

Chairman Jirik called the September 2, 2003 meeting of the Plan Commission to order at 7:40 p.m.

ROLL CALL

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

ABSENT: Mr. Stark

STAFF

PRESENT Joseph Skach, Director Planning & Community Development
Alice Dornan, Recording Secretary

Chairman Jirik stated the draft minutes of the August 5, 2003 meeting need to be reviewed and approved. He asked if there were any additions, deletions or corrections to the minutes. **MR. GRIESBAUM MOVED TO ACCEPT THE MINUTES OF AUGUST 5, 2003 AS PRESENTED, AND MR. MATEJCZYK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

Chairman Jirik 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 Jirik 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 Jirik 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 Jirik 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 Jirik 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 Jirik pointed out packets of information regarding this evening's petition are available at the front table. Chairman Jirik explained there are three items on this evening's agenda. Chairman Jirik 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 Jirik explained the recommendations could take one of three forms; recommend approval as presented, recommend approval with changes or recommend denial.

Chairman Jirik called to order the public hearing for File No 2000.

FILE NO. 2000 PRELIMINARY PLAT APPROVAL – FAIRWAY COURT SUBDIVISION; Property located on the west side of Fairview Avenue, approximately 197 feet south of 59th Street, Downers Grove, IL (PIN 09-17-402-027,-028); Raymond J. & William L. Ponstein, Owners; William L. Ponstein, Petitioner

William L. Ponstein, 6012 Hillcrest Court, Downers Grove stated he is asking for preliminary approval for a five lot subdivision at 5920 Fairview Avenue. He explained the property consists of 1.77 acres. He explained they are proposing a cul-de-sac with five lots around it because a cul-de-sac would provide driveway access on a local street as opposed to driveway access on an arterial street. Mr. Ponstein noted that the Village's ordinance suggests this is the advisable route to take. A cul-de-sac will also enable them to better manage the water flows from the northwest corner to the southeast corner of the property as there will be more open space between the residences. Mr. Ponstein indicated by using a cul-de-sac instead of the three lots that some of the neighbors would like to see, the setback from those neighbors would be increased by 100%. Currently he can build within five feet of the lot line, but with the use of easements, he would be at least ten feet away.

Mr. Ponstein stated they are asking for lot depth exceptions on Lots 2, 3 and 4 as identified in the Staff Report. Mr. Ponstein noted the Ordinance provides for these exceptions as long as they have enough area on the lot. The average size is 12% greater than that required by the Ordinance. The Ordinance also states the exceptions should fit the character of the neighborhood. Mr. Ponstein pointed out of the 23 lots bounded by Fairview, Grand, 59th and 60th Streets, 15 of them would require exceptions today. Mr. Ponstein stated his request for exceptions on Lots 2 and 4 is necessitated by his currently proposed lot configurations. Mr. Ponstein distributed three different lot scenarios that showed how Lot 4 could be reconfigured to reduce or eliminate the exception. Mr. Ponstein indicated the proposed exceptions are also partially necessary because they are required to dedicate 17 additional feet for the Fairview Avenue right of way. Without that dedication, a request for an exception would not be necessary.

Mr. Ponstein concluded his presentation by asking the Plan Commission for a favorable recommendation for his proposed five-lot subdivision.

Chairman Jirik asked Staff for its review and critique.

Joseph Skach, Director Planning and Community Development, advised the Commission that he would be standing in for Ms. Browne, Staff Planner, who is unavailable this evening.

Mr. Skach advised the petitioner, per Section 20.502 of the Subdivision Control Ordinance, is requesting preliminary consideration of the proposed subdivision in consideration of the factors affecting the physical disposition and geometry of the

subdivision. Mr. Skach noted the petitioner is requesting exceptions for lot depth as delineated in the Staff Report.

With respect to the Comprehensive Plan and zoning, Mr. Skach stated the proposal is consistent with the Future Land Use Plan designation of single-family residential 0-6 dwelling units per acre. The petitioner is also proposing to bring the subdivision in per the R-3 zoning that was unanimously recommended for approval by the Zoning Board of Appeals earlier this year. The Village Council approved the proposed rezoning to R-3, single family residential in May 2003.

Mr. Skach noted the area of the tract is approximately one and three-quarter acres. The subject property does contain some existing improvements, which the petitioner has indicated would be demolished prior to any substantive building, but certainly conditioned upon final plat approval.

Mr. Skach stated the five proposed lots do exceed minimum area requirements as delineated in the Staff Report from 11,625 square feet to 12,229 square feet. In addition, the proposed lots either meet or exceed the width requirements.

Mr. Skach stated the preliminary plat shows a proposed new street off of Fairview Avenue ending in a cul-de-sac. The petitioner is proposing to make full public improvements for the new Fairview Court cul-de-sac roadway. Mr. Skach pointed out an additional 17 feet of right-of-way along the easterly frontage of the subject property will be required. Sidewalk is currently located within the Fairview Avenue right-of-way adjacent to the subject property.

With respect to engineering and stormwater management, Mr. Skach stated the Engineering and Stormwater Divisions of the Public Works Department have evaluated the petitioner's proposed preliminary subdivision plat and engineering plans. Their recommendation is included as an attachment to the Development Team Report. The Public Works recommendation states at this preliminary stage the petitioner has provided adequate engineering plans.

With respect to school and park district donations, Mr. Skach noted, upon submission of a final plat for consideration and a statement as to the types of units that would be built, those donations will be calculated.

Mr. Skach indicated the petitioner is requesting that the lot depth be allowed to go from the minimum required lot depth of 140 feet to 99 feet, a reduction of 29.3% for Lots 2 and 4. Lot 4 does, however, measure 152 feet to the midpoint of its westerly-most property line and 163 feet to the point most remote from the front property line. Lot 3, the center western-most lot, has a proposed lot depth of 122 feet, a reduction of 12.9%. Consistent with provisions for lot exceptions, Mr. Skach stated the Staff Development Team evaluated the petitioner's request with respect to the exceptions as noted in the Staff Report. With respect to the impact on the value or reasonable use of surrounding properties, Mr. Skach indicated the lot depth exceptions' range is fairly wide from 12.9%

(Lot 3) to 29.3% (Lots 2 and 4); however, in terms of absolute lot depth the maximum depths on Lots 2 and 4 would be in excess of the 140-foot minimum depth requirement. Mr. Skach stated granting of the requested exceptions would not relieve the petitioner from meeting all other aspects of the Code including all required yards.

With respect to the consistency of development in the area and the surrounding uses, Mr. Skach pointed out the R-3, single-family zoning designation previously approved by the Village on this parcel is consistent with the predominant zoning and patterns of development in the area.

With respect to the characteristics of the property that support or mitigate against the granting of the exception, Mr. Skach stated the depth of the subject property is proposed to be reduced in substantial part to accommodate the right-of-way dedication on Fairview Avenue.

The Subdivision Control Ordinance indicates, if exceptions are requested, exceptions from the minimum area requirements cannot be granted. Mr. Skach advised that the proposed lots do meet and exceed the minimum area requirements.

With respect to whether the exception will alter or be consistent with the essential character of the locality, Mr. Skach added this geometric proposal would not be considered inconsistent with subdivisions in the area.

Mr. Skach explained the petitioner, understanding certain sensitivities, elected, upon Staff recommendations, to move forward with only a preliminary versus a final plat petition to give the Plan Commission the opportunity to consider some of the issues associated with the property and to take those into consideration.

In conclusion, Mr. Skach stated the Staff Development Team concurred with the concept and a positive recommendation could be forwarded to the Village Council subject to the conditions outlined in the Staff Development Team Report: 1. The petitioner should continue to explore whatever means necessary to reduce or eliminate the exceptions; 2. All of the Public Works issues should be addressed prior to submission for final plat approval; 3. The final plat of subdivision should be in compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies. Chairman Jirik asked Staff to clarify that there are three exceptions requested from the 140-foot minimum lot depth requirement. Mr. Skach indicated Lots 2, 3 and 4 would each require an exception to be less than 140 feet in the amounts indicated in the Staff Development Team Report.

Chairman Jirik stated the next phase of the public hearing is public participation. Chairman Jirik asked that anyone wishing to speak for or against the petition should come forward and state their name and address for the public record.

Angela Flowers, 5905 Fairview Avenue, Downers Grove (Westmont), stated her home is directly across the street from the proposed subdivision. She indicated she and her

husband have problems with this plan on many levels. The proposed cul-de-sac bothers them. It is not consistent with any other property on Fairview Avenue. They could not find any cul-de-sac that emptied out onto Fairview Avenue. Mrs. Flowers stated the proposed subdivision was not consistent with the surrounding properties for several blocks on Fairview Avenue. She noted they moved to Fairview Avenue because there was a lot of land that afforded nice back yards and a lot of trees. They were not able to find these characteristics in other areas of Downers Grove. Mrs. Flowers commented the proposed plan would completely change the character of their neighborhood. She noted the locator map displayed on the overhead screen compared their area, Fairview Avenue, with the area to the west behind the proposed subdivision. She agreed there are cul-de-sacs in that area. Mrs. Flowers stated her neighborhood includes the houses she sees when she walks outside her front door every day. She would be looking at the proposed subdivision every time she pulled in and out of her driveway. She claimed that would not be consistent with the rest of a several block area on Fairview. All those lots have houses that face the street, while the proposed houses would be facing a cul-de-sac.

Mrs. Flowers stated the proposed subdivision on a cul-de-sac would increase light and noise pollution onto her property. She claimed it would also increase traffic directly across from her property. She acknowledged it might be somewhat safer coming out onto Fairview from a cul-de-sac rather than several accesses; however, three access driveways onto Fairview would be in accordance with everything else along Fairview Avenue. Mrs. Flowers stated they understand this property will be developed, but they believe it could be properly developed with three houses, and it would then look like the rest of the neighborhood.

Mrs. Flowers expressed the belief that the lots are too small. She based her belief on the fact that there are no small houses being built in Downers Grove. Any new structure would be larger than existing structures in the neighborhood. Mrs. Flowers pointed out Mr. Ponstein is a smart businessman, and he is going to want to build big houses which means he will eventually have to ask for variances for setbacks and building heights. Mrs. Flowers asked the Plan Commission to consider these issues when they make their recommendation.

Marc Lopata, 5419 Grand Avenue, Downers Grove stated he lives and works in Downers Grove. Mr. Lopata stated his comments would address deficiencies in the Staff Report. He recommended that his questions and concerns be addressed before the Plan Commission's recommendation, the minutes and the Development Team Report are presented to the Village Council.

Mr. Lopata noted that it was inevitable that the character of neighborhoods would change. Mr. Lopata stated he was personally opposed to exceptions for newly purchased properties. Mr. Lopata advised he sits on a Village Commission that has recommended exceptions for people that have lived on their property for a long time and predate the Ordinance. With regard to his concerns, Mr. Lopata stated he did not see any justification for allowing an exception nor did he see an evaluation of alternatives in the report. Mr. Lopata expressed concern that Fairview Avenue already is narrower than the

allowable right of way of 100 feet. As an engineer, he foresees traffic problems. Turns across traffic will increase by 500% with this development. Mr. Lopata pointed out Fairview Avenue is on his commute.

Mr. Lopata stated stormwater management is referenced in the Development Team Report, but there is no treatment of it within the Report. Mr. Lopata pointed out the Village has had problems with stormwater management and was on a year's probation from the County for having lacked stormwater management. Mr. Lopata advised he lives on Saint Joseph Creek and pointed out everybody who lives on Saint Joseph Creek lives downstream from this development. Mr. Lopata stated he sees an increase of impervious surface area in this development, a loss of pervious area by at least one-third considering the house footprint, the area of impervious roads and driveways. Mr. Lopata stated as a downstream property owner who has Saint Joseph's creek running through his back yard, he is always concerned about upstream development that increases flooding.

Mr. Lopata referred to Paragraph 9 Subsection 1 of the Report and stated the value or reasonable use of surrounding properties was not addressed. With regard to Subsection 2, Mr. Lopata indicated it appeared Staff was holding up other exceptions as models, and he did not believe that was valid justification for granting an exception. With regard to Subsection 3, characteristics of the property that support or mitigate against the granting of the exception, Mr. Lopata pointed out there are no identified characteristics that support or mitigate against the granting of an exception.

Mr. Lopata next referenced the 17-foot easement to increase Fairview Avenue to 100 feet and commented it would do nothing to the rest of Fairview Avenue, which is too narrow. Mr. Lopata referenced Mrs. Flowers' earlier comment regarding the fact that there are no other cul-de-sacs on Fairview Avenue.

Mr. Lopata noted he was acting as a public commenter and an engineer. Having read the Staff report for the first time this evening, Mr. Lopata stated he was not really familiar with the issues but only with the quality of the Report. He concluded if this Report were going to be presented to the Village Council, he would be very concerned about the issues he brought up and suggested Staff should have solid answers to those issues.

Brian O'Leary, 401 59th Street, Downers Grove, noted the southern boundary of his property abuts the approximate middle third of the northern boundary of the piece of land under consideration this evening. Mr. O'Leary stated he purchased his home from his father-in-law in 1989, and in 1962 his father-in-law had purchased the property from a doctor. Mr. O'Leary indicated his wife grew up in the house in which they currently reside, walked to the elementary school and to the junior high school down 59th Street. Their sons, who are now age 13 and 10, have also been raised in this house and have considered it their playground for their entire life.

Mr. O'Leary stated he supports development as Downers Grove moves into the future. However, as he would be intimately affected by this development as it goes forward, he wanted to add a few more concerns to the list that had been presented this evening. Mr.

O'Leary stated he heard a comment from Mr. Ponstein that the property drains from northwest to southeast. Mr. O'Leary advised he stood outside in the rain on the south side of his house Monday night and looked toward the house that currently exists on the subject property. He stated it was impossible for him not to see that the land rises as it goes from the property line on his side. He noted there are at least 20 large lilac bushes planted by the previous owner that separate 30 feet from the lot line to the current structure as well as at least 10-15 trees. Mr. O'Leary commented the heavy rains we occasionally have and the snow melt in the spring results in about an inch or two of water between his lot line and his house. At present it is not a problem, but as this property is developed, the ability to absorb this water will be reduced. In his opinion, this will become a much bigger problem for him. Mr. O'Leary noted he attended the Zoning Board of Appeals meeting and was assured that the land does not in fact drain toward his house, but the problem is that he sees water in his yard and has been seeing it since 1989. Mr. O'Leary stated he also has a concern regarding the reference to how the character of the locale is consistent with this proposed development. Mr. O'Leary noted he is not an expert, but it seems to him that the character being referred to is the R-3 zoning characteristics of the locale. Mr. O'Leary stated having a large structure ten feet from the lot line does not seem representative of this neighborhood as has observed over the last decade while trick or treating with his children or riding bikes. Mr. O'Leary stressed the character will be significantly altered both for the people on the south and north boundaries as well as for the people across Fairview Avenue.

Mr. O'Leary stated as he was listening to the review by the Staff, he was interested in the last comment that although Staff recommended the petition, Staff encouraged the developer to continue to look for alternatives to these exceptions. Mr. O'Leary stated that struck him as a very problematic way of granting an exception because it really says "well you guys can have it, but if you want to, fix it for us". Mr. O'Leary expressed the hope that the Plan Commission will give this petition the consideration he trusts they will.

Mr. O'Leary presented photographs of the subject property to the Plan Commission.

Bill Ericksen, 5925 Fairview Avenue, Downers Grove (Westmont), stated he lives directly across from the subject property and whenever there is a heavy rain, he has a lot of water funneling off the pavement on Fairview onto his property. If a cul-de-sac is put on that property, all the water that would have been absorbed by the current property will be funneled right out into Fairview Avenue and downstream from that. Mr. Ericksen indicated he would then get even more water on his property. He did not think this was a responsible way to develop this property. Three homes with different types of driveways, such as gravel, would absorb the water rather than having the water run out onto Fairview Avenue.

Dave Mejdrich, 5900 Fairview Avenue, Downers Grove stated he lives just north of the subject property at the southwest corner of 59th Street and Fairview Avenue. He has a concern that it seems to be good practice to give exceptions so that more houses can be built on a piece of property. Mr. Mejdrich commented such a practice did not seem

logical to him. Mr. Mejdrich noted currently he looks out from the front of his house and sees Fairview Avenue, from the back of his house he sees his neighbor's property and if this is built to the south he will see a huge building ten feet off of his property line. Mr. Mejdrich stated it did not appear that there are any other homes in the area that face such a situation. He acknowledged that he too has traveled up and down Fairview Avenue, and there are no cul-de-sacs. Mr. Mejdrich echoed Mr. O'Leary's comments about water that builds up just to the north of the property. He expressed the belief that this situation will not get any better. If you take down one small house and put up five big houses plus the concrete of the cul-de-sac, the amount of ground that the water can soak into will be reduced. Mr. Mejdrich stated just about every property in the Fairview Avenue area, with a few minor exceptions, has a turn-around driveway. Mr. Mejdrich commented he did not see why there could not be two or three houses with similar turn-arounds instead of five houses on a cul-de-sac.

Mr. Mejdrich stated his wife suggested that people should come to the intersection of Fairview Avenue and 59th Street in the morning and to see the back-up traffic that makes it very difficult to get out of his driveway. Putting a cul-de-sac on the subject property with only one exit out onto Fairview, will create a potential for at least ten cars, two per house, going in and out onto Fairview. Mr. Mejdrich pointed out the proposed cul-de-sac will be pretty close to the traffic light at 59th Street and Fairview Avenue. Mr. Mejdrich commented there is a lot more traffic on Fairview Avenue now because of the construction on Main Street. In any event, it is always bad in the morning and in the evening. Mr. Mejdrich pointed out the proposed cul-de-sac is also pretty close to 60th Street, and he foresees some accidents because of people trying to turn into the cul-de-sac and cars going south on Fairview trying to turn left onto 60th Street. Mr. Mejdrich stated the proposed five-lot subdivision is not consistent with the neighborhood.

Mr. Mejdrich pointed out that just about every tree on that property would have to come down. He expressed the opinion that a lot of the trees could be saved. He concluded that such a subdivision with its cul-de-sac would change the look of the neighborhood. Chairman Jirik advised those present that the Plan Commission always allows everyone an opportunity to speak and then others can speak again if they have something new to present that has not been addressed by anyone else.

Andrew Flowers, 5905 Fairview Avenue, Downers Grove (Westmont) stated he lives directly across the street from the proposed project. He asked Staff to again display the locator map on the overhead screen. With regard to the Staff report, Mr. Flowers said there were items that he agreed with, and there were items with which he disagreed. One of the items he disagreed with is the make-up of the neighborhood. Neighborhood in itself is subjective in how somebody views that. If you lived in an area like this, your neighborhood would generally be those homes you see when you walk out the front door. Mr. Flowers pointed out the homes around his property and stated those are the people he counts on, and all the people in the audience are his neighbors. Mr. Flowers emphasized his neighbors live in every one of the homes he noted that face onto Fairview. He also indicated the homes on the south side of 59th Street east into Westmont are also his

neighbors. All of these homes have larger yards, which give the children the ability to run and play.

Mr. Flowers next asked to have the preliminary plat displayed on the overhead screen. Mr. Flowers pointed out most of the proposed five homes would have a ten-foot back yard. Mr. Flowers expressed the opinion ten feet of yard is not enough area for children to run around in and play. Mr. Flowers stated he has a turn-around driveway 25 feet off of Fairview. Every day cars turn around in his driveway. The cul-de-sac will become a giant magnet for people going north on Fairview that get stuck in traffic either because of a train or the traffic light at 55th Street. Because they will not wait, they will turn around and go south to 63rd Street and then go across to Main Street. Mr. Flowers stated if the subdivision was for three homes, the neighborhood would remain consistent, there would be very good use of the land because everyone of those houses would be much bigger than the proposed homes and there would be huge backyards for the kids.

With regard to the cul-de-sac, Mr. Flowers stated the builder would have to dedicate that roadway to the Village. He asked who would maintain that roadway for the next 100 years. The Village will have to pay for snowplowing, paving and sewer maintenance. With three homes, none of that would be issue. Elimination of the cul-de-sac would also save the petitioner thousands of dollars because he would not have to put in the infrastructure.

Mr. Flowers stated he agrees with the Staff that the petitioner must adhere to all the other demands that will be required in order to build this subdivision. Right now, the petitioner is asking for an exception of three lots. Mr. Flowers pointed out this is just a stepping stone to bigger problems. Mr. Flowers stated Mr. Ponstein builds a quality home, but to build a home that will sell, he will have to build a two story, 30 feet high home. Every one of these homes will have to come in for setback variances because none of these lots would meet the setback requirements for a 30-foot high home. Mr. Flowers asked the Plan Commission to look at this problem as a whole, come up with a better solution, which is the three homes, and solve the problem now before the petitioner spends thousands of dollars on engineering costs and variances for each one of these homes.

Mr. Flowers stressed he and his wife were not opposed to construction of homes. Everybody's property becomes more valuable. Mr. Flowers stated there is a deeper consideration here besides money and that is the welfare of the neighbors and the citizens that have been there anywhere from 5 to 40 years. Mr. Flowers asked the Plan Commission to take these issues into consideration when they make their decision.

Wayne Behlau, 5732 Fairview Avenue, Downers Grove, IL said he originally came to this evening's meeting just to speak on the aesthetics. In his opinion, having two homes with the sides facing Fairview would not fit into the character of the neighborhood. Mr. Behlau noted Fairview Avenue is a feeder road into the Downers Grove area and as such sets the stage for what you will eventually see inside Downers Grove. Mr. Behlau stated the proposed subdivision would have smaller back yards than other homes in the neighborhood. As an engineer, he expressed concern that the increase in the impervious

surface with five homes on a cul-de-sac will add to the water run-off. Mr. Behlau stated he encourages development for Downers Grove; however, he felt the petitioner needs to additional homework with regard to the issues raised this evening.

James A. Kopeny, zoning attorney, 751 Pompano Lane, Palatine, Il stated he was present this evening on behalf of Mr. and Mrs. Flowers. Mr. Kopeny distributed a drawing showing three houses on the subject lot without a cul-de-sac.

Mr. Kopeny stated because of the way the Downers Grove Ordinance is written, as long as a house faces a dedicated street that can be considered the front yard. He referenced Lots 1 and 5 on the Preliminary Plat of Subdivision. The wide part of these lots is definitely across the cul-de-sac with the narrow part of the lot facing toward Fairview. The only reason these two lots do not need exceptions is because they do not have to figure it on the wide part of the lot as being the frontage per Code. Mr. Kopeny indicated the house is projected to sit on the lot facing the court side which you would think would be the front lot but does not have to be the front lot. If you look at it that way, Mr. Kopeny advised both of those lots would also need exceptions because their depth is only about 89 feet. Mr. Kopeny noted if you take the depth off of Fairview, the lots would be very deep with a 80-foot frontage.

With regard to setbacks, Mr. Kopeny explained the Ordinance allows 35 feet in height in a R-3, single family residential zoning district; however, once you go above 20 feet for the front yard you have to add one foot to the setback for every two feet of height over 20 feet. If the house is 30 feet tall, the house will have to be setback five more feet than what is shown on the preliminary plat. Mr. Kopeny pointed out on Lots 1 and 5 if you slide those houses back five more feet, you are in the rear yard setback that also has to be brought forward because the 20-foot height limitation has been exceeded. Mr. Kopeny indicated on a preliminary plat of subdivision only the minimum setbacks have to be shown. He questioned although the developer has complied with the minimum setbacks, can he comply with the R-3 setbacks when he actually submit plans for building permits? His clients contend that they probably cannot. To sell the type of home that is being built in Downers Grove, these homes will have to be two stories with a raked roof. When Mr. Ponstein comes in for final plat approval, he will have to request more exceptions. Mr. Ponstein will have already received preliminary plat approval. He could then argue that he has prospective buyers, but the type of house they want to purchase will not fit on the footprint as shown on the preliminary plat of subdivision. He will then be asking for exceptions. Mr. Kopeny indicated this goes against what Staff recommends on the last part of their report where the recommendation is for the petitioner to continue to explore means to reduce or eliminate exceptions. He also pointed out the Staff report referenced lots fronting on Osage Avenue that are less than 64 feet wide. Mr. Kopeny stated those lots are 185 to 186 feet deep. Even with the narrow width, they almost meet the R-3, single family residential 10,500 square foot minimum lot area. All of the other lots in the neighborhood that surround this parcel do comply or come very close to complying with the current R-3 zoning requirements. Mr. Kopeny stated there are not many large lots left in Downers Grove for builders to come in and develop. The Plan Commission and the

Staff has to make sure the Village does not lose the flavor and ambiance of Downers Grove by trying to develop and put in more homes.

Mr. Kopeny concluded by summarizing that the proposed development will not be in character with the rest of the neighborhood, the developer will not be able to maintain the required R-3 zoning district front, rear and side yard setbacks and the subdivision will produce more traffic. Mr. Kopeny stated if the Plan Commission recommends preliminary plat approval, it would set a precedent. If another developer proposed the same kind of development on Fairview Avenue or in another part of town and the Plan Commission did not recommend approval, the developer could say you recommended preliminary plat approval for this five lot subdivision on a cul-de-sac. Mr. Kopeny advised driving the area around this proposed subdivision; he did not see any new construction being built on a cul-de-sac.

Joanne Perez, 413 59th Street, Downers Grove, stated the rear of her property abuts the rear of the proposed subdivision. She and her husband spent years trying to find a house in Downers Grove. Mrs. Perez stated all she wanted was four bedrooms and was willing to give up on everything else as long as there was a decent back yard. She indicated it was great to have the open space so the kids could play. Mrs. Perez commented that many of her friends who live in Downers Grove bring their children to play at her home because of the large back yard. She stressed the importance of keeping Downers Grove the way it has always been. Both she and her father were born and raised here, and it is very important for her to raise her children in Downers Grove. Mrs. Perez stated she supports Downers Grove's progress, development and new construction. She emphasized that there is something unique about Downers Grove. She commented that the five houses proposed for this subdivision do not have enough space between them nor is there enough back yard space. Mrs. Perez noted whoever lives on proposed Lot No. 2, will be seeing her children playing in their back yard. Mrs. Perez concluded that Downers Grove is a family town, and she asked the Plan Commission to keep that in mind in making their recommendation regarding this proposed subdivision.

Chairman Jirik asked if there was anyone else who wished to speak. Hearing no response, Chairman Jirik indicated he would allow those people who spoke earlier to speak again if they had something new to present to the Plan Commission.

Angela Flowers, 5905 Fairview Avenue, Downers Grove (Westmont), stated she felt several points brought up by other neighbors were important enough to reiterate. Storm water is a large issue on the east side of Fairview. She concurred water does flow across Fairview onto Mr. Erickson's property. The water covers the sidewalk, and she cannot walk her children to the bus stop. With regard to the traffic issue, Mrs. Flowers encouraged anybody to drive through there at 7:30 a.m. or at 5:30-6:00 p.m. Traffic is backed up from 63rd Street north to 55th Street. She commented while the cars are sitting in front of her home, they are reading the signs against the subdivision in her yard and in neighbors' yards. In her opinion, increased traffic from the cul-de-sac will only add to the traffic in her opinion. The proposed cul-de-sac would provide another turnaround for

frustrated drivers. Mrs. Flowers stated because of the proximity of their home to the 59th Street and Fairview Avenue intersection, they see accidents all the time.

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

Chairman Jirik moved on to questions from the Plan Commission members.

Mr. Matejczyk referred to the report from the Public Works Department. He asked Staff for confirmation that stormwater detention is not required on the site because the total site is less than three acres. He questioned whether permeability was taken into consideration. Mr. Skach noted the Engineering Staff does take a comprehensive look at site engineering issues at this preliminary point; however, Engineering will be asked to take a closer look.

Chairman Jirik asked if three of the lots would not require any exceptions. He asked the developer if he had engaged in any thought to reducing the exceptions. Mr. Ponstein advised that exceptions could be eliminated by reconfiguring the cul-de-sac right of way configuration. The exception on Lot 3 would be the hardest to eliminate; however, the lots would be pushed closer to Fairview encroaching on the dedication. Mr. Ponstein expressed the opinion that would not be desirable. The big lots would be bigger and the small lots would be smaller. Chairman Jirik asked Mr. Ponstein if he had considered other alternatives. Mr. Ponstein indicated he considered three driveways (three homes) but eliminated that layout because of the increase in traffic from three driveways. Mr. Ponstein stated he also considered turn-arounds, but by the time the turn-arounds would be put in, the impervious area would increase. Mr. Ponstein pointed out that the proposed five-lot subdivision would not have as much impervious area as what currently exists on this lot because the rear of the lot is currently paved over with a tennis court. The tennis court covers almost the same area as the proposed cul-de-sac.

Chairman Jirik asked Mr. Ponstein if the reconfiguration he mentioned would create other exceptions. Mr. Ponstein stated if Lots 2 and 4 were reconfigured, it would change the shape of the cul-de-sac but it would not likely create the need for exceptions.

Mr. Nicholaou asked a question about what size house he would be building on these lots.

Mr. Ponstein responded the size would be determined by what people want. He stated he has been building houses in Downers Grove for 40 years and has never asked for one single variance in order to get a bigger house on a lot.

Mark Griesbaum asked about the narrow space between lots. Mr. Ponstein stated his proposed subdivision would have more space than if he built three houses facing onto Fairview Avenue. With three houses, he could build five feet closer to the lot line, which would create a big high wall.

Mr. Nicholaou asked if there was a way to satisfy both sides. Mr. Ponstein stated if he were to build on three lots, he would still put in a cul-de-sac. He would not want to build three homes with three driveways out to Fairview Avenue.

Mr. Waechtler stated he had a lot of questions in his mind with regard to the stormwater issues. Mr. Ponstein said the northeast corner of his property is 749 feet (elevation) and the southeast corner is 742 feet (elevation), which is seven feet lower. Water flows downhill not uphill. Mr. Ponstein stated the property would be regraded.

With regard to traffic, Mr. Waechtler asked Mr. Ponstein if he would talk to the Traffic Engineer.

Mr. Ponstein reiterated he could do five lots without any exceptions by moving the cul-de-sac closer to Fairview Avenue. He would prefer not to do this layout because it would not be desirable and would conflict with the Fairview Avenue right of way dedication. He commented the subdivision would look the same from Fairview Avenue, but the houses would be closer to Fairview Avenue.

Chairman Jirik asked if Staff consulted with the Traffic Engineer regarding the intersection of 59th Street and Fairview Avenue. Mr. Skach noted that Traffic Engineering is part of Public Works and that at this preliminary stage the Village Traffic Engineer did not believe the five lot proposal would pose negative effects, but would be concerned about single point entries on to Fairview Avenue near highly trafficked areas.

Discussion continued with Commissioners McCormick, Griesbaum and Nicholaou regarding the requested exceptions, stormwater, traffic and dedication of 17 additional feet to the Fairview Avenue right of way.

Mr. Waechtler recommended that Public Works should reconsider the traffic and stormwater issues and advise the Commission. He also suggested that Mr. Ponstein should reconsider these same issues and come back with a preliminary subdivision plat that addresses these issues.

MOTION: WITH RESPECT TO FILE NO. 2000 PRELIMINARY PLAT APPROVAL – FAIRWAY COURT SUBDIVISION, MR. WAECHTLER MOVED THAT THE PLAN COMMISSION CONTINUE THIS PETITION TO A DATE CERTAIN TO ALLOW THE DEVELOPER TO DO MORE RESEARCH AND COME BACK WITH A DIFFERENT PROPOSAL.

Chairman Jirik called for a second to the motion and there was no response. The motion failed.

Discussion continued regarding stormwater issues, the requested exceptions, the possibility of four lots on a cul-de-sac, proximity of the cul-de-sac to the intersection of 59th Street and Fairview Avenue. Mr. Waechtler commented that the Plan Commission is not here to solve the developer's problems. Mrs. Reynolds xxxxxxx that she believed

there was adequate information for the Plan Commission to make a decision at this preliminary plat point.

MOTION: WITH RESPECT TO FILE NO. 2000 PRELIMINARY PLAT APPROVAL – FAIRWAY COURT SUBDIVISION, MRS. REYNOLDS MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE PROPOSED FAIRWAY COURT PRELIMINARY PLAT OF SUBDIVISION AS SUBMITTED, INCLUDING THE LOT DEPTH EXCEPTIONS AS REQUESTED FOR LOTS 2, 3 AND 4 SUBJECT TO THE FOLLOWING: 1. THE PETITIONER SHOULD CONTINUE TO EXPLORE MEANS TO REDUCE OR ELIMINATE EXCEPTIONS; 2. THE PETITIONER SHOULD ADDRESS ALL PUBLIC WORKS RELATED ISSUES AS OUTLINED IN THEIR MEMORANDUM DATED AUGUST 6, 2003 PRIOR TO FINAL PLAT APPROVAL; 3. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. MR. GRIESBAUM SECONDED THE MOTION.

ROLL CALL:

AYE: Mrs. Reynolds, Mr. Griesbaum

NAY: Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mr. Waechtler, Chairman Jirik

The motion failed.

Mr. Nicholaou stated he had a problem with the size of the lot depth exceptions on Lots 2 and 4. Mr. Matejczyk indicated he was concerned about the water permeability of a cul-de-sac and was also concerned about requested lot depth exceptions.

Chairman Jirik called for another motion.

MOTION: WITH RESPECT TO FILE NO. 2000 PRELIMINARY PLAT APPROVAL – FAIRWAY COURT SUBDIVISION, MR. WAECHTLER MOVED THAT THE PETITION BE CONTINUED TO A DATE CERTAIN SO THAT THE DEVELOPER CAN ADDRESS THE PUBLIC WORKS ISSUES. MR. MATEJCZYK SECONDED THE MOTION.

Chairman Jirik asked if there were any questions or comments regarding the motion. Mr. McCormick asked if there would be public participation allowed if the petition was continued. Chairman Jirik responded affirmatively.

There being no further questions, Chairman Jirik called for the vote.

ROLL CALL:

AYE: Mr. Waechtler, Mr. Matejczyk, Mr. Griesbaum, Mr. Kahlke, Mr. McCormick, Mr. Nicholaou, Mrs. Reynolds, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik called for a short recess at 9:25 p.m. and reconvened the meeting at 9:40 p.m.

FILE NO. 2001 FINAL PLAT APPROVAL – F.E.W. SUBDIVISION; Property located on the south side of 66th Street, approximately 432 feet west of Fairview Avenue, Downers Grove, IL (PIN 09-20-211-016); Downers Grove Community Church, Owner; WXR & Associates C/O George W. Johnson, Attorney/Petitioner

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

George W. Johnson, Hultman & Johnson, 1303 Ogden Avenue, Downers Grove, stated he is an attorney representing the petitioner, WXR & Associates. Downers Grove Community Church is the owner of the property, and WXR & Associates is the contract purchaser. Mr. Johnson stated they have previously gone through a lot split on this property as well as rezoning from R-1 to R-3. Mr. Johnston stated they are here today for approval of a final subdivision plat to divide this property into two separate lots. Each lot would be 92 feet by 129.79 feet for one lot and 92 feet by 129.98 feet for the other lot. Mr. Johnson advised that R-3 zoning requires a 75-foot wide lot, and they are proposing a lot width of 92 feet. The area of the west lot is 11,949 plus square feet, and the area of the east lot is 11,940 plus square feet. Mr. Johnson explained they are fully compliant for the lot width and lot area but are asking for an exception for the lot depth. Mr. Johnson stated they need the lot depth exception because the parcel is not deep enough and because they have dedicated two additional feet to the roadway.

Mr. Johnson stated the area of each of the proposed lots is greater than the R-3 minimum and greater than most of the lots in the neighborhood. The lots directly to the west of this property are about 131 feet deep, north of the property the lots are 130-131 feet deep with a couple of lots that are only 125 feet deep. Mr. Johnson noted the remainder of the church property is south and east of this property.

Mr. Johnson advised that no public improvements are required. He concluded that their request for the lot depth exceptions fits into the general plan of the area and will not adversely affect the neighborhood in any way and will not adversely impact the values of the property in the neighborhood. He asked for a positive recommendation for their final plat of subdivision petition.

Chairman Jirik asked Staff for its technical review.

Mr. Skach explained the petitioner is asking the Plan Commission to consider approval of a final plat of subdivision, and they are also requesting exceptions from Chapter 20 Section 301 Lot Dimensions to allow a lot depth less than the minimum requirement of 140 feet. Mr. Skach stated the petitioner's proposal is consistent with the Future Land Use Plan designating the property as single family residential. Mr. Skach indicated the existing R-3 single-family residential zoning, which was previously considered and approved by the Village, is consistent with the Future Land Use Plan for single-family residential and surrounding properties.

Mr. Skach added for the Plan Commission that they had previously reviewed a petition for a lot split with a lot depth exception on this parcel that was subsequently approved by the Village Council.

Mr. Skach advised the petitioner wishes to formally document the division of the land through this subdivision petition. He explained the area of the property is approximately one half an acre and is currently unimproved. Both of the lots as proposed will exceed minimum lot area requirements.

Mr. Skach stated Public Works has reviewed this subdivision with respect to the requirements for a final plat of subdivision and has recommended that this be allowed to go forward subject to the comments contained in their memo dated August 26, 2003.

Mr. Skach advised that the Subdivision Control Ordinance established the school and park district donations. He referred to Item No. 7 of the Staff Report.

Mr. Skach stated the petitioner is requesting exceptions to the 140-foot lot depth. Such exceptions have previously been considered by the Plan Commission subject to the rezoning of the property to R-3 and the subsequent lot split petitions.

Mr. Skach referred to Item No. 9 of the Staff Report with respect to the exceptions and the criteria.

Mr. Skach concluded that the Staff Development Team has reviewed the petitioner's request and recommends the Plan Commission consider forwarding a positive recommendation to the Village Council for the proposed final plat of subdivision subject to the following: Compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

As part of the public participation portion of the public hearing, Chairman Jirik asked if there was anyone present who wished to speak for or against this petition. There was no response, and Chairman Jirik declared the public participation portion of the hearing closed.

Chairman Jirik next asked if there were any questions or comments from the Plan Commission members. There was no response, and Chairman Jirik called for a motion.

MOTION: WITH RESPECT TO FILE NO. 2001 – FINAL PLAT APPROVAL – F.E.W. SUBDIVISION, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE PROPOSED F.E.W. FINAL PLAT OF SUBDIVISION, INCLUDING THE LOT DEPTH EXCEPTIONS AS REQUESTED FOR LOTS 1 AND 2 SUBJECT TO THE FOLLOWING: COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. MR. KAHLKE SECONDED THE MOTION.

Chairman Jirik asked if there were any questions regarding the intent of the motion. There were no questions. He next asked if there was any discussion or comments. There was no response. Chairman Jirik called for the roll.

ROLL CALL:

AYE: Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mrs. Reynolds, Mr. Waechtler, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik noted that while the lot depth exception is 20%, it is so highly in character with the neighborhood that it was not a significant issue with him. Mr. Griesbaum agreed and recalled when the Plan Commission recommended approval of the lot split, they knew what would be coming to them in the near future. He felt there was no need to discuss the lot depth exceptions any further as the discussion had been done when the lot split petition was before them late last year. Commission members agreed. Mr. Skach clarified that the proposed lot depth exception is just over 7% as opposed to the 20% just stated. Chairman Jirik acknowledged the correction at approximately 7%. Mr. Waechtler recalled that the Commission had looked at the character of the neighborhood and looked favorably on the smaller percentage of the lot depth exception. Chairman Jirik advised the petitioner that Staff would inform him when this recommendation would be heard at a Village Council Workshop meeting.

FILE NO. 2002 LOT SPLIT (Petition includes a request for a lot width exception for each resulting lot); Property located on the west side of Pershing Avenue, approximately 463 feet north of Warren Avenue, commonly known as 4914 Pershing Avenue, Downers Grove, IL (PIN 08-12-212-030); John Garcia, Owner; Scott Connolly, Kirwan Builders, Petitioner

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

Scott Connolly, Kirwan Builders, 269 Van Damin, Glen Ellyn advised he represents the owner, Mr. John Garcia. They are asking to divide the property at 4914 Pershing Avenue

into two lots; each lot would be 12,000 square feet as opposed to the 10,500 square foot minimum required in the R-3 zoning district. Mr. Connolly indicated they are asking for a 20% reduction in the lot width, but they will be able to maintain all required setbacks on both lots. Mr. Connolly noted the development would be in keeping with new and existing construction in the surrounding area. Mr. Connolly asked the Plan Commission for its approval.

Chairman Jirik asked Staff for its analysis.

Mr. Skach stated the requested action is approval of a proposed lot split with the petitioner also requesting an exception from lot width dimensions. Mr. Skach advised the existing zoning was R-3, single family residential and is consistent with the Future Land Use Plan, which designates the property as single family residential. Mr. Skach stated the R-3 zoning requires a minimum lot size of 10,500 square feet, and newly created lots require a depth of 140 feet. Both lots are approximately 12,000 square feet in area, which exceeds the minimum area requirements. The 15-foot lot width reduction for each lot is approximately a 20% reduction. Mr. Skach commented this is an in-fill type petition that seeks to continue the existing pattern on the west side of Pershing Road.

Mr. Skach stated the discussion regarding the exceptions is noted in the Staff Report, and the petitioner if requesting favorable consideration based on the dimension of the proposed lot commonly found in this area. Public Works and Engineering have reviewed the proposed lot split and are satisfied that the engineering and stormwater management issues can be satisfactorily addressed for this particular area.

Mr. Skach concluded the Staff Development Team has reviewed the petitioner's request and has recommended that the Plan Commission consider forwarding a positive recommendation to the Village Council subject to two conditions; that the structures currently located on the property are demolished prior to the issuance of any permits and compliance with applicable Federal, State and Village laws, ordinances, regulations and policies.

Chairman Jirik asked if there was anyone present who wished to speak for or against this petition.

Richard Jacoby, 4915 Pershing Avenue, Downers Grove, stated he lives across the street from the subject property. They moved into the house in 1974 and raised their three children in that home.

Mr. Jacoby advised that he did not have a copy of what was being proposed for this property. A copy of the Planning and Community Development Team Report was provided to him, and the Plan Commission allowed him time to review this before making his comments.

(During this break, the Plan Commission discussed Commission Administration. For clarity, this section was moved to the end of these minutes.)

Upon returning, Mr. Jacoby advised that he had reviewed the Staff report and was now prepared to speak before the Plan Commission. He struggled whether or not to address this petition this evening. They really like their neighbors. He indicated that he understood the Plan Commission only deals with specific issues, but he was not sure if he could be that specific. Mr. Jacoby stated when the lot to the north of his lot was subdivided a number of years ago he came home from work one day and there was no house next door. Within the next day or two there was a hole in the ground next to their property line to the north. Mr. Jacoby stated he immediately realized that the hole was in such a location that water from the back of that lot would back up at the base of the basement. He did not realize that the sump pump would also add to that. A problem was created that exists to this day. When it rains a lake is created between his lot and the lot to the north which his neighbor to the north, Mr. Weeks, and he call Lake Wecoby. Both of them have spent money trying to resolve this situation to no avail.

Mr. Jacoby recalled when he brought this up to the contractor building the house he told him not to worry and assured him the situation would be rectified. Because he has had assurances from other contractors that did not turned out to be true, Mr. Jacoby stated he decided to come to this meeting and talk to the Plan Commission.

Mr. Jacoby noted the petitioner is requesting a 20% exception. Mr. Jacoby noted his lot and many others in the area are heavily wooded. On the other hand, Mr. Jacoby pointed out north of Prairie on Pershing, there are three new houses built right next to each other which are considerably taller that the ones previously on those lots. From the street, it looks like a wall. Mr. Jacoby admitted that these new homes are pretty but they are not the character that was there previously.

He pointed out that there is a house in the process of being built to the south of Prairie on the west side of Pershing which is going to be a very high building, possibly 30 feet high. Mr. Jacoby indicated that is certainly much higher than his house or the other houses in the neighborhood. Splitting this lot and building two houses will increase the density and the density of people.

Mr. Jacoby stated on the east side of Pershing stated there is a rental property that concerns him even though it may not concern the Plan Commission. In his opinion, such a home changes the attractiveness of the area. Mr. Jacoby stated all of these issues he has mentioned make him think of the articles he has recently read regarding teardowns in Hinsdale. It appears that community reaction has been negative according to the newspapers.

With regard to drainage, Mr. Jacoby noted Mr. Garcia's home is not contributing an unusual amount toward the drainage problem he described previously. Mr. Jacoby commented two homes would create a larger impervious surface. Even if the lot were not divided, Mr. Jacoby stated he did not believe that a house would take up the area encompassed by two houses in terms of square footage of the basements.

Mr. Jacoby stated several years ago he questioned the drainage with regard to the sidewalk that was installed on the east side of Pershing Avenue. Mr. Jacoby commented he and his wife have worked very hard on their garden, and they are very proud of their efforts. The Village worked with them to a fair degree with regard to the sidewalk, but one thing that did occur afterward was that the drainage did not come out as he had been assured it would.

With regard to traffic on the street, Mr. Jacoby noted it is already increasing and he assumes it is because Belmont Road is busier, and people are skirting over one block east. He acknowledged adding one additional house will not cause too much of an increase, but it will not decrease the traffic.

Mr. Jacoby noted this petition is not like the first petition where the Plan Commission's decision is more difficult. Here the decision is between one house and two houses. Mr. Jacoby asked the Plan Commission to forward a recommendation to the Village Council not to approve this lot split.

Mrs. Reynolds asked Mr. Jacoby if his lot was 120 feet wide, and he responded that his lot is 120 feet wide by 300 feet deep and noted that was the reason they moved there in 1974.

Chairman Jirik asked if there were any other members of the public who wish to speak regarding this petition. There was no response, and Chairman Jirik closed the public participation portion of the hearing.

Chairman Jirik asked if there were any comments or questions from the Plan Commission members. Mr. McCormick stated he wanted to make the Plan Commission's jurisdiction clear with regard to this petition. The Commission has no authority over the size of any homes that might be built on these parcels if the Village Council ultimately approves the lot split.

Chairman Jirik explained the issue this evening is to take a single parcel of land and the request is to draw a line down it in a specified fashion in order to create two parcels. Chairman Jirik noted there is a separate body of regulations that limits the buildable area, the height, setbacks, etc. The Code Services Department reviews the building plans to see that these regulations are followed.

Mr. Waechtler suggested to Mr. Jacoby that if he is still having water problems on his property he should contact the Village's Stormwater Department. Mr. Waechtler wondered how many people have been knocking on Mr. Jacoby's front door to see if he is interested in dividing his 120-foot wide lot.

Mr. Waechtler pointed out to Mr. Jacoby that the Plan Commission with regard to previous petitions looked at the total neighborhood for the size of existing lots. Mr. Waechtler noted up and down Pershing Avenue on both sides of the street the make-up of the neighborhood is 60-foot wide lots.

Chairman Jirik concurred that the preponderance of 60-foot wide lots mitigated the proposed 20% variation.

Mr. Waechtler asked the developer to listen to what has been said tonight and if he receives a positive recommendation to be very considerate of how the homes are built on this property to make sure there are no water problems for the neighbors on either side of the property. The petitioner concurred.

As there was no further discussion, Chairman Jirik called for a motion:

MOTION:

WITH RESPECT TO FILE NO. 2002 – LOT SPLIT, MR. KAHLKE MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE PROPOSED LOT SPLIT INCLUDING THE LOT WIDTH EXCEPTIONS REQUESTED FOR EACH RESULTING LOT SUBJECT TO THE FOLLOWING CONDITIONS: 1. THAT THE STRUCTURES CURRENTLY LOCATED ON THE SUBJECT PROPERTY BE DEMOLISHED PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT ON EITHER RESULTING LOT AND 2. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. MRS. REYNOLDS SECONDED THE MOTION.

Chairman Jirik asked if there were any questions regarding the intent of the motion. There were no questions. He next asked if there was any discussion or comments. There was no response. Chairman Jirik called for the roll.

ROLL CALL:

AYE: Mr. Kahlke, Mrs. Reynolds, Mr. Griesbaum, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mr. Waechtler, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik advised the petitioner that Staff would inform him when this recommendation would be scheduled to be heard at a Village Council Workshop meeting.

(Discussion regarding Commission administration during break on File #2002 Lot Split: The Plan Commission discussed the possibility of changing their meeting location to the Village Council Chambers in Village Hall, which would necessitate changing the meeting day. The Recording Secretary provided the Plan Commission members with the days the Council Chamber would be available. Chairman Jirik stated if 100% of the

Commission is in agreement to move to the Council Chambers, then we need to focus on a day of the week for the Plan Commission meetings.

Mr. Waechtler informed the Chairman that at the last meeting discussion developed regarding the fact that Plan Commission members currently are not able to attend any Workshop or Village Council meetings because those meetings also occur on Tuesdays. Some of the Plan Commission members felt, as the Plan Commission agendas may be getting busier, it might be a good idea to relocate back to the Council Chambers.

Mrs. Reynolds noted conducting the meetings at the Public Works building entails a lot of extra work for Staff setting up the facilities, etc.

Chairman Jirik noted that any Monday and the second Thursday would be all right with him. Mr. Nicholaou agreed with the Chairman's choices of days. Mr. Waechtler suggested ruling out Mondays because Plan Commission members might take long weekends and thus would not be available. He agreed with the second Thursday. Mr. McCormick asked how much longer the joint meetings with the Economic Development Commission would continue. Chairman Jirik interjected there is a joint meeting on Monday, September 8, 2003 that may wrap up these meetings. Chairman Jirik asked the Recording Secretary to double check with all the Plan Commission members and Ms. Browne to see if Thursday is a good day for everyone. He asked Mr. Skach to call him before the October Plan Commission meeting so that they can discuss whom they need to approach with regard to such a meeting day change.

Mr. McCormick recalled when the Plan Commission met with the Village Council earlier this year; there was talk of the possibility of having two meetings a month if required in certain circumstances. Chairman Jirik noted with the current duties assigned to the Plan Commission that could be a possibility. Mr. McCormick suggested that the second Thursday be the day certain and if something else comes up in any given month, we determine a second meeting day.

Mr. Skach added for consideration that the latter part of the week is oftentimes a crunch time for Staff in getting reports and other deliveries out. Chairman Jirik noted a packet delivered on Friday for a Monday meeting really does not allow much time for the Plan Commission members to review it. If the value of the location and a move to Thursday upsets the logistics, Chairman Jirik suggested the possibility of a packet being delivered on Monday for a Thursday meeting. Chairman Jirik asked members to further consider the issues for a potential change starting in the new year.

Chairman Jirik reminded the Plan Commission members of the Monday, September 6, 2003 joint meeting with the Economic Development Commission and noted the group is close to the conclusion of the first phase of this project.

Mr. Skach informed the Plan Commission that it looks like Good Samaritan Hospital will be on the October 7, 2003 Plan Commission agenda with a rezoning of property as well as an amendment to their Planned Development.

Chairman Jirik advised that File No. 2002, which was continued to date certain, will be the first petition heard on the October agenda.)

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

The meeting adjourned at 10:28 p.m.

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