

Chairman Pro Tem McCormick called the November 4, 2003 meeting of the Plan Commission to order at 7:35 p.m.

#### ROLL CALL

PRESENT: Mr. Griesbaum, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mrs. Reynolds, Mr. Stark, Mr. Waechtler, Chairman Jirik (arrived 8:40 p.m.)

ABSENT: Mr. Kahlke

#### STAFF

PRESENT: Joseph Skach, Director Planning & Community Development  
Amanda Browne, Planner  
Keith Sbiral, Planner  
Alice Dornan, Recording Secretary

Chairman Pro Tem McCormick stated the draft minutes of the October 7, 2003 meeting need to be reviewed and approved. He asked if there were any additions, deletions or corrections to the minutes. Mr. Waechtler noted on Page 23 Mr. Walback's name is misspelled. The correct spelling is Waldack. **MR. GRIESBAUM MOVED TO ACCEPT THE MINUTES OF OCTOBER 7, 2003 AS CORRECTED, AND MR. MATEJCZYK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.** Mr. Griesbaum commented on the excellent job done by the Recording Secretary in transcribing a very long, detailed meeting.

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

Chairman Pro Tem McCormick continued, second, Village Staff presents its technical review and recommendations. The third step, the public participation portion of the hearing, is the time for those present who desire to speak to be heard. Chairman Pro Tem McCormick pointed out the proceedings are recorded in the form of minutes. He encouraged those wishing to speak to speak clearly and slowly so that detailed minutes can be provided. He explained those wishing to testify should state their name and address before beginning their testimony. Chairman Pro Tem McCormick asked those planning to speak to limit their comments to three minutes. He further advised that when everyone has had an opportunity to speak, people may speak for a second time as long as they do not repeat what previous speakers have said.

Chairman Pro Tem McCormick stated the final step is the Plan Commission's deliberation of the petition. Plan Commission members can and may ask questions of anyone who speaks regarding the petition so that they can fully understand an issue or concern.

Chairman Pro Tem McCormick pointed out packets of information regarding this evening's petition are available at the front table. Chairman Pro Tem McCormick explained there are three items on this evening's agenda. Chairman Pro Tem McCormick noted with respect to all three petitions on the agenda, the Plan Commission would be forwarding recommendations to the Village Council for their consideration. Chairman Pro Tem McCormick explained the recommendations could take one of three forms; recommend approval as presented, recommend approval with changes or recommend denial.

Chairman Pro Tem McCormick advised that the agenda order is going to be changed. File No. 2006 will be heard first because the petitioner has requested a continuance to the December 2, 2003 meeting of the Plan Commission.

**PUBLIC HEARING: FILE NO. 2006 LOT SPLIT** - A petition seeking a lot split including a request for a lot depth exception for the west lot. Property located on the northwest corner of Blanchard and Middaugh Streets, commonly known as 1312 Blanchard Street, Downers Grove, IL (PIN 09-18-202-038); Robert D. and Carol N. Baker, Owners, Robert D. Baker, Petitioner **PETITIONER HAS REQUESTED A CONTINUANCE TO THE DECEMBER 2, 2003 MEETING OF THE PLAN COMMISSION.**

Chairman Pro Tem McCormick suggested that a motion to grant the petitioner's request would be appropriate at this time.

**MOTION: MR. WAECHTLER MOVED WITH RESPECT TO FILE NO. 2006 LOT SPLIT, THAT THE PLAN COMMISSION GRANT THE PETITIONER'S REQUEST TO CONTINUE THE PETITION TO THE DECEMBER 2, 2003 PLAN COMMISSION MEETING. MR. MATEJCZYK SECOND THE MOTION.**

Chairman Pro Tem McCormick asked if there were any questions or comments regarding the motion. Hearing none, he called for the vote.

**ROLL CALL:**

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

**NAY: None**

**The motion passed unanimously.**

**PUBLIC HEARING: FILE NO. 2005** – A petition seeking 1) annexation into the Village; 2) subsequent rezoning from County R-4, Single Family Residence to Village R-5A, Townhouse Residence District; and 3) Preliminary Plat approval for The Villas of Maple Woods Subdivision. Property located on the south side of Maple Avenue,

approximately 300 feet west of Chase Road, commonly known as 2323 Maple Avenue and the vacant parcel immediately west thereof, Downers Grove, Illinois (PIN Nos. 08-13-107-008,-009 and 08-13-205-001; Joe and Sharon Moss, Owners of 2323 Maple Avenue and Dave and Al Gonda, Owners of the vacant parcel; Sievers Development Company, Inc./Petitioner

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

Ronald Sievers, President Sievers Development & Construction Company, Inc., 5201 Walnut Avenue, Downers Grove, explained they are the contract purchasers for the referenced property currently owned by the Gondas and the Mosses. Mr. Sievers stated this is their newest project within the Village of Downers Grove. It is currently being called the Villas of Maple Woods. Mr. Sievers explained the project consists of approximately 8.2 acres on which they are proposing to build a 39 unit upscale townhome development similar in concept and design to the Villas of Bending Oaks located just north of this property. Mr. Sievers said he is respectfully requesting annexation into the Village of Downers Grove, subsequent zoning from County R-4 to Village R-5A, Townhouse Residence District and preliminary plat approval. Mr. Sievers advised they are requesting certain exceptions to the Subdivision Control Ordinance and would like to discuss those items with the Plan Commission tonight. Mr. Sievers thanked the Plan Commission for its consideration.

Chairman Pro Tem McCormick asked Staff for its presentation.

Ms. Browne explained the petitioner is seeking annexation into the Village from DuPage County, rezoning to R-5A, Townhouse Residence District upon annexation, and preliminary plat approval for 11 lots including one lot for detention. The subdivision is intended to be developed with a maximum of 10 buildings for a total of 39 townhouses similar in layout and design to the petitioner's approved Villas of Bending Oaks subdivision which is located to the north of the subject property.

The preliminary plat of subdivision depicts the dedication and construction of a new cul-de-sac street, Durand Drive/Court, stemming south from Maple Avenue. The cul-de-sac is proposed to be u-shaped, with an overall length of approximately 860 feet as measured from its intersection with Maple Avenue to the center of the cul-de-sac turnaround. The preliminary plat also proposes the dedication and improvement of the existing Janes Avenue right-of-way on the petitioner's property stemming approximately 160 feet south from its intersection with the proposed cul-de-sac street and connecting to the dedicated but unimproved Janes Avenue right-of-way located to the south of the subject property and in DuPage County. This right-of-way intersects with College Road approximately 200 feet south of the subject property, but is currently not improved or usable as a local street at this time.

With respect to the Future Land Use Plan, Ms. Browne advised the property is designated as Residential at 0-6 dwelling units per acre which corresponds to our single-family residential classifications of R-1 through R-4. Consequently, the petitioner's request to

rezone the property to R-5A is not consistent with the Future Land Use Plan, as it constitutes a maximum density at 6-11 dwelling units per acre. Ms. Browne noted, however, from a density standpoint as noted in the Staff report the 39 townhomes proposed would constitute an effective density of 4.75 dwelling units per acre. As also outlined in the Staff report, Ms. Browne advised this area was discussed in Strategic Land Use Planning Workshop discussions between the Plan Commission and the Economic Development Commission. The Subcommittee did concur that this area along the Maple Avenue west corridor may be appropriate for consideration of 6-11 dwelling units per acre so long as that designation did not extend any further west than Elinor Avenue nor any further south than College Road, which would include the subject property.

With respect to the bulk characteristics, Ms. Browne indicated no exceptions from the bulk characteristics of the Zoning Ordinance or the Subdivision Control Ordinance are being requested. All 11 lots, including the stormwater detention lot would meet or exceed minimum lot area, lot width and lot depth requirements.

With respect to site engineering and streets, Ms. Browne stated the petitioner is proposing to dedicate an additional 17 feet of land to the Maple Avenue right-of-way and is also proposing to construct a 5-foot wide public sidewalk adjacent to the Maple Avenue frontage of the subject property. No other public improvements are required of the petitioner for the Maple Avenue frontage.

With respect to the proposed cul-de-sac street, Ms. Browne advised the petitioner is requesting the following exceptions: first, to allow a 50 foot right of way width with ten foot wide permanent public easements on private property on either side of that right of way; second, the sidewalks are proposed to be located outside of the right of way within the ten foot wide public easements on either side of the right-of-way; third, the sidewalks are also proposed to be 4.5 feet in width in lieu of the minimum requirement of 5 feet; fourth, the street pavement is also proposed to be 29 feet wide in lieu of the minimum requirement of 30 feet; fifth, the petitioner is requesting to be allowed to construct a continuous mountable curb in lieu of the required barrier curb design.

With respect to the proposed Janes Avenue right-of-way, Ms. Browne stated the petitioner is also requesting certain exceptions. First, to allow a right-of-way width of 60 feet to match the existing dedicated but unimproved Janes Avenue right-of-way which extends from the south of the subject property; second, to allow the 29 foot wide street pavement; third, the curbs are proposed to be a mountable curb design in lieu of the required barrier curb design; and fourth, the sidewalks are proposed to be 4.5 feet in width in lieu of the minimum required 5 feet similar to the cul-de-sac street.

Ms. Browne advised that Public Works has reviewed the petitioner's preliminary subdivision plat and preliminary engineering plans, and they are satisfied that the plans substantially meet the Village's standards for preliminary plat approval as presented, with the exception of an issue pertaining to a storm sewer on Lot 9 which is located partially outside of the easement as indicated on the preliminary plat. Public Works is requesting that this be resolved prior to submission of the final plat of subdivision.

With respect to the proposed public improvement exceptions, Ms. Browne stated the 4.5 foot wide sidewalks are not recommended to be approved. It is also recommended that additional information be provided regarding the justification and the rationale for the requested curb design prior to consideration of a final plat of subdivision. Ms. Browne noted there is no objection to the proposed reduced right of way for the cul-de-sac street given that the sidewalks are proposed to be constructed within the permanent public easement on both sides of the right-of-way nor is there any objection to the one-foot exception for the street pavement.

With regard to traffic, Ms. Browne stated the proposed entry/exit into the subdivision would be from Maple Avenue. The Janes Avenue right-of-way, which is located to the south of the subject property, is established but is not currently improved to be usable for traffic that would be expected from this type of development. Ms. Browne advised that the Traffic Division reviewed the proposed plans and has recommended certain items be addressed prior to consideration of final plat approval: First, that a Traffic Impact Analysis be submitted; Second, that serious consideration be given to constructing three lanes at the intersection of the new cul-de-sac street at Maple Avenue; one inbound lane, one outbound left-turn lane, and one outbound right-turn lane; Third, that the exit onto Maple Avenue be signed to restrict westbound left turns out of the development during peak traffic periods; Last, that evidence of concurrence from the DuPage County Department of Transportation should also be provided prior to submission of a final plat.

Ms. Browne noted, additionally, because the Janes Avenue right-of-way to the south of the subject property is not under the jurisdiction of the Village, should it be subsequently improved by the County or Lisle Township in the future, it is also recommended that serious consideration be given to restricting access to south-bound Janes Avenue and consequently to College Road during off-peak times to minimize traffic impacts on the nearby single family residential areas.

With respect to stormwater management, Ms. Browne stated the petitioner is proposing to create a lot, which is noted as Lot 8 on the plan, to fully accommodate site stormwater in a detention basin. The Stormwater Management Division has reviewed the proposed plans, and concurs that the plans substantially meet the Village's standards for preliminary plat approval.

With respect to Forestry/Landscaping, Ms. Browne explained the Forestry Division commented that any desirable trees are encouraged to be saved and integrated into the site plan. If removal is necessary, replacement is strongly recommended. As part of any subsequently proposed final plat of subdivision, certain Forestry related items would be required to be addressed.

With respect to School and Park District Donations, Ms. Browne indicated, because the plat being considered is preliminary in nature and not a request for final plat approval, the required school and park district donations would not be calculated at this time. They would be calculated and required to be paid prior to final plat approval. The donations would subsequently be confirmed upon application for building permits.

In conclusion, Ms. Browne stated the Staff Development Team recommends that the Plan Commission consider forwarding a positive recommendation to the Village Council regarding the petition, subject to the conditions as outlined in the Staff report.

Chairman Pro Tem McCormick asked if there were any members of the public who wished to comment for or against this petition. Due to the large number of audience members present regarding this item, Chairman Pro Tem McCormick asked that comments be limited to five minutes or less. He further asked anyone speaking to not repeat what had been said in previous testimony, as the Plan Commission wants to hear new questions and/or comments.

Steve Creagan, 2400 College Road, Downers Grove, stated he has property adjacent to the proposed Janes entrance to this site. Mr. Creagan stated he had some serious problems with limiting westbound exits onto Maple Avenue at peak traffic times because he feels all it will do is force the traffic down into the residential area. Mr. Creagan asked how they are going to address limiting access onto Janes Avenue and into the College Road area. Mr. Creagan stated he did not see any need to change the zoning. In his opinion, a developer could go in there and make plenty of money with single-family homes. Mr. Creagan noted large homes are being torn down in the area now and larger homes are being built. Mr. Creagan indicated it seemed to him to be a very dense area. He noted Staff is calling it a buffer, but now we are looking at 20 feet off of a lot line from a back yard to a back yard in an area where most of the lots are 200 feet deep. Mr. Creagan stated if they are going to improve Janes Avenue, there are some serious drainage issues that need to be addressed. Mr. Creagan commented he originally thought he was going to be in favor of this, but looking at what is going to happen he is going to definitely push our Township Commissioner to deny access if at all possible to Janes Avenue unless something can be done to assure the neighbors that traffic will be limited and also that the large parkway trees are not going to be destroyed. Mr. Creagan asked for assurances as to how they are going to protect the trees and specifically, one oak tree that is so large two people can barely reach around the trunk. Mr. Creagan noted that the County went to pains to protect that type of tree on Hobson Road. He would like to see that done here. Mr. Creagan asked if there would be some kind of a privacy fence or a larger buffer area where the proposed lots back up to the single family residential area in order to soften up the transition between the two-story townhouses and one-story ranch style homes.

Chairman Pro Tem McCormick asked Mr. Creagan for the record if he was talking about proposed Lots 3, 2 and 1, and Mr. Creagan agreed. Mr. Creagan indicated he did not want to see any landscape or green space reduced there; if anything, it should be increased. Mr. Creagan stated he wanted to know what they are going to do about sidewalks on Janes Avenue. He noted it really does not match the rest of the residential area where there are no sidewalks or curbs. Mr. Creagan indicated it would look stupid at his house to have a curb and a sidewalk on one side and a ditch with no sidewalk on the other. Mr. Creagan stated if we are going to do this we have to transition intelligently between the two areas. Mr. Creagan commented that he personally would have liked to

have seen the petitioner go to the County to change the zoning and then annex into the Village.

Mr. Creagan asked if sewer would be brought down Janes Avenue or is that going to be left to some day when the County or somebody brings sewer through. He wondered if he would have to live through Janes Avenue being torn up twice. Mr. Creagan stated if sewers are going to be included in the townhouse development, the petitioner might as well bring it down where they are improving it and just do this once.

Mr. Creagan concluded by stating he respected the Plan Commission for giving the residents time to speak their minds.

Linda McLaughlin, 2420 College Road, Downers Grove, stated she and her husband own property right next to the Creagans. They are cautiously optimistic that this will be a good thing for their neighborhood. Two major concerns they have involve traffic and stormwater run-off. Mrs. McLaughlin indicated they are in an unincorporated area and do not have storm sewers. She noted it is a pretty difficult balance in there right now as far as getting the ditches to flow freely. They do not need any additional water dumped into their back yards. Mrs. McLaughlin asked whether Janes Avenue would go all the way through to College Road. Ms. Browne responded the petitioner's improvements would end at the southerly edge of his property. The right-of-way for Janes Avenue does exist further south of the subject property, but it is under the jurisdiction of the County. No improvements are proposed for that right-of-way beyond the subject property. Mrs. McLaughlin stated that would be a second concern if there would be the potential of several hundred more cars going up and down a street that was not made for that kind of traffic. Mrs. McLaughlin reiterated that they are cautiously optimistic that Mr. Sievers will be a good neighbor.

Mark Sandberg, 2404 Maple Avenue, Downers Grove, stated he lives just to the north of the subject property. Mr. Sandberg stated his concern is the location of the recommended left turn lane onto Maple Avenue and asked who will have to give up property to make that left turn lane. Ms. Browne clarified that it would be within the right-of-way being dedicated by the petitioner. The Village is recommending that the petitioner consider as part of the final plat approval that a three-lane entrance be installed on the petitioner's property. Mr. Sandberg expressed concern regarding under ground water flow and stated he has a sump pump. Currently he does not have a big issue with basement flooding or sump pump activity. Mr. Sandberg indicated he wanted something done to reassure him that when the foundations are put in directly across the street from his area that they do not end up with flooding basements.

Donna Sandburg, 2404 Maple Avenue, Downers Grove stated she and her husband live directly across the street from the northwest corner of the subject property. Mrs. Sandburg stated the land between her house and the house to the east of their property is quite low, and there is a culvert that runs under the road, which is often wet now. With a retention pond being proposed directly across the street, she expressed concern that they would have continuous runoff between those homes and make that area totally

inhabitable. Mrs. Sandberg asked that the stormwater management be very carefully looked at for what the impact will be downstream from the site. Mrs. Sandberg commented that she liked the cautiously optimistic point of view. She said she was also very glad to hear that the Village's consideration of changing zoning would end at Elinor and College.

Mrs. Sandberg then presented a historical perspective of the area. She said she was very involved in the Belmont Area Homeowners Association 17 years ago when the water mains were installed in the area. She remembers being at the Village Hall and seeing a 20-year long-range Downers Grove Zoning Map of their area. She recalled that she was shocked to see that the area where she lives was already zoned multi-family. Mrs. Sandberg expressed interest in seeing that Zoning Map to see if that is still the case. At that point, it was always intended that the land between Maple Avenue and the Industrial Park would be the buffer. At that time it was already zoned multi-family. It was an assurance that would be the buffer and the land south of Maple Avenue would always remain residential. Mrs. Sandberg indicated they accepted the fact that where they live that was what would happen. Now only two lots away from their property is Sievers' Villas of Bending Oaks. Mrs. Sandberg advised they are nice neighbors, but she is concerned for the rest of the neighborhood. She acknowledged that it does not affect her because she lives on the north side of Maple Avenue, but she is concerned for the rest of the people who put their faith in those statements made all those many years ago. If indeed, the Village were intending on just dealing with this piece of property and going no further and if the Sievers project would be a good neighbor, she would then be cautiously optimistic. She asked that the Village not consider going any farther without really hearing from the rest of the residents.

Bruce Johnson, 5850 Chase Avenue, Downers Grove, stated he was not familiar with the format of these meetings and asked if he directs his questions to the Staff or could he even expect answers during this portion of the public hearing. Chairman Pro Tem McCormick stated any questions would be addressed after everyone's testimony. Mr. Johnson asked if it was possible for the Plan Commission to approve the plan with changes. As an example, Mr. Johnson indicated he saw absolutely no reason for the Janes Avenue access road being built up to the lot line on the south side of the property, especially because there is no access being made into College Avenue. Mr. Johnson also provided a historical perspective. Ten to fifteen years ago, they were having traffic problems on Chase Avenue. Mr. Johnson advised that Chase Avenue has turned into a semi-Belmont Road because a lot of people who do not want to get onto Belmont Road use Chase Avenue. The DuPage County Sheriff's Department did a study regarding traffic volume and speeds. Mr. Johnson stated he spoke to a representative of the Sheriff's Department who told him the average speed on Chase Avenue was about 37 miles an hour which is considerably above the speed limit. Mr. Johnson stated Chase Avenue runs through a residential neighborhood, and there are no sidewalks. Mr. Johnson indicated he feels there was absolutely no reason for there to even be a road hinting that access could be granted to Janes Avenue. Mr. Johnson requested if the Plan Commission decides to recommend approval of this preliminary plat of subdivision, that the recommendation include a provision that there be no road built there with the intent

that it never be allowed to have access to Janes Avenue. Mr. Johnson acknowledged that he did not know if the Plan Commission could do that and asked if the Commission could do that.

Chairman Pro Tem McCormick responded to Mr. Johnson's first question of whether or not the Plan Commission can recommend approval with changes, and he responded yes. Mr. Johnson asked if the Plan Commission could demand changes. Chairman Pro Tem McCormick further explained that the Plan Commission could recommend that the Council approve the Preliminary Plat with recommended modifications.

Mr. Johnson advised the Plan Commission members that if they lived in this area they would all understand why you have traffic concerns expressed by everyone who has testified. There are a lot of cars driving very fast on very narrow roads without sidewalks, children waiting for school buses, and for the safety of the people who live in the area, to preserve the nature of the single family, large lots, fairly rural feeling, he requested that the Plan Commission not allow the petitioner to build this with the southern access road to Janes Avenue included.

Chairman Pro Tem McCormick clarified that the Plan Commission does not approve Plats of Subdivision. They send a recommendation to the Village Council who has final approval. He further elaborated that the Plan Commission has three choices; to recommend approval, to recommend approval with modifications or to recommend denial.

Aaron Kinney, 2407 Maple Avenue, Downers Grove stated they are directly on the northwest corner of the property. She commented that the property line between the subject property and her property actually goes through their driveway. They would like to know what the petitioner would do with their driveway. She asked if the petitioner is going to do what the Park District did on Belmont Road. As a good neighbor, the Park District built retaining walls and new driveways for the residents to the south of the Park District's Fitness Center. Mrs. Kinney stated half of their driveway would be torn up, and they would like to know what the petitioner plans to do about that. Chairman Pro Tem McCormick explained that the Commission gathers all the questions from the residents' testimony and after the public participation portion of the meeting is closed, the petitioner and/or Staff will address the questions.

Chairman Pro Tem McCormick asked if there was anyone else who wished to speak. Hearing no further response, Chairman Pro Tem McCormick closed the public participation portion of the meeting.

Chairman Pro Tem McCormick clarified for the members of the audience that the Plan Commission is only considering the zoning and the preliminary plat of subdivision for this property. They are not considering zoning on Elinor or Chase or anything not within the subject property. The Plan Commission is limited to the zoning and the petition for preliminary plat approval for this subdivision.

Mr. Waechtler clarified that the request this evening is for preliminary plat approval and not final plat approval. Chairman Pro Tem McCormick concurred.

Chairman Pro Tem McCormick asked the petitioner to address the questions presented by the audience here this evening.

Mr. Sievers stated a considerable number of questions focus on the extension of Janes Avenue. As was pointed out by Staff, the proposed improvements currently stop at the property line. Mr. Sievers stated if the Village of Downers Grove would accept it, he would be willing to eliminate his section of Janes Avenue altogether and not even have any connection whatsoever to the existing Janes Avenue to the south of the subject property. Mr. Sievers indicated his belief that would solve the neighbors' issues. Mr. Sievers referred to the Staff report that talked about the possibility of a three-lane turning section out onto Maple Avenue. Mr. Sievers acknowledged at first he was not inclined to agree with that; however, since the neighborhood is concerned about the traffic entering onto College Avenue, he would agree that perhaps the wisest thing to do, if the Village would allow him to do so, would be to eliminate the connection to Janes Avenue. Mr. Sievers acknowledged if that was agreeable, they would probably be able to put at least one more dwelling unit in there.

Mr. Sievers pointed out the density is less than the Villas of Bending Oaks

Mr. Sievers stated that Mrs. McLaughlin had a question regarding stormwater, and he acknowledged the area that abuts her property is a sensitive area. Mr. Sievers indicated his engineers from Intech are present this evening to answer any stormwater related questions. Mr. Sievers stated his belief that their project will improve any stormwater problems in the area. He acknowledged that the land is somewhat difficult to work with. Mr. Sievers advised that they had to move the proposed buildings around to accommodate some reverse drainage in order to accept the water from other people's property. Mr. Sievers noted the Village Engineering Department has agreed with the proposed plan.

With regard to Mrs. Kinney's comment regarding her driveway encroaching over the property line, Mr. Sievers indicated he does not have a problem with it and he has no plans to remove the driveway. He noted the Kinney's driveway currently is 5 to 8 feet over onto Mr. Gonda's property. Mr. Sievers stated since they have to give a 17 foot right-of-way to the County for the future road improvements should the widening of Maple Avenue happen some day, then that small encroachment would not be affected whatsoever because the Kinneys would also be giving up 17 feet on Maple Avenue which would totally eliminate any encroachment. Mr. Sievers expressed the opinion that concern is a moot issue.

Mr. Waechtler asked Mr. Sievers how he planned on handling the Janes Avenue situation. Mr. Sievers responded the short stub, which is currently a T-intersection from Durand Drive going south connecting to the property line and the unimproved Janes Avenue, would be completely eliminated, and that Durand Drive would run straight

through and end in a cul-de-sac.

Mrs. Reynolds asked if the Plan Commission would then have to act on a right-of-way vacation in this case. Mr. Sievers indicated there is not a right of way there; right now, it is all private property.

Mr. Matejczyk asked what provisions are being made for parking within the development, and he questioned whether it would be internal to the buildings. Mr. Sievers responded one of the reasons they went with a 50-foot right of way and 10-foot private easements because their concrete driveways are 20-25 feet long and they run in concurrence with the sidewalks. Because it is illegal to park over the sidewalk, they wanted to keep the townhomes as close as they could to the street. Mr. Sievers advised they have found in this type of townhome project, which is very similar if not identical to the Villas of Bending Oaks, these are not the homes in which younger families reside. Mr. Sievers stated he lived in the Villas of Bending Oaks for six years and he observed people living in that subdivision. There were no bicycles or basketball hoops. Generally, families with teenagers did not live in the townhomes in the Villas of Bending Oaks. Most of the homes were occupied by parents with children in college. Mr. Sievers explained out of the 96 units in the Villas of Bending Oaks, he thought there was one child under the age of five, and he did not believe there were any teenagers. Parking has never been an issue in that development. There are radiuses on Durand Drive as it circumvents the property, and there is a considerable amount of parking along the road. Mr. Sievers reiterated that parking has never been an issue in his other subdivision, and he did not anticipate any parking problems at all in this particular project.

Mr. Sievers asked to address one of the Staff issues, the 4-1/2 foot wide sidewalks. Mr. Sievers stated he knows they are asking for 5-foot wide sidewalks. With his narrow right of way and the location of the homes closer to the road, Mr. Sievers explained he is trying to maintain as much green as he can in the front yards. Half of a foot multiplied by several thousand feet does add up. He is also trying to reduce impervious areas. Mr. Sievers pointed out his experience with the residents of the Villas of Bending Oaks. They do not live in the front of their unit as they might do in a younger subdivision. They live in the rear and on their porches or decks. Mr. Sievers expressed hope that the Plan Commission would accept his proposal for 4-1/2 foot wide sidewalks.

Mr. Waechtler asked Mr. Sievers how wide the sidewalks are in the Villas of Bending Oaks Subdivision, and Mr. Sievers responded that they are 4-1/2 feet wide. He noted that the Belmont townhomes, another project of his, also have 4-1/2 foot wide sidewalks. Mr. Sievers clarified that the sidewalks on Maple Avenue will be 5 feet wide.

Mr. Griesbaum asked Staff about exceptions with lot depth, pointing out on page one of the Staff report in the Background section there is a lot depth notation but he did not see any lot depth exceptions on the plat. Ms. Browne clarified that was a reference to the Villas of Bending Oaks Subdivision, and there were no lot depth exceptions requested as part of this development.

Mr. Waechtler asked why Staff was recommending five-foot wide sidewalks within the development. Ms. Browne explained that was a recommendation from the Public Works Department and acknowledged that no rationale was provided within their Staff report. Mrs. Reynolds questioned that if 4-1/2 foot wide sidewalks were accepted for the Villas of Bending Oaks, why would we not accept it for this subdivision. Mr. Griesbaum and Mr. Waechtler both agreed that Code probably requires five-foot wide sidewalks. Mrs. Reynolds noted that same Code existed at the time the Villas of Bending Oaks was approved.

Mr. Griesbaum asked if there was a reason for Janes Avenue going through. He asked if originally there was a thought as to why the townhomes would have access to Janes Avenue. Ms. Browne explained the Subdivision Control Ordinance requires that if there is a stub street or a right-of-way intersecting a property, any proposed subdivision must address it. If, for instance, the petitioner's plans were to change to not provide an outlet for Janes Avenue, he would have to modify his petition to request an additional exception to not accommodate Janes Avenue in his development.

Mr. Waechtler asked where Janes Avenue stubs off and stops. A resident in the audience stated it is a one-lane gravel road that accesses his neighbor's garage and his garage. The resident added that the Township provides gravel for the road about once a decade and that the road is in need of serious repair.

Chairman Pro Tem McCormick pointed out that is beyond the Plan Commission's scope regarding this petition. Mr. Waechtler disagreed. He referenced the diagram in the packet that shows Janes Avenue coming onto this property. Mr. Waechtler recalled the concern expressed by the Park District's neighbors on Puffer Road. The Park District put in a high berm with some trees in the area where Puffer Road terminated at the Park District property. Mr. Waechtler acknowledged perhaps that would not fit here, but he was raising the issue as a possibility of something the developer may be able to do. Mr. Waechtler indicated, with regard to a preliminary plat, the Plan Commission does have a right to talk about some modifications.

Mr. Sievers stated what the resident is concerned about is that his driveway feeds into his garage and his neighbor's driveway feeds into the neighbor's garage. Mr. Sievers explained that the subject property does not currently have any right-of-way within it. This is a 60-foot parcel that is owned by the Mosses. There is no right-of-way there whatsoever. He referred to the aerial photo noting that a 60-foot right-of-way ends at the southerly property line of the subject property. Mr. Sievers advised, according to the Subdivision Ordinance, they lined up their right-of-way with the existing right-of-way. Mr. Sievers stated he talked to the Lisle Township Highway Commissioner and was told that the neighbors would like that road to be improved. The Commissioner also told him that the neighbors would like to have it blacktopped. Mr. Sievers expressed the opinion that it sounds like they would like to have it blacktopped, but they do not want anyone else to connect to it. He also noted that the neighbors do not want any more density. Mr. Sievers stated you could not have it both ways. If the neighbors do not want anybody to connect to this road, then the Village should allow the developer to add two more units

there. He asked what is the sense of putting in a road if the neighborhood does not want it.

Mr. Waechtler again suggested that the petitioner might want to block off Janes Avenue and berm it with trees in order to eliminate not only automobile traffic but pedestrian traffic as well.

Mr. Sievers used the site plan displayed on the overhead screen to show where the curb for Durand Drive would continue through if the Janes Avenue right-of-way were not dedicated. The four-unit townhome shown would become a five-unit townhome. This would eventually eliminate any potential connection with that right-of-way, and the neighbors would be assured that would never happen. Mr. Waechtler asked if anyone could walk in from outside the development if there were no Janes Avenue there. Mr. Sievers commented that if someone on Janes Avenue wanted to walk through this development on their way to the train station, if there is no right-of-way, they would be walking on private property.

Mr. Sievers noted prior to coming here this evening, he had thought of connecting the rights-of-way and improving Janes Avenue all the way through to College Road. Mr. Sievers indicated his thought was that if there was an exit there, residents could drive down College Road to Walnut Avenue and then turn north to the traffic light and make a safe turn onto Maple Avenue. He did not think that was going to be a large issue. Hearing what the neighborhood wants, Mr. Sievers stated he was willing to change that idea. Mr. Sievers stressed he does want to be a good neighbor, and he wants to take care of any issues that come up. He is willing to work with the Village and his engineers to see what can be arranged here for a safe left-hand turn onto Maple Avenue.

Mr. Waechtler noted the Staff report stated signing was recommended to be placed on Maple Avenue restricting westbound left turns into the Villas of Maple Woods between the hours of 7 to 9 a.m. and 4 to 6 p.m. on weekdays. The report noted this is similar to current restrictions on Maple Avenue east of Belmont Road. Mr. Sievers stated he was not a traffic engineer, but he did talk to the County, and his engineers also talked to the County. The County did not have any traffic concerns because of the proposed density. Mr. Sievers said they talked to the County about a potential traffic study, and the County indicated they would not require a traffic study. Mr. Sievers indicated his engineers would talk to the County engineers and the Village engineers to resolve that issue.

Mr. Sievers added those signs were indicated if he was not going to widen the entrance to three lanes. Mr. Sievers stated his opinion that you could not restrict people from turning left out of their subdivision during certain hours if that is the only way out.

Chairman Pro Tem McCormick asked if there were any further questions or comments from the Plan Commission members. Hearing none, Chairman Pro Tem McCormick called for a motion. He stressed that the motion is to be either a recommendation to approve as presented, a recommendation to approve with changes, or a recommendation to disapprove the proposed plan.

**MOTION: WITH RESPECT TO FILE NO. 2005, MR. STARK MOVED THAT THE PLAN COMMISSION SUBMIT A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED VILLAS OF MAPLE WOODS PRELIMINARY PLAT OF SUBDIVISION SUBJECT TO THE FOLLOWING:**

- 1. THE PETITIONER SHOULD CONTINUE TO EXPLORE MEANS TO REDUCE OR ELIMINATE EXCEPTIONS;**
- 2. NOT MORE THAN 10 BUILDINGS NOR MORE THAN 39 TOWNHOMES SHALL BE LOCATED ON THE PROPERTY;**
- 3. SIDEWALKS SHALL BE LOCATED NO CLOSER THAN 10.5 FEET FROM THE BACK EDGE OF THE STREET CURB NOR CLOSER THAN 20 FEET TO A BUILDING/STRUCTURE;**
- 4. THE PETITIONER SHOULD ADDRESS ALL ISSUES AS OUTLINED IN THE PUBLIC WORKS MEMORANDUM DATED OCTOBER 17, 2003 PRIOR TO SUBMISSION OF A FINAL PLAT OF SUBDIVISION FOR CONSIDERATION, INCLUDING:**
  - A. FIVE FOOT WIDE SIDEWALKS MUST BE EMPLOYED THROUGHOUT THE SUBDIVISION AND MUST REMAIN OPEN TO THE PUBLIC AT ALL TIMES;**
  - B. THE MAPLE AVENUE ACCESS MUST BE SIGNED FOR RIGHT IN-RIGHT OUT DURING MORNING AND EVENING PEAK TRAFFIC PERIODS;**
- 5. PROPOSED SUBDIVISION CODES, COVENANTS AND RESTRICTIONS FOR THE DEVELOPMENT MUST BE PROVIDED AS PART OF FINAL PLAT CONSIDERATION.**
- 6. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.**

Mr. Waechtler stated a resident had asked about a possible buffer area on Lots 2, 3 and 4, the buffer area being in the form of some kind of large trees. Mr. Waechtler suggested that this be an amendment to the motion if the Commission so desired.

Mr. Nicholaou stated the original tentative plat shows 39 units. The developer has indicated at this meeting that he would amend his plans so that Janes Avenue would not be a thoroughfare, and he would agree to the traffic suggestion of widening the egress and ingress onto Belmont Road to three lanes. Mr. Nicholaou suggested that the current motion be amended to allowing 41 townhomes. Mr. Stark indicated he wanted to amend his motion to allow 4 1/2 foot wide sidewalks so as to be consistent with the other townhome developments in the area.

**MRS. REYNOLDS SECONDED THE AMENDED MOTION.**

Ms. Browne explained there is a need to recognize that the motion is not to recommend approval of the plat as submitted by the petitioner but with the revision that the right-of-way for Janes Avenue extending to the south from Durand Drive is going to be removed from the proposal. She added that this does require approval of an exception to allow the petitioner to not continue or provide an outlet for Janes Avenue. Mr. Griesbaum asked if that has to be specifically stated, and Ms. Browne agreed.

As a result of Staff's comment, Mr. Stark asked to strike his original motion in order to present a clarified motion.

**MOTION: WITH RESPECT TO FILE NO. 2005, MR. STARK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED VILLAS OF MAPLE WOODS PRELIMINARY PLAT OF SUBDIVISION AS REVISED BY THE PETITIONER WITH AN EXCEPTION NOT TO PROVIDE THE RIGHT OF WAY CONNECTION SUBJECT TO THE FOLLOWING:**

- 1. THE PETITIONER SHOULD CONTINUE TO EXPLORE MEANS TO REDUCE OR ELIMINATE EXCEPTIONS;**
- 2. NOT MORE THAN 10 BUILDINGS NOR MORE THAN 41 TOWNHOMES SHALL BE LOCATED ON THE PROPERTY;**
- 3. SIDEWALKS SHALL BE LOCATED NO CLOSER THAN 10.5 FEET FROM THE BACK EDGE OF THE STREET CURB NOR CLOSER THAN 20 FEET TO A BUILDING OR STRUCTURE.**
- 4. THE PETITIONER SHOULD ADDRESS ALL ISSUES AS OUTLINED IN THE PUBLIC WORKS MEMORANDUM DATED OCTOBER 17, 2003 PRIOR TO SUBMISSION OF A FINAL PLAT OF SUBDIVISION FOR CONSIDERATION, INCLUDING:**
  - A. 4-1/2 FOOT WIDE SIDEWALKS MUST BE EMPLOYED THROUGH THE SUBDIVISION AND OPEN TO THE PUBLIC AT ALL TIMES;**
  - B. MAPLE AVENUE ACCESS MUST BE SIGNED FOR RIGHT IN-RIGHT OUT DURING MORNING AND EVENING PEAK TRAFFIC PERIODS;**
- 5. PROPOSED SUBDIVISION CODES, COVENANTS AND RESTRICTIONS FOR THE DEVELOPMENT MUST BE PROVIDED AS PART OF FINAL PLAT CONSIDERATION;**
- 6. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.**

Mr. Griesbaum commented that he would recommend that the Plan Commission not include the right-in and right-out lanes as a condition.

The Recording Secretary noted that the motion did not address the annexation and rezoning of the property. Ms. Browne clarified that when the Plan Commission recommends approval of the request as a whole, the annexation and rezoning is implied for approval.

Mr. Stark indicated to wanted to add a seventh condition to his motion.

- 7. To require widening of Durand Drive at Maple Avenue to three lanes; one 14 foot wide inbound lane, one 11 foot wide outbound left turn lane and one 11 foot wide outbound right turn lane and requiring a minimum 100-foot vehicle storage for the two outbound lanes.**

Mrs. Reynolds again seconded the motion.

Mr. Waechtler stated there should be an eighth condition requiring the trees on Lots 2, 3 and 4 as a buffer. Mr. Stark stated he did not agree with the trees and indicated he did not want to change his motion.

Ms. Browne asked Mr. Griesbaum for clarification of his comment as to whether or not the right-in right-out lanes should be included as a condition of the motion. Mr. Griesbaum stated the Plan Commission should not include that as part of the motion.

Mr. Stark stated with the addition of the seventh condition, he would like to strike Condition 4B. He clarified that Condition 4B be omitted and Condition No. 7 be added to the motion.

With regard to Condition No. 4, Mr. Griesbaum stated we are not asking the petitioner to address all issues. What we should be saying is that the petitioner should address the following item from the Public Works memorandum dated October 17, 2003. Ms. Browne clarified that the Public Works memorandum contained other recommendations regarding other items such as stormwater management, etc. She advised Mr. Griesbaum that the language in Condition No. 4 should not be changed, and he agreed.

Chairman Pro Tem McCormick asked if there was any further discussion, questions or comments with regard to the intent of the motion.

Mr. Waechtler stated he wanted to be on record that a buffer area of large trees on Lots 2, 3 and 4 be provided in order to buffer this subdivision from other residential homes in that area.

With respect to the main part of the motion, Ms. Browne stated that there should be language added stating that the petitioner submit a revised preliminary plat of subdivision showing the removal of the Janes Avenue right-of-way prior to Council consideration of this preliminary plat of subdivision. Everyone agreed and Mr. Waechtler expressed a hope that the revised plat would show the buffer of trees.

**MOTION: WITH RESPECT TO FILE NO. 2005, MR. STARK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED VILLAS OF MAPLE WOODS PRELIMINARY PLAT OF SUBDIVISION AS REVISED BY THE PETITIONER TO ELIMINATE THE JANES AVENUE RIGHT-OF-WAY ON THE SUBJECT PROPERTY. THIS RECOMMENDATION INCLUDES RECOMMENDING APPROVAL OF AN EXCEPTION TO WAIVE THE REQUIREMENT OF PROVIDING AN OUTLET FOR THE TERMINUS OF THE EXISTING JANES AVENUE RIGHT-OF-WAY LOCATED TO THE SOUTH OF THE SUBJECT PROPERTY. THIS RECOMMENDATION IS BEING MADE SUBJECT TO THE FOLLOWING:**

- 1. THE PETITIONER SHOULD CONTINUE TO EXPLORE MEANS TO REDUCE OR ELIMINATE EXCEPTIONS;**

2. **NOT MORE THAN 10 BUILDINGS NOR MORE THAN 41 TOWNHOMES SHALL BE LOCATED ON THE PROPERTY;**
3. **SIDEWALKS SHALL BE LOCATED NO CLOSER THAN 10.5 FEET FROM THE BACK EDGE OF THE STREET CURB NOR CLOSER THAN 20 FEET TO A BUILDING OR STRUCTURE.**
4. **THE PETITIONER SHOULD ADDRESS ALL ISSUES AS OUTLINED IN THE PUBLIC WORKS MEMORANDUM DATED OCTOBER 17, 2003 PRIOR TO SUBMISSION OF A FINAL PLAT OF SUBDIVISION FOR CONSIDERATION INCLUDING THAT THE MAPLE AVENUE ACCESS MUST BE SIGNED FOR RIGHT-IN RIGHT-OUT DURING MORNING AND EVENING PEAK HOURS, BUT NOT INCLUDING THE REQUIREMENT THAT 5-FOOT WIDE SIDEWALKS BE EMPLOYED THROUGHOUT THE DEVELOPMENT AND ALLOWING 4-1/2 FOOT WIDE SIDEWALKS TO BE EMPLOYED INTERNAL TO THE DEVELOPMENT. ALL SIDEWALKS MUST REMAIN OPEN TO THE PUBLIC AT ALL TIMES;**
5. **PROPOSED SUBDIVISION CODES, COVENANTS AND RESTRICTIONS FOR THE DEVELOPMENT MUST BE PROVIDED AS PART OF FINAL PLAT CONSIDERATION;**
6. **COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES;**
7. **A REVISED PRELIMINARY PLAT OF SUBDIVISION AND PRELIMINARY ENGINEERING PLANS SHALL BE SUBMITTED BY THE PETITIONER PRIOR TO COUNCIL CONSIDERATION.**
8. **THE REVISED PRELIMINARY PLAT MUST INDICATE THREE LANES OF TRAFFIC ON DURAND DRIVE AT ITS INTERSECTION WITH MAPLE AVENUE AS FOLLOWS: ONE 14 FOOT WIDE INBOUND TURN LANE, ONE 11 FOOT WIDE OUTBOUND LEFT TURN LANE AND ONE 11 FOOT WIDE OUTBOUND RIGHT TURN LANE. THE OUTBOUND TURN LANES MUST PROVIDE A MINIMUM 100-FOOT OF VEHICLE STORAGE.**

**MRS. REYNOLDS SECONDED THE MOTION.**

**ROLL CALL:**

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

**NAY: None**

**The motion passed unanimously.**

Mr. Waechtler thanked the audience for their participation tonight.

Chairman Pro Tem McCormick advised that the Plan Commission's recommendation would be forwarded to the Village Council for final action. Chairman Pro Tem McCormick indicated to the petitioner and the members of the audience that the Council's agenda is published in the Village Corner that appears in The Sun newspaper on Thursdays.

Chairman Pro Tem McCormick recessed the meeting at 8:40 p.m. and Chairman Jirik, who arrived shortly thereafter, reconvened the meeting at 8:50 p.m.

**PUBLIC HEARING: FILE NO. 2007** – A petition seeking 1) rezoning of 4320 Cumnor Road (PIN 09-04-305-048) from R-4, Single Family Residence to B-3, General Services and Highway Business district; 2) a Special Use for an automobile repair and detailing shop operated in conjunction with an automobile sales facility; and 3) to obtain variations to reduce yard requirements. The property is located on the southwest corner of Cumnor Road and Ogden Avenue, commonly known as 4320 Cumnor Road and 205-217 Ogden Avenue, Downers Grove, Illinois (PIN Nos. 09-04-305-004,-005,-006 and – 048); Gartner Holdings, Inc., Owner/Petitioner

Mr. McCormick advised after consultation with the Village Attorney he is recusing himself from this hearing because years ago, he did work for a law firm that represented Mr. Gartner and he also took part in the real estate dealings which resulted in Mr. Gartner's business coming to Downers Grove.

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

Jeffrey Brown, principal with JRB Group, Architects, 3115 N. Wilke Road, Suite F, Arlington Heights, IL stated his architectural firm was representing Mr. Gartner and Gartner Saab in this matter this evening.

Mr. Brown explained they are present this evening to rezone a portion of this property from residential to business in order to expand the site so they can accomplish the project and meet the manufacturer's requirements. Mr. Brown indicated the property is located at the southwest corner of Cumnor Road and Ogden Avenue. Previously there was a motel located on the corner that has since been demolished. The previously existing Hostess Bread facility on the site is currently being used as the petitioner's temporary automobile sales facility until the new project is approved and hopefully constructed. Mr. Brown recalled the petitioner was before the Zoning Board of Appeals in December of last year to seek a Special Use for the facility. Approval was granted in January of this year, and Saab is currently operating out of the former Hostess Bread facility. Mr. Brown explained the project is to build a 16,800 plus square foot full service automobile dealership encompassing a showroom, service facilities and detailing. Mr. Brown clarified that detailing may be a misnomer; it is not a body shop but simply an area where cars are washed and prepped for sales and cleaned after service.

Mr. Brown continued stating when the petitioner went before the Zoning Board of Appeals, there were some concerns expressed by the public about having a dealership at

this location. Mr. Brown advised they worked very hard with Staff to address those concerns in this final design. One of those issues was stormwater management. He noted that the design has gone through all of the engineering reviews with DuPage County and Downers Grove. Westmont also reviewed the plans because water from this site travels to Westmont's drainage system. The project as designed will make a great improvement to the current situation. Mr. Brown indicated there would be a large underground storage system where the water is collected on site, stored in underground vaults and then dispersed into the sewer system at the appropriate rates. Stormwater runoff from the site will be improved because nothing will be leaving the site as it does currently.

Mr. Brown recalled unloading of vehicles was another issue raised by the public. Mr. Brown acknowledged this is a very tight site, but they have made provisions for unloading to occur on the site. Mr. Brown referred to the site plan displayed on the overhead screen to show where a car carrier will enter the site from Ogden Avenue, unload the cars on the site and exit onto Cumnor Road. Mr. Brown explained that directions would be giving to all the haulers that deliver to Saab that they must enter from Ogden Avenue and make a left turn onto Cumnor Road when they exit to go back to Ogden Avenue. Mr. Brown stated Saab wants to be a good neighbor and wants their car haulers to also be a good neighbor to the residential area south of their facility. They are also working with the Village Staff to come up with the proper signage to be displayed on the site.

Mr. Brown stated another issue was the number of curb cuts on Ogden Avenue. He explained that they are reducing the number of curb cuts from four as it currently stands down to one curb cut. Mr. Brown noted this has been reviewed by IDOT and is acceptable to them.

Site lighting was also another issue. Mr. Brown indicated they worked very hard to meet the Village standards in order to come up with a series of alzide lights with house side shields so that the residential border to the south and on the east side of Cumnor Road would be at 0.1 foot candles. He noted that all the perimeter light fixtures have forward throw housings so that the light is not thrown down and dissipated into the residential area.

Mr. Brown stated they addressed the noise concern by providing a six-foot high solid fence on the border of the residential property to the south. Mr. Brown utilized the site plan to show the location of the former southerly extent of the subject property prior to the purchase of an additional 85 feet of property to the south. Mr. Brown noted that the remaining 15 feet was retained by the residence further to the south as an additional buffer. Mr. Brown indicated they would be planting a series of arborvitaes and deciduous trees of varying heights to serve as an audio buffer. Mr. Brown noted there is only one overhead door on the site that faces south.

In terms of screening, Mr. Brown advised they worked with the Village to come up with a nice entrance design and screening along the south 85 feet of the easterly property line

across from the condominiums on Cumnor Road. Mr. Brown explained that although parking is permitted with an eight-foot setback along Cumnor Road, they are asking for a variation from the Ordinance setback requirement of 25 feet for the required parking screening. Because the four-foot high screening hedge is deemed a structure, they are asking for a variation to plant the hedge in the green space.

Mr. Brown stated Gartner Saab received a break from the manufacturer for vehicle sales on-site storage because of the proximity of the Saab dealership in Aurora. The required number of vehicles on site has been reduced somewhat; however, because this site is so constrained, they are asking to be able to encroach into the 50 foot setback as measured from the centerline on Ogden Avenue for their parking and their lighting standards. The Ordinance reads that the lighting standards have meet that same setback which would put them in the parking lot. They are also asking for a variance to put the lighting standards on Cumnor Road within the green space.

Mr. Brown explained while the new facility is being constructed, the current building will be cordoned off and will stay in use. When the new facility is completed, the current building will be demolished, and the remainder of the parking lot will be completed.

Mr. Brown concluded by stating Gartner Saab looks forward to being at this fine location. He re-emphasized that they want to be good neighbors.

Chairman Jirik asked Staff to make its presentation.

Ms. Browne confirmed that the Downers Grove Motel, a Hostess Bakery outlet store, and a single-family residence that fronted onto Cumnor Road previously occupied the subject property. The motel and the single-family residence have been removed by the petitioner, but the former bakery is being occupied by the petitioner as an interim automobile sales and service facility which was authorized by the Village as a Zoning Board of Appeals Special Use January, 2003.

Ms. Browne stated the petitioner is now proposing to redevelop the entire site with a new automobile dealership including automobile repair and detailing which requires Special Use approval. Additionally, the petitioner has purchased the northerly 85 feet of the residential parcel immediately to the south of the motel and bakery outlet facility which is proposed to be rezoned from R-4, single family residential to B-3, General Services and Highway Business consistent with the other two parcels on the tract.

With respect to the Special Use, Ms. Browne advised that although the automobile sales use itself is allowed as of right in the B-3 zoning district, it is the automobile repair and detailing aspect that requires Special Use approval. As noted in the Staff report, Ms. Browne indicated the petitioner proposes the construction of a roughly 16,850 square foot building to accommodate a showroom, sales offices, eight service bays, one wash bay and other ancillary areas. The site will also accommodate vehicle loading and unloading for the parking of 173 cars.

Ms. Browne indicated the petitioner is also requesting certain variations. With respect to Ogden Avenue, the petitioner is requesting to reduce the front setback requirement of 50 feet as measured from the centerline of Ogden Avenue to a minimum of 42 feet 10 inches to accommodate lighting standards with that setback of 42 feet 10 inches, and also to accommodate parking areas with a setback of 47 feet 10 inches.

With respect to Cumnor Road, Ms. Browne explained the petitioner is requesting to reduce the front setback requirement of 25 feet to the front property line to accommodate lighting standards with a proposed setback of three feet. The petitioner is also requesting to reduce that front setback requirement for the required screening of a parking area adjacent to a residentially zoned property from the minimum requirement of 25 feet to the same setback of three feet.

With respect to the proposed rezoning, Ms. Browne stated the petitioner is seeking to rezone the Cumnor Road property from R-4, Single Family Residence to B-3, General Services and Highway Business. Although the proposed rezoning is not consistent with the Future Land Use Plan designation for that property as Residential at 0-6 dwelling units per acre, the proposed rezoning is consistent with the goal of the Future Land Use Plan to increase the depth of commercial properties which front along Ogden Avenue rather than creating an independent commercial entity that fronts out onto an intersecting street. Ms. Browne explained the subject site is identified as a redevelopment opportunity in the Ogden Avenue Master Plan, and this proposal would be consistent with the goals of that Master Plan. Additionally, the Strategic Land Use Planning Task Force discussions between this body and the Economic Development Commission did contemplate and support the idea of the Village facilitating increased depths of commercial properties on Ogden Avenue.

With regard to the bulk characteristics of the site, Ms. Browne stated the total land area of the redevelopment tract is approximately 93,300 square feet or 2.14 acres, the maximum Floor Area Ratio requirement in the B-3 District is a maximum of 0.75, which would yield a maximum building floor area of 69,972 square feet. The proposed FAR in this case is 0.18 or 76% below the maximum permitted on the entire subject site.

With respect to height, Ms. Browne indicated the building is proposed to be 24 feet 8 inches as measured to the top of the façade, which is 58.8% below the maximum allowable height of 60 feet.

With respect to green space, Ms. Browne advised the total proposed green space percentage is 11.4%, roughly 10,643 square feet of the site, which is 14% above the minimum requirement of 10%. In addition to exceeding the green space requirement, the petitioner is proposing to construct a public sidewalk on his private property along the entire Ogden Avenue frontage connecting with the existing sidewalk along Cumnor Road.

With respect to the yards and the setbacks, Ms. Browne noted a chart of the applicable requirements and the proposed conditions was included in the Staff report. The petitioner is seeking certain setback variations as previously noted.

With respect to parking, Ms. Browne explained automobile related uses are calculated at a rate of one parking space for every 600 square feet of floor area, and the proposed building requires a minimum of 28 parking spaces. The plan does propose 173 parking spaces with 43 spaces being designated as employee and/or visitor parking to the east, to the south and to the west of the proposed building.

With respect to the loading/unloading of vehicles, Ms. Browne stated the petitioner indicated the Code required loading/unloading area will be provided on site, and they intend to load and unload only on the property, not on Ogden Avenue and not on Cumnor Road.

With respect to exterior lighting levels, Ms. Browne noted the Ordinance does make a recommendation with respect to lighting levels adjacent to residentially zoned properties, that those levels not exceed 0.1 foot-candles as measured at the property line. The submitted photometric plan has been reviewed by the Code Services Department, and they have recommended that pre-construction and post-construction lighting levels be taken to determine if adjustments are necessary prior to the issuance of the Certificate of Occupancy.

With respect to Engineering and Stormwater Management, Ms. Browne advised that there are no outstanding engineering/stormwater management issues affecting the proposed petition; however, certain procedural requirements as noted by the Stormwater Management Division would be required to be satisfied prior to issuance of both the construction and/or stormwater permits.

With respect to traffic, Ms. Browne stated the site would be accessible by a primary access off of Ogden Avenue and a secondary access off of Cumnor Road. Four curb cuts on Ogden Avenue have been reduced to one curb cut, which is a desirable condition. The Traffic Division does concur that the proposed development will not adversely impact intersections and roadways in the area. The Traffic Division did make certain recommendations as outlined in the Staff report. They recommended restricting the loading/unloading of vehicles and the parking, storage and display of vehicles from taking place on either Cumnor Road or on Ogden Avenue, as well as the provision of informational signage for vehicles leaving the site by way of the Cumnor Road driveway.

With respect to the proposed landscape plan, Ms. Browne noted the Village Forester reviewed it and indicated the chosen plant materials and the proposed design are acceptable.

In conclusion, Ms. Browne stated the Staff Development Team concurs and recommends that the Plan Commission forward a favorable recommendation to the Village Council regarding the petition subject to the conditions outlined in the Staff report.

Chairman Jirik explained the next portion of the public hearing is the time for members of the public to speak regarding this petition. He asked those members of the public who wished to speak to come to the podium and state their name and address for the record.

Linda Clevinger, 438 Lake Avenue, Downers Grove stated she lives several blocks away, and this project really does not pertain to her. She commented to the petitioner that it sounded like they were going to be a good neighbor. She expressed appreciation for the green space. She suggested, with some other implementation, the project possibly could be even better. Ms. Clevinger stated Luxury Motors, who has piecemealed things, are in constant violation of Village Ordinances from what she picks up from Village meetings. She indicated she has been on Ogden Avenue at lunchtime going to McDonalds and has observed transport vehicles unloading from the middle of Ogden Avenue. Ms. Clevinger also expressed concern regarding the traffic schematics. She pointed out that Lester School is only two blocks away from the proposed Saab dealership. She noted there is sidewalk only on one side of Cumnor Road, and there is no crossing guard at the school intersection. Ms. Clevinger indicated she was very concerned about the number of children who walk home from school. She stated test driving of vehicles on Cumnor Road could jeopardize their safety. She asked if the proposed signage from the dealership onto Cumnor Road could state "No Right Turn". Ms. Clevinger further expressed concern for senior citizens in the neighborhood who walk down Cumnor Road. Ms. Clevinger stated she was also concerned over the service entrance for the amount of traffic and the percentage of traffic that is going to be service. Her understanding of the diagram is that service traffic would be coming on and off of Cumnor Road. Mr. Brown clarified that ingress to the property would be off of Ogden Avenue with egress onto Cumnor Road with a left turn back to Ogden Avenue. Ms. Clevinger indicated she was appreciative of the clarification. She asked Gartner Saab to keep a good handle on the safety of the children attending Lester School. She hoped that at the very least the Village could address the issue of the lack of a crossing guard at that school.

Valerie Noll, 4744 Fairview Avenue, Downers Grove, stated she also appreciated the beauty that will be added to that particular space on Ogden. This will be the first sign of the Ogden Beautification Program that she has seen the Village propose to the public. This will be a nice project on that corner.

Ms. Noll advised she is on the safety committee for Lester School, and she has serious concerns about the traffic that will be coming up and down Cumnor Road; not so much with the test-driving but the construction traffic that has not been addressed. Ms. Noll asked once this project gets underway, where would the construction traffic be routed. She also asked how soon would construction start from today's date. Ms Noll proposed to the Village and to the Plan Commission that consideration be given to a "no right hand turn" sign for the early morning periods of time when the children are in school. Ms. Noll advised the children are in school from late August to mid-June.

Thomas Sisul, 3624 Saratoga Avenue, Downers Grove stated he was present at the request of the Downers Grove Chamber of Commerce in order to express their support for this petition. Mr. Sisul recalled at one point his children attended Lester School, and

he noted he was familiar with the area. He expressed confidence the Plan Commission would be able to come up with some suggestions that might be helpful to the Village Council. Mr. Sisul indicated the most important factor is that this proposed new dealership will be such an improvement over what we have had, and the experience we have had with another dealership in the area. He acknowledged when you start with a small lot and keep trying to add to it, you run into more and more problems. Mr. Sisul stated this proposal is a very intelligent use of property and an intelligent expansion of the property consistent with the lot depth of the McDonalds next to it.

Mr. Sisul expressed encouragement upon seeing the Plan Commission's recommendations on how property along Ogden Avenue should be considered in the future. Mr. Sisul acknowledged the difficulty of being asked to put in an extraordinary amount of time working with the Economic Development Commission to go over all of the areas of the Village in order to come up with some suggestions. On one hand, the Commission is being asked to use as broad a view as possible and think of all the possible consequences and then the Plan Commission comes back to this evening's petition which has to be looked at in a very narrow sense. Mr. Sisul expressed the opinion that it must be very encouraging for the Plan Commission members to see a project like this come along that matches both things. It matches what you want to see and how you want to see land used on Ogden Avenue, and it also falls within things you can do under the existing situations. Mr. Sisul thanked the Plan Commission members for the hard work they are doing and the amount of time being spent.

Mr. Sisul also thanked Mr. Gartner and his associates for putting together such an attractive and beneficial plan to the Village.

Michael Matalis, 4333 Florence Avenue, Downers Grove asked Staff to put the aerial photo of the area on the overhead screen so he could give the Commission an idea of where he lives. Mr. Matalis noted with the redevelopment, there would still be a lot kitty-corner between his lot and the redevelopment. His major concern is over the potential light level. He acknowledged the petitioner would be planting trees, but it would take time for the trees to grow. The trees are shown to be planted along the south edge of the property. The west edge of the property is the McDonalds' lot that right now does not have any trees across it. Mr. Matalis indicated he currently has trouble with the lights at McDonalds'. He expressed some concern about additional lighting spilling over across McDonalds' and into his property. He indicated a possible concern regarding hours of operation for the shop. Mr. Matalis noted the architect pointed out that there would be a rear garage door facing south. He questioned whether in the summer he would have a situation with that door being open and he would be hearing air wrenches, hammering, etc. Mr. Matalis noted his home and his neighbor's home are not air conditioned, and they sleep with the windows open during the summer. Mr. Matalis acknowledged perhaps Saab would not be operating late at night, but he is still concerned about the noise. Mr. Matalis addressed a comment to the petitioner and told them that most of the problems they could run into with their neighbors are due to the fact that they are very soured by the dealership on the north side of Ogden Avenue who has been an extremely bad neighbor. Mr. Matalis expressed hope that Saab would be a lot better. Mr.

Matalis stated he did not oppose the expansion of this dealership. He just wanted to have some of these issues addressed.

Al Hardy, 5511 Pershing Road, Downers Grove noted he attended the earlier public hearing for the Sievers development, and because he works for Grade School District 58 in the Maintenance Department, he decided to stay for this public hearing. Mr. Hardy commented he has lived in Downers Grove all his life and knows how much Ogden Avenue has changed through the years. Mr. Hardy stated he is frequently at Lester School. Mr. Hardy indicated he was pleased to see that Saab would be unloading their car carriers on site rather than on Ogden Avenue or Cumnor Road. Mr. Hardy expressed the opinion that there is no way that those car carriers are not going to want to make a right hand turn southbound on Cumnor Road to get back to Maple Avenue if they have come off of I-355. He did not think signs would work because nobody reads them. There needs to be something concrete-wise put into the back exit area so that those car carriers cannot make a right turn. Mr. Hardy suggested Staff check with the Police Department regarding accidents at the Cumnor Road and Ogden Avenue intersection. He noted there have been quite a few, and they have been serious accidents. People try to make left turns against the westbound traffic. This proposal would put semis wanting to make left turns to head westbound to I-355. Mr. Hardy suggested that not all of these carriers would be coming to Downers Grove via the Tri-State, which would be a right turn from Cumnor Road onto Ogden Avenue. He questioned the radius on the curbs. Mr. Hardy pointed out there is an eye clinic on the southeast corner of this intersection. The semis will have to shoot out wide and cut around to get down Ogden Avenue. They will be running into people that are coming westbound trying to make left turns onto Cumnor Road. Mr. Hardy expressed the opinion there would be problems if some kind of reconfiguration were not done at that intersection. Mr. Hardy pointed out with the temporary fence along the property at that intersection as well as their sign, it is difficult to see to make a right turn from Cumnor onto Ogden Avenue let alone a left turn. Mr. Hardy indicated it might be necessary to only allow right turns onto Ogden Avenue from Cumnor Road.

Mr. Hardy pointed out currently Cumnor Road is a short-cut street to avoid Fairview Avenue during the rush hours. Because of this, the school had to make special provisions for the children attending Lester School as far as crossing the different intersections around the school. The children get out of school at different times of the day. Mr. Hardy commented there would be vehicle testing on Cumnor Road unless they are not allowed to make a right turn onto Cumnor Road.

Valerie Noel, 4744 Fairview Avenue, Downers Grove pointed out on Cumnor Road from Ogden Avenue to Maple Avenue there is not one stop sign, nor one yield sign. She noted it is hard to see the school because there is a protected prairie area just before the school and before you know it you are right on top of the children playing on the playground. Ms. Noel stressed there would only be a two-month period where there would not be a tremendous amount of children in that area. She pointed out children use the playground and the ball field year round. Ms. Noel strongly urged no right turning of any vehicles of any kind from the Saab property onto Cumnor Road.

Chairman Jirik asked if there was anyone who had yet not spoken regarding this petition. There was no response. Chairman Jirik next asked if there was any other public comment. Again, there was no response, and Chairman Jirik declared public participation closed.

Chairman Jirik asked the Plan Commission if they had any questions or comments. Mr. Nicholaou commented this is a first-class presentation here this evening. Mr. Nicholaou stated the language of the motion needs to encourage Staff to address Cumnor Road. He indicated we are not just dealing with Lester School. Mr. Nicholaou explained Lester School services the single largest land mass neighborhood in Downers Grove. Main Street on the west, the railroad tracks on the south and Ogden Avenue bound it on the north. Mr. Nicholaou stated a tremendous number of young families have moved into this neighborhood over the last 20 years. While Saab is a wonderful entity for the public and in terms of the Ogden Avenue Master Plan, any recommendation the Plan Commission makes to the Village Council needs to state that a very hard look be made at those curb cuts and well as a very hard look at Cumnor Road which does not have any stop signs. Mr. Nicholaou stated the Plan Commission needed to encourage Staff to slow down traffic in these residential areas.

With regard to the no parking recommendations on Cumnor Road, Mr. Griesbaum asked how that would be enforced. Ms. Browne responded she believed it would be enforced on a complaint basis similar to anywhere else. Mr. Griesbaum asked if there would actually be no parking signs on the street or were they already there. Ms. Browne stated she did not believe there were no parking signs on Cumnor Road currently, nor is Staff recommending such signage. Ms. Browne commented Saab would be required to keep inventory vehicles, employees' vehicles and visitor parking on the subject property.

Mr. Nicholaou stated his only concern was to make sure that Saab takes charge of the Cumnor Road parking issues. Mr. Nicholaou indicated he was pleased to hear that Saab would not be using outdoor speakers because that has been a bane in the sides of neighbors at another location. Mr. Nicholaou asked if there was a way to lower the lighting stanchions along the south property line so that there is not as much arc out that way. Mr. Nicholaou suggested that the petitioner take another look at this.

Mr. Waechtler thanked Mr. Gartner for being present this evening and thanked Mr. Brown for a very thorough presentation. He also thanked Staff for the thoroughness shown in the Staff report. Mr. Waechtler asked what would the service hours be. Mr. Gartner stated their larger facility in Aurora currently has service hours from 7 a.m. until 5 p.m. Monday through Friday. They also have Saturday hours, but Saturday hours are not in the near future for the Downers Grove facility.

Mr. Waechtler stated he felt that Mr. Gartner's intentions were good. Mr. Waechtler acknowledged the Cumnor Road concerns stated by the neighbors. He expressed the opinion that the Plan Commission as part of their recommendation should recommend there be no parking on the west side of Cumnor Road. Mr. Waechtler expressed his

opinion that Village residents should not have to call the Village with complaints nor should the Police Department have to handle complaints. Mr. Waechtler recalled that the operation across the street stated they would use two-way radios to contact their sales force, but they still use their loudspeaker system. Mr. Waechtler then asked how often car deliveries would be made. Mr. Gartner responded 5-6 times a month and noted they are not a high volume facility like the Chevrolet store. Mr. Waechtler asked what kind of fence would be installed. Mr. Brown responded it would be a six-foot high, board-on-board fence that would be a solid visual barrier. Mr. Waechtler thanked the petitioner for the colored rendering of the proposed dealership.

With regard to the Ogden Avenue Master Plan, Mr. Waechtler noted one of the concerns is signage. He asked if there would be one major sign on Ogden Avenue for this facility. Mr. Brown responded there would be one pylon sign set back three feet from the edge of the curb. Mr. Brown acknowledged that they worked with Staff to assure that sight lines would not be blocked by the placement of the sign. He indicated there would also be a sign on the building façade and a "Service" sign under the canopy.

With regard to the landscaping, Mr. Waechtler stressed the importance of maintaining the landscaping. Mr. Waechtler noted in the City of Milwaukee a project such as this would be up for annual review to determine if there was follow-through on all the agreed-to items. He noted if we had such a procedure in place here in Downers Grove, we would not have the problems we have been having with the property on the north side of Ogden Avenue.

Mr. Nicholaou asked about the height of the vertical sign. He noted in the rendering it appears as though the sign is almost to the roofline of the building. Mr. Brown responded the sign would be 16 feet high and meets Village Ordinance. Mr. Nicholaou asked Staff to review the sign height with respect to the Ogden Avenue Master Plan.

Mr. Stark commented this is a nice project, and you can see that there is a trend here. The Plan Commission is comparing this project with something across the street. He noted the Village has been trying to develop criteria for future development on Ogden Avenue. He expressed the hope that there will be similar dealerships that will come to Ogden Avenue if they are able to annex enough land or piece together parcels. Some of Plan Commission's concerns have been addressed here this evening. Mr. Stark thanked the petitioner for his presentation and expressed hope there would be a favorable recommendation from the Plan Commission.

Chairman Jirik stated the proposal indicates no loudspeakers. He asked if that was limited to just the exterior or would there be loudspeakers in the shop? Mr. Gartner said they hope to have a music system inside the building, but no loudspeakers would be utilized. Mr. Gartner stated they do not use an internal paging system because they do not like it. Mr. Gartner noted their current facility in Aurora has been in existence for nine years, and they do not utilize loudspeakers at that facility. He commented he is aware that other dealerships still use loudspeaker systems, but he has never utilized them nor does he intend to have outside loudspeakers at this facility.

Chairman Jirik explained he wanted to clarify the loudspeaker question because one of the residents asked questions about the south overhead door. If this facility planned to use traditional loudspeakers inside the building, there might be a greater concern about the open position of that door. Based on what Mr. Gartner just stated, the overhead door issue does not appear to be a concern with regard to noise.

Chairman Jirik commented the Plan Commission is not in the business of legislating hours of business, but the Commission is trying to avoid any possible nuisance complaints. Chairman Jirik asked Mr. Gartner to see to it that his staff keeps the rear overhead door closed as much as possible if there is an increase in the business hours. Mr. Brown responded that there should not be a problem.

With regard to traffic, Chairman Jirik commented the trash pick-up and the delivery of vehicles really necessitated the loop coming back off of Cumnor Road. He asked if he was correct in his assessment that one of the prime motivators of the curb cut onto Cumnor Road was to get those large vehicles out of a tight site. Mr. Brown acknowledged that it is hard to operate any dealership with only one point of ingress and egress. Chairman Jirik suggested the petitioner might want to consider stronger language on the sign posted at the Cumnor Road exit. Mr. Gartner stated they could consider a recommendation that language be placed on the sign at the Cumnor Road exit indicating that all car carriers must turn left onto Cumnor Road.

Mr. Nicholaou referenced a suggestion voiced earlier about a specific type of curb or driveway design that prevents anyone from turning right onto Cumnor Road. He asked Mr. Gartner if that would cause a hardship to him. Mr. Gartner responded yes and explained if a particular neighbor who lives further down on the south side of that street wants to turn onto Cumnor Road to go home, he should have that right to do so. Mr. Nicholaou emphasized that he was referring to vehicles coming out of the Saab dealership, and Mr. Gartner indicated that he was also referring to those vehicles.

Chairman Jirik expressed the opinion that some limited signage is a good step without overburdening the petitioner, and Mr. Nicholaou agreed. Chairman Jirik noted if it became a greater traffic issue in the future, stronger measures could be implemented. Regarding the traffic assessment, Chairman Jirik noted there was a comment regarding the sight range at the intersection of Cumnor Road and Ogden Avenue for those vehicles driving north on Cumnor Road to the Ogden Avenue intersection. He asked Staff if the granting of the variance has any effect on sight distance. Chairman Jirik commented he would not want the Plan Commission to grant a variance that would create a hazard. Chairman Jirik noted he did not believe there would be a sight hazard, but he wanted the minutes to clearly indicate that was considered and evaluated.

Dorin Fera, Village Traffic Manager, responded any vegetation placed on that corner would not in any way contribute to what is already there now with regard to sight distance at that intersection.

Mr. Fera stated he was glad he attended this hearing because he wanted to address comments from the citizens. Regarding the issue of safety with regard to Lester School located several blocks south of the subject property, Mr. Fera advised the Traffic Division of the Public Works Department does a yearly review of the school walking routes and warrants for assigning crossing guards at various locations. Mr. Fera stated that process has been completed for this school year, but they can start talking now with Grade School District 58 for next year. The District talks to the parents, the students and the neighbors and then advises the Traffic Division what they need or do not need. Mr. Fera acknowledged this is something that should be done as part of this petition. Regarding construction traffic, Mr. Fera stated they could request the petitioner and their construction agents to fully utilize Ogden Avenue and not use Cumnor Road at all. Mr. Fera noted this type of arrangement has been done in the downtown area without adversely affecting the neighborhoods.

Regarding Cumnor Road issues, Mr. Fera stated parking or no parking is a Village traffic issue that needs to be addressed. Mr. Fera noted it is not right for the petitioner to have to address this, as it is a matter to be addressed by the Village. The issue of parking regulations on Cumnor Road needs to be brought to the Parking and Traffic Commission for their review. Mr. Fera said that is something he can do. He expressed the opinion that currently there are no parking restrictions on Cumnor Road south of Ogden Avenue. He pointed out that there have been issues on Cumnor Road north of Ogden Avenue, and there have been several meetings pertaining to those issues. Currently no parking is allowed on both sides of Cumnor Road north of Ogden Avenue. Mr. Fera stated there may be a further need to revisit those issues soon because the traffic on Cumnor north of Ogden Avenue is going to affect the traffic on Cumnor south of Ogden.

Regarding the corner radii at the Cumnor-Ogden intersection, Mr. Fera noted that item would also be a Village issue, not something that needed to be done by the petitioner.

Mr. Fera commented he might want to propose a variation to the proposed no right turn out of the site onto Cumnor Road. Mr. Fera agreed with the petitioner that some of the customers might want to use that access to return home if they live in that direction. Mr. Fera stated no right turn with a time restriction as suggested earlier by a neighbor to address the issue of children crossing Cumnor Road at various times during the day could be done. Mr. Fera suggested that the petitioner instruct the car carriers making deliveries to the site only exit using Cumnor Road to Ogden Avenue. Mr. Fera commented that has been done in other locations.

With regard to curb cuts on Ogden Avenue, Mr. Waechtler noted the petitioner is proposing to go from four curb cuts to one curb cut. He referenced the curb cut on the site plan and asked if there was one ingress lane and one egress lane. Mr. Fera clarified that three lanes are proposed; one left out of the site, one right out of the site and one inbound lane.

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

Mr. Waechtler thanked Mr. Gartner for the thorough letter of intent accompanying his petition.

Hearing no further questions or comments, Chairman Jirik called for a motion.

**MOTION: WITH RESPECT TO FILE NO. 2007, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSAL TO CONSTRUCT A NEW 16,850 SQUARE FOOT AUTOMOBILE SALES FACILITY TO INCLUDE AUTOMOBILE REPAIR AND DETAILING SUBJECT TO THE FOLLOWING:**

- 1. AT NO TIME SHALL PARKING OR DISPLAY OF VEHICLES BE LOCATED CLOSER THAN 12 FEET 10 INCHES TO THE OGDEN AVENUE PROPERTY LINE;**
  - 2. THE SIDEWALK LOCATED ON PRIVATE PROPERTY SHALL REMAIN AVAILABLE TO THE PUBLIC AT ALL TIMES;**
  - 3. LOADING/UNLOADING OF VEHICLES SHALL OCCUR ON SITE;**
  - 4. COMPLIANCE WITH ALL PUBLIC WORKS/ENGINEERING REQUIREMENTS/CONDITIONS OUTLINED IN THEIR MEMORANDUM DATED OCTOBER 28, 2003, INCLUDING THE RECOMMENDED CONDITIONS OF APPROVAL FROM THE TRAFFIC DIVISION;**
  - 5. COMPLIANCE WITH ALL CODE SERVICES REQUIREMENTS/CONDITIONS AS OUTLINED IN THE MEMORANDUM DATED OCTOBER 16, 2003 REGARDING THE SUBMITTED LIGHTING/PHOTOMETRIC PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY;**
  - 6. THE PROPOSED FREESTANDING SIGN SHALL BE REVIEWED BY STAFF TO ENSURE COMPLIANCE WITH THE ZONING ORDINANCE AND THE OGDEN AVENUE MASTER PLAN;**
  - 7. "NO PARKING" SIGNS SHALL BE LOCATED ON CUMNOR ROAD;**
  - 8. NO RIGHT TURN BY CAR CARRIER TRAFFIC ALLOWED FROM THE DEALERSHIP ONTO CUMNOR ROAD;**
  - 9. REPEAL OF THE PREVIOUSLY APPROVED SPECIAL USE ORDINANCE 4474;**
  - 10. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.**
- MR. NICHOLAOU SECONDED THE MOTION.**

Chairman Jirik asked if there was any discussion regarding the motion.

Mr. Waechtler asked if there was something said about parking on Cumnor Road. Mr. Griesbaum indicated he said no parking signs located on Cumnor Road.

Chairman Jirik asked with regard to No. 3 if the intent was “exclusively on site” or “all shall”. Mr. Griesbaum agreed his intent was “all” loading and unloading of vehicles shall occur “exclusively on site”.

With regard to No. 8, Chairman Jirik asked if the no right turn onto Cumnor Road was limited to the car carriers or would it include other commercial vehicles such as garbage haulers. Mr. Griesbaum indicated he specifically said “car carrier”. There was discussion of restricting other commercial vehicles, however, it was determined that restricting car carriers was sufficient. This issue could always be revisited if needed. Mrs. Reynolds agreed.

With reference to No. 7, Mr. Waechtler asked how far the no parking ban on Cumnor Road would extend. He also questioned whether the no parking ban would have hour limitations. Mr. Griesbaum stated No. 7 should be clarified that No parking signs should be located adjacent to the subject property on Cumnor Road.

Mr. Fera, Village Traffic Manager, asked for clarification whether the Parking and Traffic Commission would review those types of parking restrictions after receiving a study from Public Works Staff. At this moment he does not know whether the No Parking ban would extend one or two blocks south of Cumnor Road. Chairman Jirik asked Mr. Griesbaum if he wanted to clarify that parking be carefully evaluated by Staff and the Parking and Traffic Commission because the condition as worded was specific to no parking but was somewhat open-ended. Mr. Fera responded such a modification would make it easier to follow up on the parking situation. Mr. Griesbaum stated his language was stronger in that it said “no parking” signs should be placed on Cumnor Road. He would be agreeable to change that to no parking signs on Cumnor Road adjacent to the subject property. Mr. Nicholaou clarified that it would be a strong recommendation to the Village Council that they consider “no parking” signs adjacent to the subject property.

Mr. Nicholaou reminded the Commission that their charge is to be as specific as possible so that the Village Council has all the necessary information to make an informed decision. Chairman Jirik agreed the Commission needed to be explicitly clear in the motion so there is no uncertainty or doubt. Chairman Jirik asked if everyone was clear on the amended motion. There was unanimous agreement.

**MOTION: WITH RESPECT TO FILE NO. 2007, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSAL TO CONSTRUCT A NEW 16,850 SQUARE FOOT AUTOMOBILE SALES FACILITY TO INCLUDE AUTOMOBILE REPAIR AND DETAILING, SUBJECT TO THE FOLLOWING:**

- 1. AT NO TIME SHALL PARKING OR DISPLAY OR VEHICLES BE LOCATED CLOSER THAN 12 FEET TEN INCHES TO THE OGDEN AVENUE PROPERTY LINE;**

2. **THE SIDEWALK LOCATED ON PRIVATE PROPERTY SHALL REMAIN AVAILABLE TO THE PUBLIC AT ALL TIMES;**
  3. **ALL LOADING/UNLOADING OF VEHICLES SHALL OCCUR EXCLUSIVELY ON SITE;**
  4. **COMPLIANCE WITH ALL PUBLIC WORKS/ENGINEERING REQUIREMENTS/CONDITIONS OUTLINED IN THEIR MEMORANDUM DATED OCTOBER 28, 2003, INCLUDING THE RECOMMENDED CONDITIONS OF APPROVAL FROM THE TRAFFIC DIVISION;**
  5. **COMPLIANCE WITH ALL CODE SERVICES REQUIREMENTS/CONDITIONS AS OUTLINED IN THE MEMORANDUM DATED OCTOBER 16, 2003 REGARDING THE SUBMITTED LIGHTING/PHOTOMETRIC PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY;**
  6. **THE PROPOSED FREESTANDING SIGN SHALL BE REVIEWED BY STAFF TO ENSURE ITS COMPLIANCE WITH THE ZONING ORDINANCE AND THE OGDEN AVENUE MASTER PLAN;**
  7. **THE VILLAGE COUNCIL SHOULD CONSIDER REQUIRING THE PLACEMENT OF “NO PARKING” SIGNS ON CUMNOR ROAD ADJACENT TO THE SUBJECT PROPERTY;**
  8. **CAR CARRIERS SHALL EXIT THE SITE ONTO CUMNOR ROAD BUT SHALL NOT BE ALLOWED TO TURN RIGHT ONTO CUMNOR ROAD;**
  9. **REPEAL OF THE PREVIOUSLY APPROVED SPECIAL USE ORDINANCE NUMBER 4474;**
  10. **COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.**
- MR. NICHOLAOU SECONDED THE MOTION.**

Chairman Jirik next asked if there was any comments, questions or clarification of the amended motion. Hearing none, Chairman Jirik asked for a roll call.

**ROLL CALL:**

**AYE: Mr. Griesbaum, Mr. Nicholaou, Mr. Matejczyk, Mrs. Reynolds, Mr. Stark, Mr. Waechtler, Chairman Jirik**

**NAY: None**

**ABSTAIN: Mr. McCormick**

**The motion passed unanimously.**

Chairman Jirik pointed out the abstention does not count to the majority because Mr. McCormick recused himself at the beginning of the Public Hearing.

Chairman Jirik advised the petitioner the next step is for the record of the Public Hearing to be presented to the Village Council at a Workshop Meeting.

Upon concluding the public hearing portion of the meeting, Chairman Jirik explained the next item to be discussed was changing the Plan Commission's meeting date and location to Village Hall. Chairman Jirik stated such changes would be effective in January of 2004 so that all necessary published notices would have the correct date. Chairman Jirik advised that any change has to be agreeable to all the Plan Commission members because all of the members have planned their calendars around meeting on the first Tuesday of the month. Chairman Jirik asked Staff what day of the week they preferred, and Mr. Skach indicated earlier in the week would be better than later in the week for logistics reasons, but Staff would accommodate the Commission's needs. After discussion, it was agreed that the new meeting day would be the third Monday of the month subject to confirmation of availability.

Chairman Jirik asked if there was anything on the December agenda. Mr. McCormick pointed out that the petitioner for the lot split on this evening's agenda requested a continuance to the December meeting. Mr. Skach noted there is a good possibility that Discount Tire will be presenting a resubdivision of The Home Depot Subdivision on Butterfield Road.

Chairman Jirik stated he would like to add an item to the December agenda on policies and procedures. He noted this would be the beginning of a process to work through various issues. Whether or not this will be included will depend on how many items are on the December agenda.

Chairman Jirik noted that Mr. Nicholaou wanted to speak. Mr. Nicholaou prefaced his remarks with the statement that he had discussed what he wanted to talk about with Chairman Jirik earlier this evening. With regard to the Luxury Motors Special Use Amendment, Mr. Nicholaou stated he believed the Plan Commission had "been had". At the August Plan Commission meeting, Luxury Motors said they were going to do things right and make things right for the neighborhood. Mr. Nicholaou noted he drives by Luxury Motors every day, and he sees Florence Avenue used as a business street day in and day out. Mr. Nicholaou recalled at that Plan Commission meeting he asked how many spaces would Luxury Motors lose when they build the 3,000 square foot facility and they responded only 12 spaces. Mr. Nicholaou stated driving and walking by the site it is obvious that it is considerably more than 12 spaces.

For the record, Mr. Nicholaou stated his opinion that Code Enforcement needed to take charge of the violations on Luxury Motors' property. It is not incumbent upon the community to be the policemen for conditions upon which the Plan Commission votes. We cannot expect the public to pick up the telephone to report nuisance violations. Mr. Nicholaou expressed the belief that we were duped that evening. Mr. Nicholaou acknowledged that Luxury Motors is a valuable member of the community and generates a lot of tax revenue, but they need to clean up their act and be a good neighbor to the surrounding residents. Mr. Nicholaou stated Luxury Motors has acquired land on the

south side of Ogden Avenue and in his opinion that site looks unkempt. Mr. Nicholaou indicated we Commissioners are not spending time away to assist the community and Ogden Avenue by serving on the Plan Commission and attending joint meetings with the Economic Development Commission to then have a business ignore its responsibilities. Mr. Nicholaou strongly stated the Village should do something about this, and they have the power to do it. Several Commission members agreed.

Chairman Jirik stated, for purposes of the minutes, the Plan Commission has a legitimate concern about the practical application and enforceability of issues that are discussed and agreed to in a motion. Chairman Jirik emphasized this is something the Commission needs to very carefully think about with regard to motions. A collaborative effort is required to make the enforceability as transparent, easy and practical as possible.

Chairman Jirik stated this particular business is an issue and a concern. He noted some of Mr. Nicholaou's statements were strong. He indicated if Mr. Nicholaou was o.k. with that, then as Chairman he was also o.k. with it. He indicated he was not here to aggravate or alienate people. Mr. Nicholaou recalled at the September Plan Commission meeting he provided the gentlemen from Luxury Motors with current pictures of their parking, their dumpster, etc. to show them what their facility looked like. Every one of the Plan Commission members at that meeting were also provided with copies of those pictures, and they all heard the Luxury Motors representative stand up and tell the Plan Commission what they were going to do. Mr. Nicholaou stated Commissioner Tully has stated he wants the Plan Commission members to be explicit. Mr. Nicholaou continued the Village Council needs to know the Plan Commission considered all the facts including those pictures. Mr. Nicholaou stated he considers Luxury Motors a very viable entity to this community. Their tax dollars are well spent. They have made a physical improvement to their site on Ogden Avenue. Mr. Nicholaou stressed they should not have come before the Plan Commission stating they would address outstanding problems, and they would be a good neighbor. The outstanding problems are still there and they are getting worse.

Mr. Waechtler quoted from the Workshop Minutes where Mr. Tully stated, "The Plan Commission members should articulate their reasons more clearly". Mr. Waechtler commented he felt that was a mandate from Mr. Tully. Mr. Waechtler stated he did not know if Code Enforcement is being called with regard to these issues with Luxury Motors or if they are being charged with this challenge of going after Luxury Motors. Mr. Waechtler indicated the Code Enforcement Department was the logical department to handle these matters. The Police Department should not have to go out there all the time. We all like the revenue, but, in plain language, we do not like to be lied to. Mr. Waechtler recalled he said the same thing to BP Amoco when they came before the Plan Commission in October to amend their special use for a site-down café that had already been there for two years. Mr. Waechtler strongly emphasized such actions insult the intelligence and integrity of the Plan Commission members.

Mr. Nicholaou pointed out Code Enforcement took care of all the illegal parking of vehicles on the Ogden Avenue parkways. There were a number of complaints, and it

ceased. Mr. Nicholaou noted it has been at least six months since we have seen this problem even in front of the properties of the most ardent past violators.

Mr. Waechtler stated the long-term effect of this is that the Plan Commission is seen as patsies or pushovers. The individuals serving on the Plan Commission have the community at heart and challenge people to do things correctly. When we are made a mockery of and our integrity is insulted, we need to challenge that. Mr. Waechtler concluded by stating he wanted to go on record that the Plan Commission was duped that night they heard the Luxury Motors' petitions. Mr. Waechtler emphasized their feet should be put to the fire. He agreed wholeheartedly with Mr. Nicholaou's comments.

Mr. Nicholaou referenced the Sievers petition heard earlier this evening and noted that the Plan Commission took extra time and effort to assure that the language in the motion was correct. When Mr. Sievers said he heard the neighbors' concerns and will do what is necessary those requirements were made a part of the motion.

Chairman Jirik commented as Chairman he was very diligent in clarifying the detailed points in the motion so that it would be beyond dispute.

Chairman Jirik stated there needs to be more discussion and clarification as to how these matters can be handled. As an example, should the Plan Commission's requirements be contained in the motions or can these enforcement issues be handled differently. Clarifying the motions and being very precise in what is said and recommended and creating a good record of intent and concern and how issues should be addressed is very valuable. As a Commission, we want the record that goes to the Village Council to be as abundantly clear as possible and does not leave any wiggle room. The motion can say the right thing but if it is not enforceable then nothing has been achieved. Mr. Nicholaou stated he could not see that anything he said previously could not be enforceable. He questioned how could blocking off the middle of a major arterial street not be enforceable; how could parking on a public street and using it as your own parking lot not be enforceable; how could making noise pollution that aggravates your neighbors not be enforceable. Mr. Nicholaou stated if he had a dog that barked incessantly his neighbor would have the right to complain to the Village, and the Village has the power to enforce him to contain his dog.

Mr. Waechtler complimented Mr. Skach and Ms. Browne because they have worked hard in getting the Plan Commission more information from Engineering and Traffic standpoints. Mr. Waechtler and Mr. Nicholaou agreed that this evening's Staff reports were excellent, as did the other Commission members. Mr. Waechtler commented detailed information is a big help to the Plan Commission members. He thanked Staff for the extra material and effort.

Mr. Waechtler recalled his earlier comments regarding doing business in Milwaukee. Every year his company had to get their permits renewed. If the landscaping, parking, etc. did not look as was agreed to at the time the permit was issued, the City indicated the permit would not be renewed. Mr. Waechtler indicated he was not saying that is what

Downers Grove needs to do, but we do need to address the problems discussed this evening.

Mr. Skach asked if the Plan Commission wanted these comments forwarded to the Village Council under separate cover rather than as part of the minutes. The Plan Commission members concurred.

Mr. Griesbaum noted this issue must have been on all the Plan Commission members' minds. He noted as he drove by Luxury Motors this week he was absolutely appalled as what he saw. He shared that this first thought was "boy, were we taken as a group". Mr. Griesbaum stated if the Council members want more detail from the Plan Commission they have received plenty of detail tonight to indicate that the Plan Commission is not very happy with the situation at Luxury Motors.

Mr. Skach introduced Keith Sbiral, current development planner and the newest member of the Planning and Community Development Department. He comes to Downers Grove from the Village of Barrington where he handled current development petitions. The Plan Commission members warmly welcomed him.

As there was no further business, Chairman Jirik called for a motion to adjourn. **MR. MCCORMICK MOVED TO ADJOURN THE MEETING, AND MR. GRIESBAUM SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 10:35 p.m.

C: M. Millette, Assistant Director Public Works-Engineering  
J. Hall, Development Engineering Manager