that it does not currently have any sewers in this area and indicated septic fields currently serve the area. Commonwealth Edison indicated that it requires an easement over the entire right of way proposed for vacation. AT&T Broadband advised that they share Commonwealth Edison's utility poles and would require the same consideration given to ComEd. NICOR indicated that it has a two-inch gas main within the subject right of way and would at minimum require the reservation of a full width utility easement. Ameritech indicated it has no facilities. The Downers Grove Police Department indicated they would be concerned about the proposed vacation given the narrow nature of the right of way that proper access for emergency and public safety equipment would be maintained. The Fire Department went further and indicated their preference that the vacation not be granted in order to be able to guarantee services to any of the adjacent homes or any place else they would need to get access.

Mr. Rathje displayed an aerial photograph that depicts the site of the proposed vacation noting the section of right of way to be vacated and the location of the Park District's recreation center property. He explained if the proposed right of way were vacated, approximately the east half of the pavement would then become private property, so that the Village would be in the position of having to maintain the west half of the roadway but not the east half. Mr. Rathje commented it would be very possible for obstructions to be placed within the area if it were to be vacated.

Mr. Rathje noted Staff very carefully considered the issues of how this piece of property relates to the neighbors. Mr. Rathje next displayed an excerpt from one of the Park District's Family Recreation Center site plan drawings showing the approximate location and the elevation of the berming in the area and also the location of the parking lot. He explained that the plans, which the Zoning Board of Appeals reviewed, were conceptual engineering plans. When the final engineering plans were approved through the Village's Engineering Department, which is the appropriate entity for approval of engineering designs, the District's engineering consultant actually raised the grade of the site several feet. Mr. Rathje pointed out that he did not add all the new grades onto the exhibited drawing. He pointed out that the grade of the street pavement at the end of Puffer Road is about ten feet below the top of the grade of the berm. The grade between the top of the berm and the parking lot sits down about another three feet. Mr. Rathje stated for pedestrian purposes it is not impossible to traverse the area between the parking lot and Puffer Road; however, it would be impossible for vehicles to traverse this area. Mr. Rathje advised if there were any type of modifications to the recreation center site, such as a request for an additional driveway, the changes would have to be presented in a public hearing before the Zoning Board of Appeals with ultimate approval from the Village Council.

Mr. Rathje stated based on the fact that the roadway currently has public improvements within it and the fact that several of the utility companies as well as the various Village Departments at minimum need access easements over this section of right of way, it would be the Staff's recommendation that the proposed vacation be denied. Mr. Rathje further noted Staff is of the opinion that to vacate half of a roadway in the manner being proposed, especially where it is being used to provide access to the petitioner's property, would, in his opinion, be inconsistent with various codes and policies of the Village to encourage development and maintenance of appropriate public improvements such as street pavement, curbs, gutters and the rest.

Mr. Rathje advised he would project that the Downers Grove Sanitary District will at some time in the future be in the position of having to extend sanitary sewers to serve this area. Having septic fields in an urban area such as DuPage County is not a desirable circumstance, and the majority of the community has had sanitary sewers extended to serve it. Likewise, he noted to the Commission members that they have read in the newspapers that the Village Council is very interested in having sidewalks constructed at least on one side of every street in the Village.

Mr. Rathje expressed the opinion that the likelihood of there being additional traffic generated on Puffer Road because of the Park District's Family Recreation Center is quite remote given the design and nature of the site improvements and the design and nature of access to the District's recreation facility. Mr. Rathje concluded as long as we have a section of roadway that serves the number of residents it does, it would be a poor decision on the part of the Village to vacate this section of right of way.

Chairman Jirik asked if there was anyone in the audience who wished to comment for or against this petition.

Mr. Waechtler respectfully requested that any member of the audience who wishes to speak should address the issue of the right of way vacation and not comment on other issues concerning the Park District's recreation center.

Robert Kleb, 4600 Belmont Road, stated he questioned the statement about the Fire Department and the Police. Mr. Kleb indicated the southern portion of Puffer Road was vacated to the golf course many years ago. Puffer Road is only about 33 feet wide south of Chicago Avenue. According to Mr. Kleb, there would still be 33 feet up at the top of the hill. He asked for an explanation of the objections. Mr. Rathje stated he did not believe that the section of Puffer Road immediately south of Chicago Avenue ever had a west half. Further to the south, the entire width of the right of way had been vacated because of consolidation of properties on both sides to the golf course property. Mr. Kleb again noted the roadway south of Chicago Avenue is only 33 feet wide. Mr. Rathje responded there are some sections of street where there was only a half street dedicated. Mr. Kleb pointed out that is what the petitioner is asking to do here.

Janis Sleeter, 5416 Maplewood Place, stated her father is James Slepicka who lives at 4606 Puffer Road. She explained that her dad is 88 years of age, and it takes him a lot longer to get anything done. Mrs. Sleeter advised that was one of the reasons she did not have a chance to meet with Mr. Rathje ahead of time regarding the position of the "Slepicka family" with regard to the proposed vacation of Puffer Road.

Mrs. Sleeter used the locator map displayed on the overhead screen to point out the section of Puffer Road that has been a dead end since 1940 when the original house on the property acquired by the Park District for the recreation center was built. There has never been anything other than that home on that property. She noted the only area that the Fire Department or Police Department would need to service north of Mr. Barr's south property line is Mr. Barr's home and garage. Mrs. Sleeter commented if Mr. Barr would agree not to put up fences or other barriers that might in any way block Police or Fire access, there is not going to be anybody else that will be affected.

Mrs. Sleeter wholeheartedly agreed that it does not make sense to vacate one half of Puffer Road and not the other half when there is nobody else to service. She also agreed that it does not make sense for the Village to have to maintain half of a road. She apologized for not having had a chance to submit a petition for vacation of the westerly 33 feet of Puffer Road. Mrs. Sleeter indicated that Mr. Slepicka would be willing to submit a petition in order to make this a request for a full width vacation of the end of Puffer Road. Mrs. Sleeter commented that any proposed sidewalks would not have to go north into Mr. Barr's property, and the street would not have to go north into Mr. Barr's property for access to anything else except his own home to which he already has access.

Mrs. Sleeter commented that there is some negotiation going on regarding lowering the Family Recreation Center's parking lot level back down. The Park Board has already agreed to put in fencing so that there would not be any pedestrian access. The school and the neighbors have said they have no objection.

Chairman Jirik advised Mrs. Sleeter that she is discussing a matter that is not in front of the Plan Commission at this time. The petition before the Plan Commission is for a vacation of the Puffer Road right of way. Chairman Jirik explained when Staff did its analysis, concerns were raised

about vacating half of a street. He emphasized that the Plan Commission does not have a petition from her father to discuss on this evening's agenda.

Chairman Jirik suggested that Mr. Barr has the ability to proceed with his petition tonight, he also has the ability to withdraw his petition without prejudice, or he could present a new petition that might address some of the concerns Staff has raised. Chairman Jirik noted that the petitioner has not yet heard the Plan Commission members' questions and concerns.

Mr. Rathje pointed out if the full width vacation were proposed, it would create a real difficult situation for the lot owned by Mr. & Mrs. Barr as its frontage would be reduced to only 33 feet. That would be a significant zoning problem for that property.

Chairman Jirik asked if it would be possible to vacate only the last ten feet of Puffer Road. Mr. Rathje stated if the goal is to preclude the Park District from ever gaining access across the property, it could probably be achieved with a vacation of one or two feet. It would not be necessary even to go to ten feet. Mr. Rathje explained the zoning on the Barr property is R-1, single family residential. The R-1 zoning district calls for a minimum lot frontage of 100 feet. The lot is already somewhat non-conforming. Mr. Rathje stated the minimum width is to be determined at the setback line that is 40 feet. Mr. Rathje pointed out the most important point to consider is the fact that there is a significant barrier being constructed on the Park District's property north of the north end of Puffer Road that was agreed to for a whole variety of reasons. Drainage was one of the reasons for it, but between the landscaping area and the raised berm to screen headlights, etc., a lot of money was invested by the Park District in order to make a good transition. Mr. Rathje emphasized the vacation of the right of way as proposed, given all of the factors that must be considered, probably is not in the best interest of the Village at large for providing services, for maintaining the pavement, etc. Mr. Rathje stated the public is going to presume that if there is a street pavement in place, whether it is on vacated right of way or not, that it is public property. Unless there is a barrier placed across it, people are going to use it. Mr. Rathje commented that he did not know if there were many people that get lost driving north on Puffer Road. Several audience members responded that there are a lot of people, and they all turn around in Mr. Barr's driveway. Mr. Rathje pointed out that vacating a section of right of way yet leaving the street pavement in place becomes a significant potential issue of liability.

Chairman Jirik asked Mr. Barr if he felt he would be really achieving his goal by vacating half of Puffer Road when there would still be half of Puffer Road that is public right of way. He asked Mr. Barr if he had had any discussions with Staff regarding other means by which his concern could be addressed. Chairman Jirik stated he understood Mr. Barr to state his concern to be that Puffer Road could become a major means of ingress and egress to the Park District's recreation center. Chairman Jirik admitted he did not have any suggestions that came to mind this evening.

Mr. Barr responded that he would be open to any ideas. Chairman Jirik advised Mr. Barr that the Plan Commission has made it a point not to vacate half of a road because it creates a very awkward situation for the remainder of the road.

Chairman Jirik explained the Plan Commission could continue the hearing for this petition to another evening. If the petitioner requests a continuance for another month, the Commission

could make a motion to grant a continuance or not. Chairman Jirik further advised that the petitioner could withdraw his petition.

Mr. Barr asked if it would be more agreeable to the Plan Commission if he and Mr. Slepicka became co-petitioners and requested a vacation of the full right of way. Chairman Jirik and Mr. Wlodek both stated that the Plan Commission could not act as an advisory board for such a question. Staff is the entity to provide guidance to a petitioner on a question such as that.

Mr. Barr asked the Chairman if the Plan Commission has in the past granted vacation of the full width of rights of way. Mr. Rathje noted that the Village has when we were dealing with an unused section of right of way, which is more the norm. The Plan Commission has worked with co-petitioners and has vacated and split unused alley and street rights of way down the middle.

Mr. Rathje commented, if Mr. Barr were to continue the hearing to a future date, we would probably not be in a much different position relative to the issue of the possibility of having a petition coming for the other side. Staff would have to start all over with the notification process because we notified for this petition based upon the premise of vacating half of the right of way. Mr. Rathje explained getting out the notices and receiving the responses is about a three month process whether it is a vacation of the full frontage or a narrow band of right of way. If it is a matter of creating a no access strip, that could be factored in a different manner in that one may be creating a lot that now has become significantly non-conforming through a specific act. Mr. Rathje expressed his opinion that the Village could have a very hard time with such a no access strip knowing that granting such a petition would create a non-conforming lot.

Mr. Barr asked Mr. Rathje, if when he refers to the Village, is he referring to the Council members? It seemed to him that the Council members would favor some sort of the lessening of the hardships. Mr. Barr suggested that the increased area could partially offset the irregular shape that his lot would become. Mr. Rathje clarified that each one of the minimum zoning requirements has to be satisfied. The minimum street frontage is a separate issue from the minimum lot area. If there is a real significant problem with minimum street frontage and the house were to burn down with that kind of a non-conformity, there could be a problem getting a permit to rebuild the house in the same way as if you had an otherwise conforming lot.

Mr. Kleb asked how that works on lots which front cul de sacs where there is just the width of the driveway at the road. Mr. Rathje explained the minimum frontage of a lot fronting a cul de sac is 45 feet at the street, and the lot has to be at the zoning district's proper width at the setback line. While the lot is pie-shaped and as narrow as 45 feet at the street, the lots are 75, 85 or 100 feet wide at the setback line.

Chairman Jirik commented that with a new petition the Staff has to go back through the notification process. Proper notification including publishing a public hearing notice in the newspaper has to be accomplished. The Plan Commission cannot proceed tonight with a revised petition because the Commission would not be hearing what the public hearing notice said the Plan Commission would be considering this evening. The choices are to proceed with this petition, to ask for a continuation of the petition or to withdraw this petition. Chairman Jirik

indicated he could not guarantee that it would be the Plan Commission's pleasure to continue this hearing to a future agenda.

Mr. Rathje stated he may have told Mr. Barr several years ago that there may be legal vehicles such as restrictive covenants and restrictive easements, and it may be possible for the property owners and the Park District to work out something where the Park District would put a restriction over the end-most section, say a strip of land that would run five feet or so on either side of the right of way for the full width which would give the two property owners alongside the rights over controlling the use of the property for purposes of access. In essence, the Park District may be able to cede away their right to ever gain access to this section of right of way and give that control to the adjacent property owners.

Mr. Wlodek suggested that the petitioner should discuss this matter with an attorney who specializes in land use matters. Acting in an advisory capacity is not a prerogative of the Plan Commission, and the Plan Commission members may be opening themselves up to personal liability. Mr. Wlodek stated he would gladly entertain a motion for continuance to allow the petitioner to consult with a private attorney.

Mr. Rathje commented if the Park District is firm on its position that it will never take access to Puffer Road, they have an attorney that may be able to work out a mutually acceptable provision. Mr. Rathje stated the Plan Commission will never be able to deal with both sides of Puffer Road under a continuation. If there is going to be a petition to vacate the full width of Puffer Road, the petition should be republished and renotified.

Mr. Kleb asked if Mr. Barr would only be allowed to request a right of way vacation of Puffer Road once. Chairman Jirik stated if the petitioner withdraws his petition he can re-apply. Mr. Kleb asked what happens if the current or new petition is recommended for denial. Chairman Jirik asked if there was a one-year waiting period before resubmittal. Mr. Rathje explained the only petition that has a one-year cooling off period is for zoning, and it limits having them file for the same exact zoning.

Mr. Barr stated he wanted to withdraw his petition for vacation of the easterly 33 feet of Puffer Road. Mr. Rathje asked Mr. Barr if he would please submit a letter affirming his request for withdrawal without prejudice made at tonight's meeting. Mr. Barr further clarified that he is withdrawing this petition so that he can refile a new petition.

**MOTION: MR. WAECHTLER MOVED WITH RESPECT TO FILE NO. 1075 THAT THE PLAN COMMISSION ACCEPT THE PETITIONER'S WITHDRAWAL OF THE PROPOSED RIGHT OF WAY VACATION PETITION WITHOUT PREJUDICE. MRS. REYNOLDS SECONDED THE MOTION.**

**ROLL CALL:**

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

**NAY: None**  
**The motion passed unanimously.**

**PUBLIC HEARING:**           **FILE NO. 1076** Planned Development Amendment  
P.D.#1 Meadowbrook Shopping Center – Amend  
Planned Development to Allow an Outdoor Seating Area  
for a Restaurant located at the southeast corner of 63rd  
Street and Woodward Avenue, commonly known as 2001  
63rd Street, Downers Grove, Illinois (PIN Nos.  
08-24-202-005,-008,-009); Arun Enterprises, Owner;  
Nick Papafotopoulos, Petitioner

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

Nick Papafotopoulos stated he is associated with Pavilion Real Estate Services and is present on behalf of both Arun Enterprises, the owner of the property located at 2001 63rd Street, known as Planned Development # 1 and Atlantis Pizza, Pub and Restaurant, Inc., the current tenant of the subject site, who will be opening a restaurant in the coming months named Liberty Pub. Mr. Papafotopoulos explained the property had housed Steven's Family Restaurant for ten years which relocated two blocks west of this site about one year ago. He advised that the owners of Steven's Family Restaurant also own Atlantis Pizza, Pub and Restaurant, Inc. They have an excellent reputation within the community as successful restaurateurs and contributors to many community events.

Mr. Papafotopoulos explained he is petitioning for an amendment to the planned development. Specifically, he is seeking permission for an outdoor seating area to be located in conjunction with the building that will be Liberty Pub. The outdoor seating area will be located in the open space that is formed by the "L" shape of the existing structure. He noted it is currently used as an enclosed garbage area and landscaped green space.

Mr. Papafotopoulos advised that the proposed area would measure approximately 39 feet by 33 feet and would hold nine tables. Each table will seat approximately 4 people. The area will be constructed with approximately 600 square feet of patio space and will be buffered by approximately 722 square feet of landscaped green space. Mr. Papafotopoulos pointed out the entire new area will be surrounded by a fence constructed of six foot brick columns and five foot wrought iron fence sections. There will be a double gate to allow exit from the patio in the event of an emergency. Mr. Papafotopoulos indicated the first gate located closest to the patio will have an alarm that will sound if it is opened. He also said the landscape buffer has been created so as to enclose the area and to insulate the surrounding neighborhood from any ambient noise or light created by the use of the outdoor seating area. Mr. Papafotopoulos pointed out that the fence has been designed with appropriate security measures in accordance with the requirements of the Liquor Commission.

With regard to local zoning regulations, Mr. Papafotopoulos stated the proposed area is immediately adjacent to the physical structure, is not located in any required yard or setback and conforms to the parking requirements. No entertainment will be allowed in the outdoor area. Mr. Papafotopoulos explained the noise from the outdoor seating area would not be such that it would be heard over the ambient noise from traffic on 63rd Street and Woodward Avenue. With regard to lighting, Mr. Papafotopoulos pointed out lighting will be by bulbs each emitting less than 150 watts. Lighting poles will be installed within the outdoor seating area to provide atmospheric lighting for the guests. This lighting will not exceed the ambient lighting provided by the streetlights on 63rd Street and Woodward Avenue or the light poles in the parking lot. Mr. Papafotopoulos expressed the opinion that neither noise nor lighting would provide a nuisance to the neighbors.

In order to accommodate the outdoor seating area and to provide a pleasant dining experience, Mr. Papafotopoulos explained the existing garbage area would be relocated. The proposed area is within the existing parking area immediately northeast of the restaurant structure. The garbage area will be surrounded by an eight-foot fence and landscaping so that it does not present an eyesore to passing motor traffic on 63rd Street. The eight-foot fence will also prevent motorists from viewing the garbage that is stored in the area.

Mr. Papafotopoulos advised that it is a concern to the owners of the property and to the owners of Atlantis Pizza, Pub and Restaurant, Inc. that any landscaping which is removed to accommodate the proposed dining area be replaced in order to keep the natural balance intact. He explained that two island structures would be constructed in the first row of parking immediately west of the building. The structures would hold various landscape greenery to further enhance the beauty of the site. Overall, the landscaped area, after the proposed dining area has been constructed and the garbage area has been relocated, will increase by 140 square feet to 16,009 square feet, or 46.9% of the project area. With regard to stormwater, Mr. Papafotopoulos stated due to the small change in landscaping and a net increase in greenery, Thomas Burke of Christopher Burke & Associates has advised him that a stormwater retention area is not required to be installed as part of this project..

With respect to the parking requirements of the new outdoor dining area, Mr. Papafotopoulos explained they are currently required to provide 52 parking spaces based on the formula provided by zoning regulations. After the improvement of the outdoor seating area, they will need to provide six additional parking spaces. Mr. Papafotopoulos pointed out the current planned development has a parking capacity of 304 spaces of which 254 are currently needed. Therefore, there is a surplus of 50 parking spaces, which is well above the number of spaces required by the addition of the outdoor seating area.

Mr. Papafotopoulos advised that since the format of Liberty Pub is to be a full-service restaurant with a full-service bar, the owners have applied for a liquor license from the Village. He recalled that the Liquor Commission conducted a public hearing in September 2001 and issued a recommendation for the issuance of a liquor license based

on the proposed site plan. He noted the liquor license application process has begun and would be completed prior to the opening of the restaurant.

Mr. Papafotopoulos thanked the Plan Commission for its time and consideration. He indicated he would be pleased to answer any questions.

Chairman Jirik asked Staff to make its presentation.

Ms. Browne stated the petitioner is seeking an amendment to Planned Development #1 to allow an outdoor seating and dining area for the freestanding restaurant located at 2001 63rd Street at the southwest corner of the intersection of 63rd Street and Woodward Avenue in the Meadowbrook Shopping Center, which was formerly known as Steven's Restaurant.

Ms. Browne advised the petitioner desires to construct an outdoor seating and dining area, which requires an amendment to the Planned Development because the Zoning Ordinance specifies outdoor cafes as an authorized Special Use in the underlying B-1 Zoning District. Within a Planned Development, the outdoor seating area is treated as an exceptional permitted use according to the provisions of Section 28-1610 of the Zoning Ordinance.

As a matter of background information, Ms. Browne explained Meadowbrook Shopping Center is actually located within two Planned Developments: Planned Development #1, which includes the former Eagle Food Store and everything to the east of it including the subject area; and Planned Development #8 which includes the remainder of the center located to the west of the former Eagle Food Store. For purposes of this petition, the project area is being defined as a portion of Planned Development # 1 located at its far northeast corner. The project area measures 195 feet east to west along 63rd Street and 175 feet north to south along Woodward Avenue. The project area is 34,125 square feet or approximately .783 acres in area.

Ms. Browne noted the existing 3,900 square foot restaurant as well as parking and landscaped areas occupy the project area. The outdoor seating and dining area is proposed to be located in an L-shaped area to the immediate south and east of the existing restaurant. The area is currently sited with landscaping and an existing enclosed garbage storage area. Ms. Browne stated in order to accommodate the outdoor dining area, the garbage storage area is proposed to be relocated to the northeast of the existing restaurant, and a portion of the existing landscaped area is to be replaced with the outdoor seating area.

The outdoor seating area is proposed to have overall dimensions of approximately 39.67 feet in width as measured east to west and 33.33 feet in depth as measured from north to south with a floor area of approximately 1,322.2 square feet, of which approximately 600 square feet is proposed to be constructed of sealed concrete to accommodate seating, and the remainder of the 722 square feet of the area is proposed to be maintained as landscaped green space.

Ms. Browne explained the outdoor seating area is proposed to be enclosed with a five-foot tall wrought iron fence. She noted the wrought iron portion of the fence itself is proposed to be five feet in height, and the piers will be six feet in height. She noted that in the Staff report she had indicated that the piers would be five feet in height.

The fence is proposed to have an emergency exit gate located at the south side of the outdoor seating area comprised of an inner and an outer gate. The inner gate is proposed to be equipped with emergency exit panic hardware that will sound an alarm if an attempt is made to open it.

With respect to the setback of the fence and the setbacks of the outdoor seating area, Ms. Browne explained as measured from Woodward Avenue there will be a setback of 79.3 feet, equal to that of the existing restaurant. The setback is more than three times the minimum 25-foot setback requirement of the underlying B-2, General Retail Business Zoning District.

With respect to the garbage storage area, Ms. Browne stated it is proposed to be relocated to an area within the existing parking area to the northeast of the restaurant so that it is more remote from the outdoor seating area. The garbage storage area is proposed to be enclosed with an eight-foot tall solid board on board fence. The setbacks of the relocated garbage storage area are proposed to be 37.61 feet as measured from 63rd Street, and 56.43 feet as measured from Woodward Avenue. Both of these front setbacks exceed the minimum requirement of 25 feet.

Ms. Browne noted the landscape plan for the project area has been reviewed by the Village Landscape Specialist, Todd Jacobson, who indicated that the design of the landscaped area should provide adequate screening and should also enhance the aesthetics of the site.

In terms of the percentage of green space, Ms. Browne explained of the 34,125 square foot project area, approximately 15,769 square feet, or 46.21%, is currently improved as landscaped green space. Although some landscaping is being converted to hard surface, but the petitioners are proposing to construct new green space areas in the parking lot to the west of the existing restaurant. There will be a net increase of approximately 240 square feet of green space for a total of over 16,000 square feet of green space, or 46.91% of the entire project area.

With respect to parking requirements, Ms. Browne noted the restaurant and the outdoor seating area are assessed at a rate of one space for every 100 square feet of floor area, except that the lounge or bar area within the restaurant is assessed at a rate of three spaces for every 100 square feet of floor area.

Ms. Browne noted the lounge area has been calculated as the 18 foot by 34-foot area immediately adjacent to and including the service bar, for an area of 612 square feet which requires 19 parking spaces. The remaining 3,288 square feet of the restaurant and

the 600 square feet of the proposed outdoor seating area yield a parking requirement of 39 parking spaces. The total required parking for the project area is 58 spaces.

Ms. Browne explained parking requirements within a Planned Development are assessed on an overall site basis according to the various uses within the development. The portion of the Meadowbrook Shopping Center within Planned Development #1 has 354 existing parking spaces, of which 246 are required to accommodate the other uses within that portion of the development. This requirement includes the vacant retail spaces, which were assessed at the normal parking rate of one parking space for every 300 square feet of floor area.

Including the parking requirement of 58 spaces for the restaurant, lounge and outdoor seating area within the project area, the total required number of parking spaces for the commercial portion of Planned Development #1 is 304 spaces, yielding a surplus of 50 spaces within the Planned Development.

With respect to stormwater management, Ms. Browne noted the Village's engineering consultants, Christopher B. Burke and Associates, has indicated that the proposed construction of the outdoor seating area will not require the installation of stormwater detention facilities due to the small project area, as well as the increase in pervious green space area through the installation of the new landscaped areas within the parking lot.

With respect to signage, Ms. Browne indicated as part of the remodeling of the restaurant, no new freestanding signs are proposed. Rather, the sign faces of the existing freestanding sign located generally to the northeast of the structure are proposed to be changed to reflect the new restaurant and lounge. Additionally, the signage on the building's facade will be designed in conformance with the requirements of the underlying B-2, General Retail Business zoning district.

Ms. Browne explained as part of the remodeling of the restaurant into a restaurant with a lounge that will serve alcoholic beverages, the petitioner will be required to apply for and receive a Village Liquor License. The Liquor Commission conducted a public hearing on September 6, 2001, and based upon the proposed site plan and operational plan, the Commission did recommend that the Mayor issue the Liquor License upon submittal of the required application documents and filing fee.

Section 28-1006 of the Zoning Ordinance establishes certain use regulations regarding outdoor seating and dining areas. The regulations are as follows:

- (a) The required parking for the cafe shall be based on the gross floor area thereof and shall conform to the number of spaces required pursuant to Article XIV for "Establishments dispensing food or beverages for consumption on the premises other than restaurants with lounges" if no alcoholic beverages are served, or to the requirements for "Restaurants with lounges" if alcoholic beverages are served.**

As previously indicated, the parking requirements will be exceeded by 50 spaces.

**(b) The outdoor cafe area shall not be located in any required yard or setback.**

Ms. Browne said the required setback of 25 feet as measured from the front property line will be exceeded as measured from both 63rd Street and Woodward Avenue.

**(c) Lighting which is directly related to the operation of the outdoor cafe shall be directed away from adjacent properties in such a manner as shall not create a public nuisance.**

Ms. Browne stated it is Staff's opinion that the lighting of the outdoor seating area should not create a public nuisance.

**(d) No entertainment shall be permitted.**

Ms. Browne commented that the petitioner understands this obligation.

**(e) The outdoor cafe area shall be immediately adjacent to the principal restaurant building.**

Ms. Browne said the outdoor seating area is proposed to be located immediately adjacent to the principal restaurant building, with access to the outdoor seating area being gained through the restaurant except in the case of an emergency when the emergency exit on the south could be utilized.

**(f) The outdoor café area shall conform to a site plan and elevation drawings that shall depict vegetation or other screening or reasonable distance from adjacent properties so that noise from the cafe area shall not create a public nuisance.**

Ms. Browne pointed out the petitioner has taken the necessary steps to design and locate the outdoor seating area in a manner that will not create a public nuisance.

Ms. Browne concluded that the Planning Staff would recommend that the Plan Commission forward a positive recommendation to the Village Council that the petitioner's request for the planned development amendment be granted as depicted on the submitted site plan, landscape plan, and building elevation drawings.

Ms. Browne advised that she would be pleased to answer any questions from the Plan Commission members.

Chairman Jirik asked if there was anyone in the audience who wished to speak regarding this petition.

Tessa McGuire, 4910 Cornell, Downers Grove, asked if the outdoor seating area will change their liquor service. Ms. Browne responded that the liquor license submittal was

based upon this proposal. Mrs. McGuire indicated she thought the proposed outdoor seating was awesome. She has four children and loves the idea.

John Borrows, 6228 Pershing, Downers Grove stated his property is on the corner of Pershing Road and 63rd Street, right across the street from the Meadowbrook Shopping Center. Mr. Borrows asked what the proposed hours would be for serving liquor in the outdoor area. Ms. Browne deferred to Mr. Papafotopoulos who advised that they are not planning on staying open past midnight. Mr. Borrows stated he understood that this is being called a restaurant and a pub. He asked if it was really a sports bar. Mr. Papafotopoulos responded that it is a restaurant and pub, and there will not be a sports theme.

Mr. Borrows stated he has lived at this address for the last 25 years. He commented that in the last ten years the sidewalk in front of the Meadowbrook Shopping Center on 63rd Street is always littered with trash. You will see liquor bottles, wine bottles, beer cans, candy wrappers, McDonald's debris, etc.. The trash continues down Belmont Road, down Woodward Avenue. Mr. Borrows stated the area looks like Madison Street in Chicago. Mr. Borrows expressed his opinion that the people who create this type of trash will be the customers using the outdoor seating area. Mr. Borrows stated a lot of things would be thrown over the five-foot fence that the petitioners plan to install. Mr. Borrows pointed out this outdoor seating area will attract the younger crowd which in his opinion is people under 35 years of age. Mr. Borrows commented that he has called the management of the shopping center at least a dozen times asking them to put some type of fence at the bottom of the hill to stop all the trash from coming across 63rd Street. If there is a southerly or westerly wind he collects half a garbage can of debris a day. He asked if the customers in the outdoor seating area would get boisterous. He commented that drinking and boisterousness go together. He expressed the opinion that it will not be a family type restaurant.

Mrs. McGuire commented that she would bring her family there. Mrs. McGuire stated her son goes to Great Escape Pre-school which is in this area and her nail salon is in this shopping center. She is in and out of the center all the time. She expressed the opinion that this would be such a benefit for the area. The center has been losing tenants ever since Stevens Restaurant moved several blocks west. The opening of this renovated restaurant with an outdoor seating area will attract other businesses into the shopping center.

Hearing no further comments or questions from the audience, Chairman Jirik closed the public participation portion of the public hearing.

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

Mr. Wlodek stated his belief that the law does not allow the Plan Commission to make determinations to approve or disapprove the type of business because of anticipatory fear of what might or might not happen at some time in the future. It is a matter of policing by

the owner of the property to see to it that minimum standards are met in order to comply with Village requirements for neatness, cleanliness, noise abatement, etc. If violations of those requirements occur in the future, the owners will be subject to disciplinary action.

Mrs. Reynolds emphasized that it is the business owner's responsibility to make sure that the area is kept up.

Mr. Stark asked the petitioner if the outdoor seating area is going to be a beer garden. Mr. Papafotopoulos responded that it would just be a way to enjoy the outside weather. Mr. Papafotopoulos stated they would be serving food throughout their business hours. They would not close the kitchen and then continue to sell alcohol. He commented that they are a restaurant that has applied for and received approval of a full service liquor license.

Mr. Soumbakopoulos stated he is one of the owners of the restaurant and indicated they would strive to keep the restaurant trouble-free because trouble is not good for business. They want this restaurant and patio area to be a family place.

Chairman Jirik referred to the Staff Findings and asked Ms. Browne to confirm that no entertainment means no music and no speakers. She agreed. Chairman Jirik noted the building itself is a noise barrier. He also pointed out there is an obligation on the owner's part to make sure liquor does not go over the fence. Violations could result in suspension of the liquor license.

Chairman Jirik asked if the business would do carryout, and Mr. Papafotopoulos responded carryout food but not carryout liquor.

Mr. McCormick stated that he sees the renovated restaurant and proposed outdoor seating area as a boon for the Meadowbrook Shopping Center, and Mrs. Reynolds concurred. Mr. McCormick noted the center has fallen on hard times with the Eagle Grocery Store moving to Westmont and Stevens Restaurant moving west on 63rd Street to Woodridge. He commented that this is a very good plan.

Mr. Waechtler asked the petitioner for clarification regarding ownership and whether he has another business elsewhere. Mr. Papafotopoulos stated he has his own company, Pavilion Real Estate Services, and he was brought on as the petitioner. He further explained that Stevens Family Restaurant used to be in this building. Now there is a new corporation, Atlantis Pizza & Pub, which has the same owners as Stevens Family Restaurant. They will be operating Liberty Pub at this location. He reiterated that the owners have been established in Downers Grove for the past ten years. Mr. Waechtler asked for clarification of Arun Enterprises. Mr. Papafotopoulos explained Arun Enterprises is the property owner of the Meadowbrook Shopping Center.

Mr. Waechtler asked Ms. Browne how many handicap parking spaces will be provided. She responded that two handicapped spaces are shown on the site plan and indicated the number of parking spaces is based on the number of seats in the restaurant itself. She noted that upon submission of a building permit application, The Code Services

Department is responsible for making sure that the number of handicap parking spaces meets the applicable code requirements. Mr. Waechtler commented that two parking spaces out of 58 did not seem like very many handicap parking spaces.

Mr. Waechtler asked Staff for clarification regarding the status of the stormwater management permit application referred to in Mr. Burke's letter of March 19, 2002. Ms. Browne explained that while the petitioner will not be required to provide stormwater detention because he is paving over a very small area and increasing the pervious area on the site by creating more landscaped area, he still needs to complete and submit the stormwater application so that Christopher B. Burke Engineering can have the site plan in their review file. Upon receipt of the application, Burke Engineering will provide the necessary review letter to the Village so that the building permit can be issued..

Mrs. Reynolds recalled that this is not the first time the Village has granted approval for an outdoor seating area.

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

**MOTION: MR. WLODEK MOVED WITH RESPECT TO FILE NO. 1076 P.D. #1 MEADOWBROOK SHOPPING CENTER THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL THAT THE PETITIONER'S REQUEST FOR THE PLANNED DEVELOPMENT AMENDMENT FOR AN OUTDOOR CAFE BE GRANTED AS DEPICTED ON THE SUBMITTED SITE PLAN, LANDSCAPE PLAN AND BUILDING ELEVATION DRAWINGS. THIS RECOMMENDATION IS BEING MADE AS THE PROPOSED PLANNED DEVELOPMENT AMENDMENT HAS BEEN PREPARED IN A MANNER WHICH IS CONSISTENT WITH AND IS COMPLIMENTARY TO THE OVERALL PLANNED DEVELOPMENT SITE PLAN AND WITH THE REQUIREMENTS OF THE UNDERLYING B-2, GENERAL RETAIL BUSINESS ZONING DISTRICT. THE PROPOSED SITE PLAN IS ALSO CONSISTENT WITH THE PROVISIONS OF SECTION 28-1006 OF THE ZONING ORDINANCE PERTAINING TO OUTDOOR SEATING AND DINING AREAS, AS WELL AS THE PROVISIONS OF SECTION 28-1610 OF THE ZONING ORDINANCE PERTAINING TO EXCEPTIONAL PERMITTED USES WITHIN PLANNED DEVELOPMENTS. MR. MCCORMICK SECONDED THE MOTION.**

Chairman Jirik asked if there was any discussion regarding the motion. There was none.

**ROLL CALL:**

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

**NAY:** None

**The motion passed unanimously.**

Mr. Waechtler asked the petitioner to provide more than two handicap parking spaces if at all possible. The owner indicated there was a mistake on the plans. There will be two more handicap parking spaces in the front of the building for a total of four handicap parking spaces.

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 agenda is published on Fridays in the Village Corner page of the Downers Grove Reporter.

Chairman Jirik stated the Plan Commission wants to recognize Mr. Wlodek's contributions to the Plan Commission during his 18 year tenure. His dedication as an unpaid volunteer and his willingness to give back to his community is recognized and affirmed. Chairman Jirik wished Mr. Wlodek well on behalf of himself and the Plan Commission members.

Mr. Wlodek thanked the Chairman for his comments. Mr. Wlodek stated he loves Downers Grove from the bottom of his heart. It has been his home for the last 21 years and he felt that his service on the Plan Commission had helped him add to the quality of the Village. Mr. Wlodek recalled he consistently voted no on the Homart project at 31st and Highland, and that project was never built. Mr. Wlodek indicated his decision not to seek another term was to provide an opportunity to make a contribution for someone younger with the same type of vitality he had 18 years ago. Mr. Wlodek recognized the Commissions two new members. He extended good wishes and thanked all the Plan Commission members.

As there was no further business, Chairman Jirik called for a motion to adjourn. **Mr. Wlodek moved to adjourn the meeting, and Mrs. Reynolds seconded the motion. The motion passed unanimously.**

The meeting adjourned at 9:05 p.m.