

COUNCIL WORKSHOP ITEM

ITEM: PLAN COMMISSION FILE NO. 2009 – Banchory Woods Subdivision: Request for Final Plat of Subdivision approval with certain public improvements/ infrastructure exceptions from Code

DATE: February 4, 2004

PREPARED BY: Joseph Skach, AIA, AICP, NCARB
Director, Department of Planning and Community Development

PURPOSE: Consideration of the Plan Commission's recommendation to approve the subject petition with certain conditions

DISCUSSION:

The petitioner is requesting approval of a Final Plat of Subdivision for a 9-lot single-family residential subdivision located at the northeast corner of Lee Avenue and Chicago Avenue. The proposal is consistent with the requirements of the existing R-1, Single Family Residence zoning district and other applicable standards of the Zoning Ordinance and the Future Land Use Plan; however, certain public improvements/infrastructure exceptions are being requested from Code. Public Works Staff will be present at the Workshop Meeting to address these issues.

At their January 19, 2004 meeting, the Plan Commission considered the Petitioner's request and recommended approval subject to certain conditions as delineated in the attached Staff Report and Draft Resolution.

ATTACHMENTS:

1. Draft Final Plat of Subdivision Resolution
2. Staff Report with attachments dated January 19, 2004
3. Draft Minutes of Plan Commission Public Hearing dated January 19, 2004

RECOMMENDATION:

That the Village Council place consideration of the Petitioner's request on an active agenda for February 17, 2004.

C: Riccardo Ginex, Village Manager
David Barber, Director, Public Works
Donald Rosenthal, Director Code Services

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF
SUBDIVISION FOR THE BANCHORY WOODS SUBDIVISION
INCLUDING REQUIRED PUBLIC IMPROVEMENT EXCEPTIONS**

WHEREAS, application has been made pursuant to the provisions of Chapter 20-504 of the Downers Grove Municipal Code for final plat approval for the Banchory Woods Subdivision at the property located at the northeast corner of Lee Avenue and Chicago Avenue, Downers Grove, Illinois, legally described as follows:

The East half and the South 490 feet of the West Half of Lot 19 in Branigar Brothers Ogden Avenue Farms, being a subdivision in the Southwest Quarter of Section 6, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois, (northeast corner of Lee Avenue and Chicago Avenue, Downers Grove, Illinois (PIN Nos. 09-06-312-021 & 09-06-312-016).

WHEREAS, exceptions have been requested pursuant to Section 20-602 of the Downers Grove Municipal Code to permit elimination of certain public improvements requirements of Section 20-401; and,

WHEREAS, notice has been given and a hearing held regarding this plat application and exceptions pursuant to the requirement of the Downers Grove Municipal Code; and,

WHEREAS, on January 19, 2004, the Plan Commission recommended approval of the final plat of subdivision of the Banchory Woods Subdivision with the public improvement exceptions as requested, subject to certain restrictions.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the final plat of subdivision of Banchory Woods Subdivision, be and is hereby approved subject to the following conditions:

1. The subdivision shall be in accordance with the Plat entitled "Banchory Woods Subdivision", dated January 6, 2004, a reduced copy of which is attached hereto and incorporated herein by reference as Exhibit 1.
2. The subdivision shall be in substantial compliance with the engineering plans, dated January 6, 2004, reduced copies of which are attached hereto and incorporated herein by reference as Group Exhibit 2.
3. Except as provided herein, the Banchory Woods Subdivision shall be subject to the conditions and recommendations of the Plan Commission as set forth in the minutes of the January 19, 2004 meeting of the Plan Commission; and as set forth in the Planning & Community Development Staff Report, dated January 16, 2004, copy attached as Group Exhibit 3.

4. The petitioner should continue to explore means to reduce or eliminate exceptions.

5. The petitioner should address all issues as outlined in the Public Works memorandum dated January 9, 2004, including the recommendation to construct barrier curbs on the straight portions at the proposed Banchory Court cul-de-sac as required by Code.

6. Submission of the required school and park district donations in the amount of \$32,435.24 prior to the granting of final plat of subdivision approval by the Village Council.

7. Exceptions from Chapter 20, *Subdivision Ordinance*, Section 20-401, *Required Public Improvements* are hereby granted as follows:

a. To not provide public right-of-way dedication to existing adjacent streets (Lee Avenue and Chicago Avenue);

b. To not provide public street improvements to existing adjacent streets as follows:

i. Street pavement on Lee Avenue and Chicago Avenue;

ii. Curbs on Lee Avenue and Chicago Avenue;

iii. Stormwater sewers and appurtenances on Lee Avenue and Chicago Avenue;

iv. Street lighting and appurtenances on Chicago Avenue and Lee Avenue;

c. To not provide barrier curb design for the curved portions the Banchory Court cul-de-sac.

8. Compliance with all applicable Federal, State, and Village laws, ordinances, regulations and policies.

9. The Mayor and Village Clerk are authorized to sign the final plat.

10. This resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

PLANNING & COMMUNITY DEVELOPMENT/STAFF DEVELOPMENT TEAM REPORT

To: Plan Commission
Prepared By: Amanda G. Brown, Planner, Department of Planning and Community Development

Meeting Date: January 19, 2004
Date Prepared: January 16, 2004
Project Title: Banchory Woods Final Plat of Subdivision
Address: Northeast Corner of Lee Avenue and Chicago Avenue

BACKGROUND INFORMATION:

Petitioner: Joel Anderson Homes, Ltd., by James F. Russ, Attorney
Address: 4915 Main Street, Downers Grove
Existing Zoning: R-1, Single Family Residence

Requested Action:

1. Approval of proposed Final Plat of Subdivision per Chapter 20, Section 20-505, *Final Plat – Petition* for a nine-lot single-family residential subdivision.

Currently Required Exceptions (part of Requested Action):

1. Exceptions from Chapter 20, *Subdivision Ordinance*, Section 20-401, *Required Public Improvements*:
 - a. To not provide public right-of-way dedication to existing adjacent streets (Lee Avenue and Chicago Avenue);
 - b. To not provide public street improvements to existing adjacent streets as follows:
 - i. Street pavement on Lee Avenue and Chicago Avenue;
 - ii. Curbs on Lee Avenue and Chicago Avenue;
 - iii. Stormwater sewers and appurtenances on Lee Avenue and Chicago Avenue;
 - iv. Street lighting and appurtenances on Chicago Avenue and Lee Avenue;
 - c. To not provide barrier curb design for a new dedicated and improved street (Banchory Court), and to substitute a mountable curb design.

ANALYSIS

General Description

The petitioner is seeking Final Plat of Subdivision for a nine-lot single-family residential subdivision on approximately 4.89 acres of land located at the northwest corner of the intersection of Lee Avenue and Chicago Avenue. The proposed final plat of subdivision depicts the dedication and construction of a new cul-de-sac street, Banchory Court, stemming approximately 197 feet east from Lee Avenue and located approximately 300 feet north of Chicago Avenue. Five lots are proposed to front on the new cul-de-sac street (two corner lots also fronting Lee Avenue), and four lots are proposed to front on the adjacent streets of Lee Avenue and Chicago Avenue (one corner lot).

The proposal does not require exceptions with respect to zoning/lot requirements; however, the proposed final plat proposes no right-of-way dedication or public improvements to the adjacent streets of Lee Avenue and Chicago Avenue. The petitioner is therefore requesting certain public improvement exceptions as delineated in the Requested Action.

Zoning and Future Land Use

Surrounding Land Use and Zoning

	Existing Zoning	Existing Use	Future Land Use Plan
North	R-1, Single Family Residence	Single Family Residences Public Park	Residential at 0-6 d.u./acre (Yellow)
South	R-3, Single Family Residence	Single Family Residences	Residential at 0-6 d.u./acre (Yellow)
East	R-1, Single Family Residence	Single Family Residences	Residential at 0-6 d.u./acre (Yellow)
West	R-1, Single Family Residence	Single Family Residences Public Park	Residential at 0-6 d.u./acre (Yellow)

The Future Land Use Plan designates the subject property as Residential at 0-6 dwelling units per acre (Yellow), and the petitioner's proposed subdivision constitutes an effective/resulting density of 1.85 dwelling units per acre, consistent with this designation.

Site

Bulk Characteristics

The subject property is comprised of two parcels of land with overall approximate dimensions of 490 feet as measured north to south along Lee Avenue and 402 feet as measured east to west along Chicago Avenue. The total land area of the subject property is approximately 4.89 acres.

No exceptions are being requested with respect to lot or bulk requirements. The final plat of subdivision depicts nine lots, all of which are proposed to meet or exceed lot configuration requirements. Lot areas are proposed to range from 20,023 square feet to 25,425 square feet, all above the minimum lot area requirement of the existing R-1 zoning district of 20,000 square feet. All lots will also meet or exceed the minimum lot width requirement of 100 feet, with widths ranging from 100.6 feet to approximately 118 feet. All lots will also meet or exceed the minimum lot depth requirement of 140 feet with depths ranging from 148 feet to approximately 230 feet.

	Proposed Lot Area	% Diff. From lot area req't of 20,000 sq.ft.	Proposed Lot Width	% Diff. From lot width req't of 100 feet	Proposed Lot Depth	% Diff. From lot depth req't of 140 feet
Lot 1*	21,337 sq.ft.	+ 6.7%	118 ft.	+ 18%	201 ft.	+ 43.6%
Lot 2	25,425 sq.ft.	+ 27.1%	102 ft.	+ 2%	170 ft.	+ 21.4%
Lot 3	20,198 sq.ft.	+ 1%	103 ft.	+ 3%	148 ft.	+ 5.7%
Lot 4	20,023 sq.ft.	+ 0.1%	102 ft.	+ 2%	154 ft.	+ 10%
Lot 5*	20,126 sq.ft.	+ 0.6%	100.6 ft.	+ 0.6%	200 ft.	+ 42.8%
Lot 6*	20,126 sq.ft.	+ 0.6%	100.6 ft.	+ 0.6%	200 ft.	+ 42.8%
Lot 7*	20,126 sq.ft.	+ 0.6%	100.6 ft.	+ 0.6%	200 ft.	+ 42.8%
Lot 8**	20,123 sq.ft.	+ 0.6%	100.6 ft.	+ 0.6%	200 ft.	+ 42.8%
Lot 9**	23,728 sq.ft.	+ 18.6%	102.4 ft	+ 2.4 %	230 ft.	+ 15%

*Private lot proposed with drainage and utility easement

**Private lot proposed with drainage, utility and stormwater detention easement

The petitioner has indicated building footprints on the proposed final engineering plans that would address minimum yard and stormwater management requirements. It must be noted that approval of the final plat of subdivision would in no way constitute any approval of the indicated building footprints, resulting buildings, and corresponding yards. Each structure will be required to be evaluated on an individual basis, and zoning criteria must be verified based on an individual structure's particular characteristics as delineated in future building permit plans. Requests for variations from the Zoning Ordinance should not be required for the future structures, as they can be designed to address code criteria well in advance.

Public Works/Engineering

Site Engineering and Streets

Per Code, the petitioner is required to dedicate and construct any public improvements that are not present on the existing adjacent streets, in this case on the easterly half of Lee Avenue and on the northerly half of Chicago Avenue.

With respect to Lee Avenue, its right-of-way currently measures 66 feet in total width, with 33 feet located on either side of its centerline. As this roadway is designated as a local street on the Future Land Use Plan with a required right-of-way width of 70 feet, the petitioner is required per Code to dedicate two feet of land to the easterly half of the Lee Avenue right-of-way as part of this subdivision. The petitioner is requesting an exception from this dedication requirement.

The existing street pavement of Lee Avenue west of the subject property is currently approximately 22 feet in width, and no curbs or gutters are present adjacent to the subject property; however, sidewalks are currently present. The petitioner's obligations for public improvements to the easterly half of Lee Avenue include constructing approximately an additional four feet of street pavement, as well as installing curbs and gutters, streetlights and stormwater utilities. The petitioner is requesting exceptions from these public improvement requirements to the easterly half of Lee Avenue adjacent to the subject property.

With respect to Chicago Avenue, its right of way currently measures 66 feet in total width, with 33 feet located on either side of its centerline. As this roadway is designated as a local street on the Future Land Use Plan with a required right-of-way width of 70 feet, the petitioner is required per Code to dedicate two feet of land to the northerly half of the Chicago Avenue right-of-way. The petitioner is requesting an exception from this dedication requirement.

The existing street pavement of Chicago Avenue south of the subject property is approximately 22 feet in width, and no curbs or gutters are present adjacent to the subject property; however, sidewalks are present. The petitioner's obligations for public improvements to the northerly half of Chicago Avenue include constructing approximately an additional four feet of street pavement, as well as installing curbs and gutters, streetlights and stormwater utilities. The petitioner is requesting exceptions from these public improvement requirements to the northerly half of Chicago Avenue adjacent to the subject property. The petitioner is, however, proposing to reconstruct certain sections of the sidewalk due to grading requirements. An existing retaining wall located on the north side of the sidewalk along Chicago Avenue will remain, and due to grading proposed within the Chicago Avenue right-of-way, an additional retaining wall will be constructed on the south side of a portion of the reconstructed sidewalk.

With respect to the proposed Banchory Court cul-de-sac street, the petitioner is proposing right-of-way dedication and public improvements per Code except for a request to allow mountable curb design in lieu of the required barrier curb design. As outlined in the petitioner's narrative letter, this exception is requested in order to address the practical issue of alternating curb profiles to accommodate the driveways that will intersect with the street.

As outlined in their memorandum dated January 9, 2004, Public Works is satisfied that the plans meet the Village's standards for final plat approval. Petitioners are always encouraged to explore all practical means to reduce or eliminate exceptions. Public Works is not objecting to the requested public improvement exceptions, except for the mountable curb design for the straight portion of the new Banchory Court, which they continue to recommend as a barrier curb design per Code. Public Works does not, however, object to the mountable curb design within the curved portions of the cul-de-sac bubble. Public Works also recommends that the Village accept resurfacing of both Lee Avenue and Chicago Avenue adjacent to the subject property instead of requiring the developer to install curbs and gutters along only the east side of Lee Avenue and the north side of Chicago Avenue.

Based upon current plans, the petitioner would require exceptions pertaining only to public improvements as noted, which require evaluation per Section 20-602 of the Subdivision Control Ordinance. The petitioner has outlined their requested exceptions per these criteria in the attached narrative letter and will provide further testimony regarding these requested exceptions at the public hearing.

Stormwater Management

The petitioner is proposing to provide surface stormwater detention to fully accommodate site stormwater in a detention basin located within easements on two of the proposed private lots within the subdivision that will also contain homes (Lots 8 and 9). As detention on these private lots must continue to properly serve all nine proposed lots, the petitioner has been advised in meetings with Staff to take the appropriate steps to ensure that future owners of these lots are advised of their responsibility to properly maintain the detention basin so as to not negatively impact surrounding properties or the adjacent neighborhood. Also, efforts should be made through the use of landscaping materials to make the basin a visual amenity in addition to a functional utility. The Stormwater Management Division and the Village's consulting engineers have reviewed the proposed plans, and as indicated in the attached memorandum dated January 9, 2004, concur that the plans meet the Village's standards for final plat approval.

Traffic

The entry/exit to the northerly portion of the development would be from Lee Avenue via the proposed Banchory Court cul-de-sac. Five lots are proposed to front this cul-de-sac, two of which are corner lots that would also front Lee Avenue. The remaining four lots would front either Lee Avenue or Chicago Avenue. The Traffic Division has reviewed the proposed plans, and has no comments with respect to the proposed subdivision.

Forestry/Landscaping

The Forestry Division performed a reconnaissance of the site as noted in the attached memorandum dated November 19, 2003. Desirable tree species are encouraged to be saved and integrated into the site plan. None of the existing trees on-site will be located within the new street right-of-way; however, three parkway trees are currently located within the Chicago Avenue right-of-way and will require proper protection during construction per Code. Forestry has also noted that a total of 26 new parkway trees will be required to be installed as part of this subdivision, and payment for installation by the Forestry Department will be accepted if desired by the petitioner.

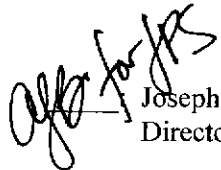
Other*School and Park District Donations*

The Subdivision Control Ordinance establishes the schedule of school and park district donations based upon the number of bedrooms anticipated to be constructed within each residence within the subdivision, with credit being given for any existing residences currently located on the property. The petitioner has stated the intent to construct five-bedroom residences on all nine lots, and with credit being given for the four-bedroom residence currently on site, the resulting total donation obligation is \$32,435.24. (\$8,770.31 to Grade School District 58; \$5,500.80 to High School District 99; and \$18,164.13 to the Park District). Payment of these donations must be made to the Village prior to the granting of final plat approval and are subject to confirmation upon application for building permits.

RECOMMENDATION

The Staff Development Team has reviewed the petitioner's request and concurs to recommend that the Plan Commission consider forwarding a positive recommendation to the Village Council regarding the petitioner's requested action for the proposed Banchory Woods Final Plat of Subdivision, including the exceptions pertaining to street dedication and certain public improvements, subject to the following:

1. The petitioner should continue to explore means to reduce or eliminate exceptions;
2. The petitioner should address all issues as outlined in the Public Works memorandum dated January 9, 2004 including the recommendation to construct barrier curbs on the straight portions of the proposed Banchory Court cul-de-sac as required by Code;
3. Payment of school and park district donations in the amount of \$32,435.24 prior to Village Council consideration of the proposed Final Plat of Subdivision; and
4. Compliance with all applicable Federal, State, and Village laws, ordinances, regulations and policies.



Joseph Skach, AIA, AICP, NCARB
Director, Planning and Community Development

- c: Rick Ginex, Village Manager
David Barber, Director, Public Works
Don Rosenthal, Director, Code Services
Michael Millette, Assistant Director, Public Works, Engineering
Jonathan Hall, Development Engineering Manager
Howard Hoffman, Chief, Fire Prevention Bureau
File

**INTEROFFICE CORRESPONDENCE
DEPARTMENT OF PUBLIC WORKS**

TO: Joseph P. Skach, AIA, AICP, Director of Planning & Community Development
FROM: David H. Barber, P.E., Director of Public Works
BY: Michael D. Millette, P.E., Asst. Director of Public Works – Engineering *MDM*
Jonathan C. Hall, P.E., Development Engineering Manager II
DATE: January 9, 2004
RE: Planning / Zoning Petition for Final Plat of Subdivision
Banchory Woods – Joel Andersen Homes
Public Works Department **3rd Review**

Documents Reviewed:

- Final Site Improvement Plans revised 1/6/04
- Stormwater Permit application by C. M. Lavoie Associates revised 1/6/04

Attachments:

- Review memo from Village Forester dated 11/19/03
- Review memo from Christopher B. Burke Engineering, Ltd. dated 1/8/04
- Review memo from Christopher B. Burke Engineering, Ltd. dated 1/9/04

Public Works Review Summary:

Division	Representative	Date	Conclusion	Comments included
Engineering	M. Millette	1/9/04	Place on PC Agenda	X
Stormwater	J. Hall	1/9/04	Place on PC Agenda	X
Water	D. Bird	12/5/03	Place on PC Agenda	X
Traffic	D. Fera		No Comments	
Forestry	K. von der Heide	11/19/03	Place on PC Agenda	X
Pavement	R. Ebel		No Comments	

Findings:

The Public Works Department finds that the subject petition **substantially meets** Village standards for **Final Plat** and **would** support its approval.

Public Works Department Review:

Engineering Review Comments:

As outlined in the 2nd review memo, the Engineering Division has found that the following items require attention:

- Based upon proposed contouring, almost the entire south frontage of Chicago will have to have sidewalk replaced. **Resolved**
- Show estimated square foot face of affected retaining wall at southwest corner of Chicago and Lee due to regrading. **Completed**
- Show estimated new square foot face retaining wall to be installed Chicago. Ideally, this wall should be moved to North side of walk to minimize tree root disruption, or placed perpendicular to walk at dripline (assuming parkway tree is to be saved). **Resolved** Slight shifting of walk provided enough clearance so wall could be place as originally planned.
- Walk should not be shown through pavement of new cul-de-sac. New handicap ramps approaching new cul-de-sac should be shown. **Resolved**
- The following note shall be included:
 - All Utility and Service lines within the Public right-of-way to be inspected by Village Parkway technician prior to backfill. Subsequent backfill must be an approved granular material, compacted in 1' lifts. **Completed**
- Runoff from the four driveways along Chicago is not captured. Depending on their slope, the new driveway runoff may draw drainage complaints. Curb along Chicago may be necessary. Curb should not be necessary along Lee and we would be agreeable to a fee-in-lieu-of placing it. **Rescinded** Revised drainage plan shows no increase in runoff to Chicago.
- No street lighting appears to be provided. Street lighting at the mouth and within the cul-de-sac is a must. Lee and Chicago should also be evaluated for lighting. **Resolved** Lighting has been provided in the cul-de-sac. Levels on Lee and Chicago should remain as they are.
- Extra 'floating' arrowheads appear on final plat of subdivision. **Resolved**
- We prefer that the developer place barrier curb along the straight portion of the road but do not object to mountable curb within the cul-de-sac bubble.

There is no practical reason to place curb and gutter on Lee or Chicago nor to dedicate additional rights-of-way as that would be out of character with the neighborhood. However, the developer has offered to resurface both Lee Avenue and Chicago Avenue adjacent to the subject property, which we would accept and recommend instead of requiring the developer to install curbs and gutters on the only the east side of Lee Avenue and the north side of Chicago Avenue.

Stormwater Review Comments:

The plans and reports are acceptable for approval of Final Plat of Subdivision. Refer also to CBBEL's review letters dated January 8th and 9th 2004.

Traffic Review Comments:

No further comments.

Forestry Review Comments:

See attached memo dated November 19, 2003

Water Division Review Comments:

- The two 6" Pressure Connections should be eliminated and the two connections will have to be cut in at the Water Main On Lee.
- The Village would shut down the Water Main so the connection could be made.
- There is a 48 hour notice to the Water Department for a shut down.
- There is a 24 hour notice to all the residents that would be affected by the water shut down.
- The new water main must be class 52 Ductile Iron. Water main should be wrapped in Poly.
- All fittings must have retaining glands.
- All hydrants must be properly blocked.
- Water Department will conduct pressure test, Witness the chlorination and take water samples as needed.

c: PW Division Managers
Director of Code Services
Stormwater Management Engineer
C. Chalberg, Administrative Technician
Lara Sup, CBBEL (via fax only: 847-823-0520)

**VILLAGE OF DOWNERS GROVE
INTEROFFICE MEMORANDUM**

DATE: November 19, 2003
TO: Plan Review Team
FROM: Kerstin G. von der Heide, Village Forester
SUBJECT: Banchory Woods Subdivision

I have reviewed the revised subdivision plans and have 3 comments

1. Currently at 1710 Chicago, there are three trees in the right-of-way, one between the street and sidewalk and the other two on the north side of the sidewalk. These will all need protection per Municipal Code 24-4.

2. Driving by the site, I did see several trees I felt were worth saving. On the revised plans, trees over 12" diameter are shown and labeled as to whether they will be saved or removed during construction. The plan show that none of the existing trees will end up being in the parkway once the cul-de-sac is laid out.

3. To complete the subdivision and fill in trees between those on Chicago and along the cul-de-sac, new parkway tree plantings will be required. For the culdesac itself, the number of parkway trees required is 12. For the parkways on Lee and Chicago, another 14 parkway trees are required. For simplicity and to ensure acceptable tree selections, the Forestry Division can install the trees as the lots are completed provided the developer pays for the trees in advance. I have calculated these tree costs based on 2003-04 Suburban Tree Consortium prices plus an administrative charge, and have listed them below.

<u>Species (size 2" B&B)</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Extended Cost</u>
Freeman Maple	6	\$261.60	\$1569.60
White Ash	5	\$273.80	\$1369.00
Pear	5	\$261.60	\$1308.00
Honeylocust	5	\$264.00	\$1320.00
Swamp White Oak	5	\$291.60	<u>\$1458.00</u>
Total Cost			\$7024.60

Subject to availability and planting season, the Forestry Division may choose to substitute other appropriate tree species for approximately the same cost.



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 West Higgins Road • Suite 600 • Rosemont, Illinois 60018-4920 • TEL (847) 823-0500 • FAX (847) 823-0520

January 8, 2004

Village of Downers Grove
Public Works Department
5105 Walnut Avenue
Downers Grove, Illinois 60515

Attention: Jonathan Hall, PE

Subject: 2nd Review of the Banchory Woods Development for Compliance with the Wetland and Riparian Provisions of the Village of Downers Grove Stormwater and Floodplain Ordinance (CBBEL Project No. 01-528B209W)

Dear Mr. Hall:

We have completed our second review of the Banchory Woods development for compliance with the wetland and riparian requirements of the Village of Downers Grove Stormwater and Floodplain Ordinance (March 20, 2001) (Ordinance). To complete this review, we were provided a submittal prepared by Planning Resources, Inc., dated January 5, 2004, which responds to our letter dated December 19, 2003. The Planning Resources submittal only addresses those items which were previously found unacceptable.

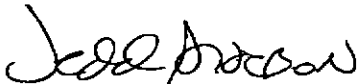
The concerns we voiced were in regards to a storm sewer that is proposed in lot 2. We asked for clarification as to its purpose and potential impact on wetland hydrology. Planning Resources, Inc., responded that the storm sewer was intentionally located at that location to intercept the runoff from the house and lawn to prevent degradation of the water quality in the wetland due to increased fertilizer and pesticide usage expected from the future residents. Additionally, they felt the reduction in hydrology was negligible and would not be detrimental to the wetland. We concur with their position.

Additionally, we requested that the plan and text reflect repair of the ruts caused by brush clearing and repair of the rivulet. Planning Resources, Inc. has provided text and revised the plan sheets to direct these tasks.

In our opinion, the project is in compliance with Sections 26-63, 64, 65, 66 and 67 of the Ordinance and we recommend approval of the project in regards to those specific sections of the Ordinance.

If you have any questions, please call.

Sincerely,



Jedd M. Anderson
Head, Environmental Resources Department
KC-WRS #W-007
LC-CWS #012

cc: Julie Crane – Planning Resources, Inc.
Lara Sup – CBBEL



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 West Higgins Road • Suite 600 • Rosemont, Illinois 60018-4920 • TEL (847) 823-0500 • FAX (847) 823-0520

January 9, 2004

Village of Downers Grove
Public Works Department - Engineering
5101 Walnut Ave.
Downers Grove, IL 60515

Attention: Jon Hall, PE

Subject: Stormwater Management Review for Banchory Woods
(CBBEL Project No. 01-528B209)

Dear Mr. Hall:

Christopher B. Burke Engineering, Ltd. (CBBEL) has reviewed the following documents:

1. Stormwater Permit Application for Banchory Woods prepared by C.M. Lavoie & Associates, Inc., dated September 9, 2003, revised January 6, 2004.
2. Proposed Site Improvements for Banchory Woods Plan Set prepared by C.M. Lavoie & Associates, Inc., dated September 9, 2003, revised January 6, 2004.

Project Description

The 4.9-acre site is proposed for development as a 9-lot residential subdivision, consisting of single-family homes. A dry bottom detention basin is proposed along the eastern property boundary. The site does not contain floodplain or localized poor drainage areas. There is a wetland located on-site along the northern property boundary.

CBBEL has reviewed the plans and finds the project in conformance with the Downers Grove Stormwater and Flood Plain Ordinance (Ordinance #4271). This review did not include the review of utility installations or connections.

In compliance with the Illinois Environmental Protection Agency (IEPA), any construction site over one acre must submit a Notice of Intent (NOI) to the IEPA. Attached with this review letter is a copy of the NOI form and instructions for completion. Please copy Jon Hall at the Village on your application to IEPA.

CBBEL recommends approval of Banchory Woods to the Village of Downers Grove.

21/09/2004 08:05 FAX 041 010 0100

An advance copy of this letter may be provided to a permit applicant as a Village service to expedite the review and response process, but it does not include a comprehensive review from the Village of Downers Grove.

The applicant should be reminded that certain issues are reviewed only by the Village, and that the final responsibility for interpretation of the Village Code rests with the Village. The applicant should expect to receive additional review comments from the Public Works Department, Code Services Department, and the Planning and Community Development Department as applicable.

Sincerely,



Thomas T. Burke, PhD, PE
Head, Water Resources Section III

Cc: Brad L. Hartjes – C.M. Lavoie & Associates, In.
Joel Anderson – Joel Anderson Homes Ltd
Alicia Hightower – Village of Downers Grove – Public Works
June Gornik - Village of Downers Grove – Code Services

TABLTS

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**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF INTENT (NOI)
GENERAL PERMIT TO DISCHARGE STORM WATER
CONSTRUCTION SITE ACTIVITIES**

OWNER INFORMATION

NAME:	LAST	FIRST	MIDDLE	(OR COMPANY NAME)	OWNER TYPE:	(select one)	
MAILING ADDRESS:							
CITY:					STATE:	ZIP:	
CONTACT PERSON:				TELEPHONE NUMBER:	AREA CODE	NUMBER	

CONTRACTOR INFORMATION

NAME:	LAST	FIRST	MIDDLE	(OR COMPANY NAME)	TELEPHONE NUMBER:	AREA CODE	NUMBER
MAILING ADDRESS:				CITY:	STATE:	ZIP:	

CONSTRUCTION SITE INFORMATION

SELECT ONE:	<input type="checkbox"/> New Site <input type="checkbox"/> CHANGE OF INFORMATION TO PERMIT NO. ILR10 _____						
FACILITY NAME:					OTHER NPDES PERMIT NOS.:		
FACILITY LOCATION:					TELEPHONE NUMBER:	AREA CODE	NUMBER
CITY:	ST:	IL	ZIP:	LATITUDE:		LONGITUDE:	
COUNTY:				SECTION:	TOWNSHIP:	RANGE:	
APPROX. CONST. START DATE:	/	/	APPROX. CONSTRUCTION END DATE:	/	/	TOTAL SIZE OF CONSTRUCTION SITE IN ACRES:	
STORM WATER POLLUTION PREVENTION PLAN COMPLETED <input type="checkbox"/> YES <input type="checkbox"/> NO (If no, separate notification required to Agency prior to construction.)							

TYPE OF CONSTRUCTION

(select one)	TYPE BRIEF DESCRIPTION OF PROJECT:
--------------	------------------------------------

HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE

HAS THIS PROJECT SATISFIED APPLICABLE REQUIREMENTS FOR COMPLIANCE WITH ILLINOIS LAW ON:			
HISTORIC PRESERVATION	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
ENDANGERED SPECIES	<input type="checkbox"/> YES	<input type="checkbox"/> NO	

RECEIVING WATER INFORMATION

DOES YOUR STORM WATER DISCHARGE DIRECTLY TO:	OWNER OF STORM SEWER SYSTEM:
<input type="checkbox"/> WATERS OF THE STATE OR <input type="checkbox"/> STORM SEWER	
NAME OF CLOSEST RECEIVING WATER:	

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a storm water pollution prevention plan and a monitoring program plan, will be complied with.

OWNER SIGNATURE: _____ DATE: _____

FOR OFFICE USE ONLY

MAIL COMPLETED FORM TO: (DO NOT SUBMIT ADDITIONAL DOCUMENTATION UNLESS REQUESTED)	ILLINOIS ENVIRONMENTAL PROTECTION AGENCY DIVISION OF WATER POLLUTION CONTROL ATTN: PERMIT SECTION POST OFFICE BOX 19278 SPRINGFIELD, ILLINOIS 62794-9278 www.epa.state.il.us	LOG:
		PERMIT NO. ILR10
		DATE:

Information required by this form must be provided to comply with 415 ILCS 5/39 (1996). Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

INSTRUCTIONS FOR COMPLETION OF CONSTRUCTION ACTIVITY NOTICE OF INTENT (NOI)
FORM

Please adhere to the following instructions:

Submit original, photocopy or facsimile copies. Facsimile and/or photo copies should be followed-up with an original signature copy as soon as possible. Please write "copy" under the "For Office Use Only" box in the lower right hand corner.

.... Submit completed forms to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
or call (217)782-0610
www.epa.state.il.us

.... Reports must be typed or printed legibly and signed.

.... Any facility that is not presently covered by the ILR10 Construction Activity Storm Water Discharge General Permit is considered a new facility.

.... If this is a change in your facility information, renewal, etc., please fill in your permit number on the appropriate line.

.... NOTE: FACILITY LOCATION IS NOT NECESSARILY THE FACILITY MAILING ADDRESS, BUT SHOULD DESCRIBE WHERE THE FACILITY IS LOCATED.

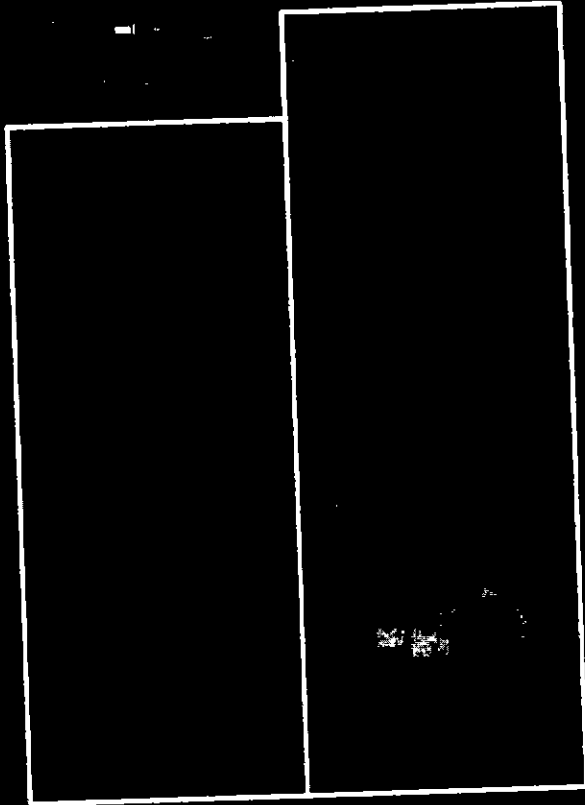
.... Use the formats given in the following examples for correct form completion.

	<u>Example</u>	<u>Format</u>
SECTION	12	1 or 2 numerical digits
TOWNSHIP	12N	1 or 2 numerical digits followed by "N" or "S"
RANGE	12W	1 or 2 numerical digits followed by "E" or "W"

.... For the Name of Closest Receiving Waters, do not use terms such as ditch or channel. For unnamed tributaries, use terms which include at least a named main tributary such as "Unnamed Tributary to Sugar Creek to Sangamon River."

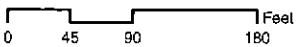
.... Submit a fee of \$500 prior to the Notice of Intent being considered complete for coverage by the ILR10 General Permits.

LEE AV



CHICAGO AV

NORTHCOTT AV



**NE Corner of Lee & Chicago
Planning & Community Development**



BANCHORY WOODS

NORTHEAST CORNER OF LEE AVENUE AND CHICAGO AVENUE
DOWNERS GROVE, ILLINOIS

PLAT OF SURVEY

DRAWN BY: RWS

CHECKED BY: RWS

SCALE: 1"=40'

DATE: 08-18-09

JOB NUMBER: 03-149

SHEET: 1 OF 1



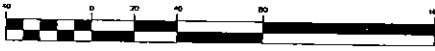
Consulting Civil Engineering
Land Planning & Surveying
633 Rogers Street
Downers Grove, Illinois 60513
voice 630-434-2780
fax 630-434-2781

C.M. Lavoie
& Associates, Inc.

#	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		

PLAT OF SURVEY

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

JENSEN'S RESUBDIVISION
DOC. 659615

N. 89° 50' 24" E., 201.23'

FOUND IRON PIPE
AT CORNER

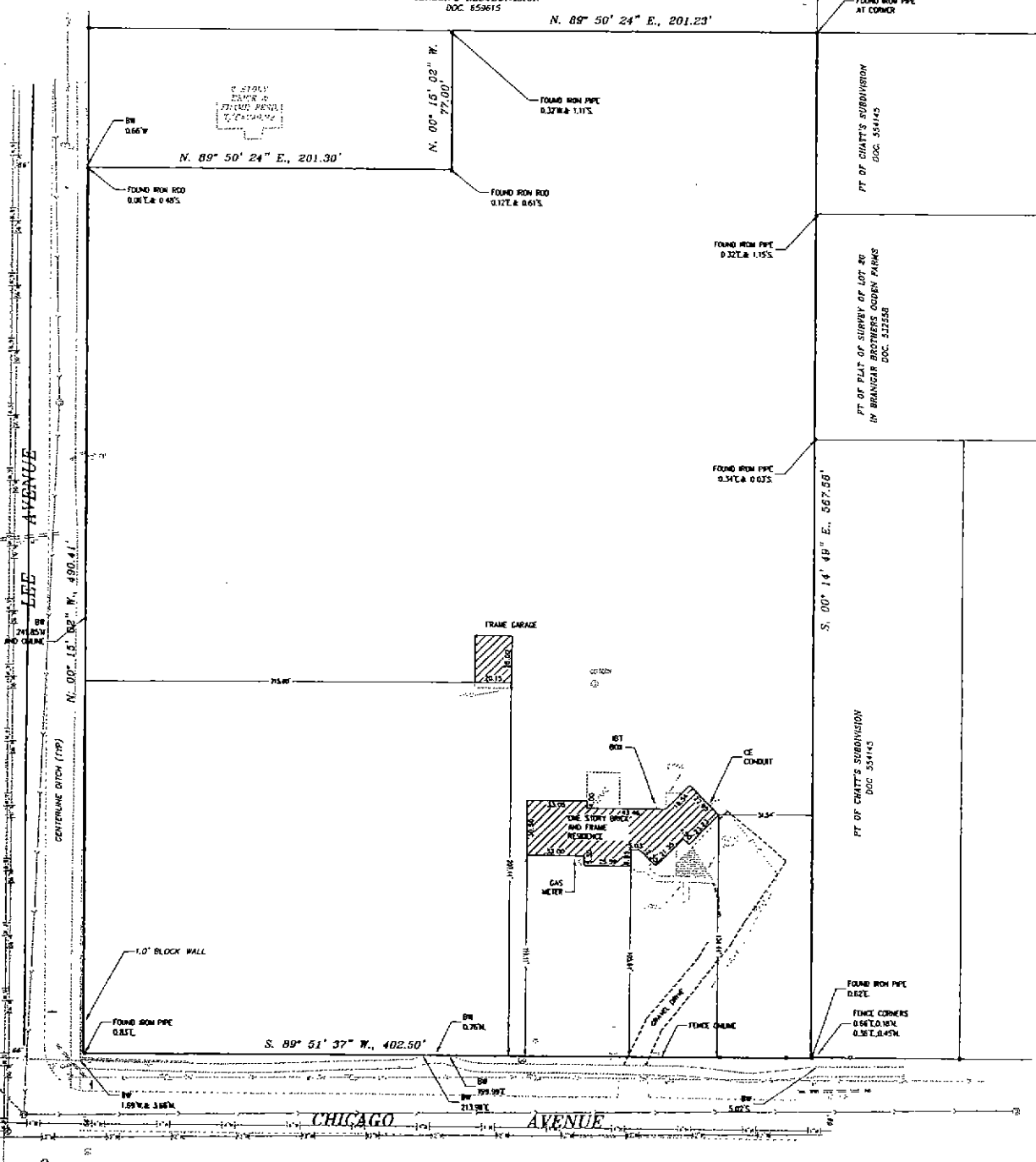
PT. OF CHART'S SUBDIVISION
DOC. 534143

PT. OF PLAT OF SURVEY OF LOT 20
BY BRANIGAN BROTHERS OGDEN PARKS
DOC. 512558

PT. OF CHART'S SUBDIVISION
DOC. 534143

S. 00° 14' 49" E., 567.58'

FOUND IRON PIPE
DECE.
FENCE CORNERS
0.8610.104
0.812.0.454



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and specifications, to construct and/or repair additional items not depicted in these plans,
constitutes a violation of the Engineer's copyright of these plans and is prohibited.

LEGEND:

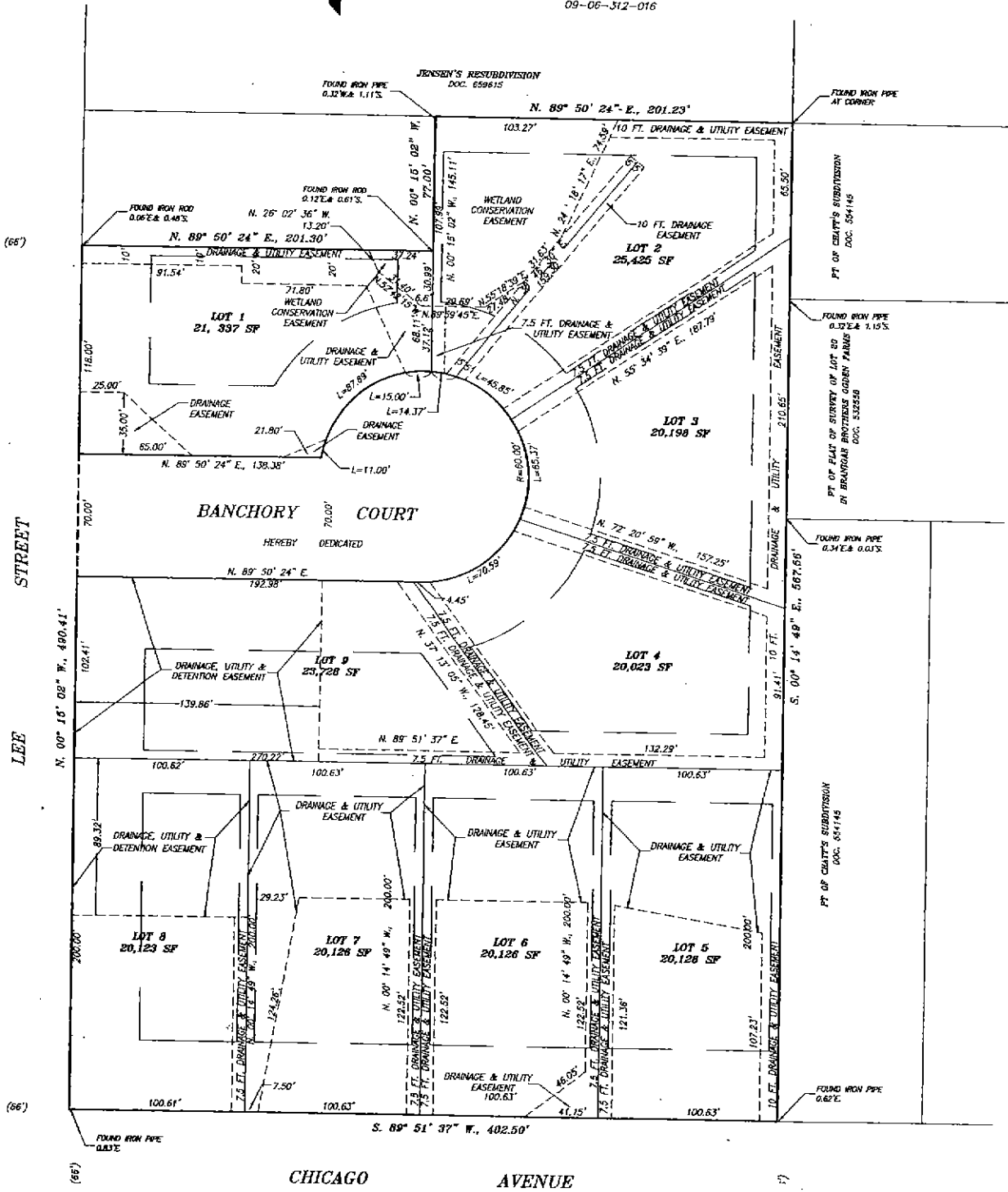
- (0.00) RECORD INFORMATION
- 0.00 MEASURED INFORMATION
- BOUNDARY LINE
- LOT LINE
- SETBACK LINE
- EASEMENT LINE



GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft.
 P.I.N. 09-03-312-021
 09-06-512-016



BANCHORY COURT

HEREBY DEDICATED

CHICAGO AVENUE

NOTE:

UNLESS OTHERWISE INDICATED HEREON ALL SETBACKS ARE:

- FRONT: 40 FT.
- REAR: 20 FT.
- SIDE: 5 FT.

BANCHORY WOODS

NORTHEAST CORNER OF LEE AVENUE AND CHICAGO AVENUE
 DOWNERS GROVE, ILLINOIS

FINAL PLAT OF SUBDIVISION

DRAWN BY: RMS	CHECKED BY: RMS
SCALE: 1"=40'	DATE: 08-18-03
JOB NUMBER: 03-149	SHEET: 12 OF 13



Consulting Civil Engineering
 Land Planning & Surveying
 633 Rogers Street
 Downers Grove, Illinois 60515
 phone 630-434-2780
 fax 630-434-2781

#	DATE	DESCRIPTION
1	10-03-03	PER VILLAGE REVIEW
2	10-14-03	PER VILLAGE REVIEW
3	10-23-02	PER VILLAGE REVIEW
4	11-25-03	PER VILLAGE REVIEW
5	11-25-03	PER VILLAGE OF DOWNERS GROVE
6	01-06-04	PER VILLAGE OF DOWNERS GROVE
7		
8		

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 to construct and/or repair additional items not described in these plans,
 violation of the Engineer's copyright of these plans and is prohibited.

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 BY: ..

BANCHORY WOODS

NORTHEAST CORNER OF LEE AVENUE AND CHICAGO AVENUE
DOWNERS GROVE, ILLINOIS

SITEPLAN

DRAWN BY: JRE CHECKED BY: DLH

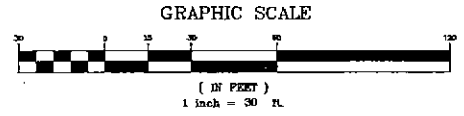
SCALE: 1"=30' DATE: 9-08-03

JOB NUMBER: 03-148 SHEET: 5 OF 13



Consulting Civil Engineering
Land Planning & Surveying
633 Rogers Street
Downers Grove, Illinois 60515
voice 630-434-2780
fax 630-434-2781

#	DATE	DESCRIPTION
1	10-10-03	PER VILLAGE OF DOWNERS GROVE
2	11-05-03	PER D.G. PUBLIC WORKS DEPT.
3	11-28-03	PER VILLAGE OF DOWNERS GROVE
4	01-06-04	PER VILLAGE OF DOWNERS GROVE
5		
6		
7		
8		



2 STORY
BRICK &
FRAME RESD.
T/F=749.32

LOT 1
21,337 SF
G/E=748.00
T/F=749.50

LOT 2
25,425 SF
G/E=750.80
T/F=752.50
L/O=746.00

LOT 3
20,198 SF
G/E=753.50
T/F=754.00

LOT 4
20,023 SF
G/E=753.50
T/F=754.00

LOT 9
23,728 SF
G/E=749.40
T/F=750.00

LOT 8
20,123 SF
G/E=749.10
T/F=747.60

LOT 7
20,126 SF
G/E=749.50
T/F=755.50

LOT 6
20,126 SF
G/E=747.50
T/F=755.50

LOT 5
20,126 SF
G/E=745.80
T/F=753.60

LEE AVENUE

BANCHORY COURT

CHICAGO AVENUE

Inc. of the United States and foreign countries, spirit of the Site Improvements as defined. Any use of these plans, including details not shown or described in these plans, if these plans and is prohibited.

REMOVE AND REPLACE 725 SF OF CONCRETE SIDEWALK
EXISTING UTILITY POLE TO BE PROTECTED DURING CONSTRUCTION
PROPOSED MODULAR FLOOR RETAINING WALL 120 SF
REMOVE AND REPLACE 450 SF OF CONCRETE SIDEWALK
EXISTING 12" CUP PCC SIDEWALK

BANCHORY WOODS

NORTHEAST CORNER OF LEE AVENUE AND CHICAGO AVENUE
DOWNS GROVE, ILLINOIS

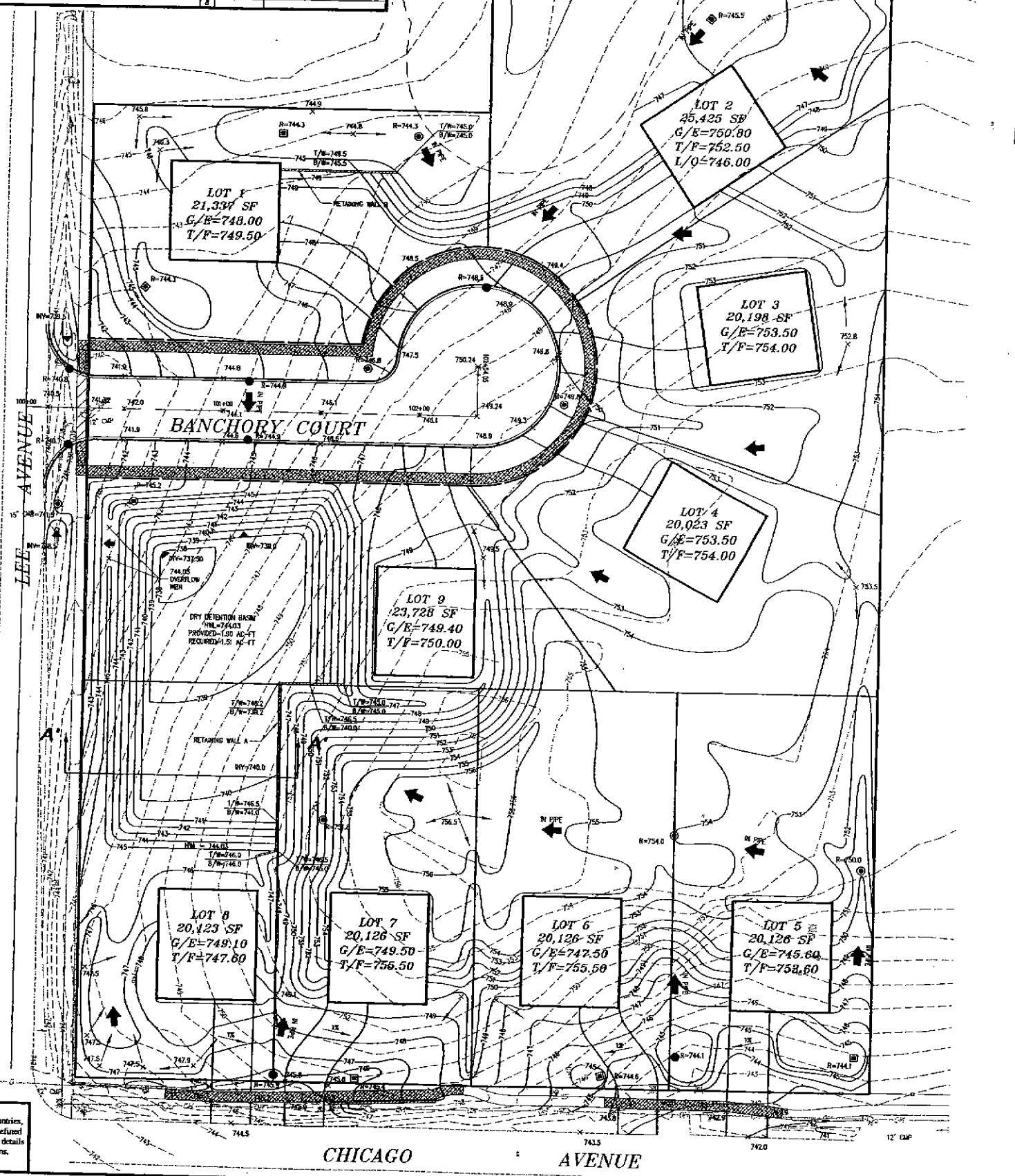
GRADING

DRAWN BY: JRE	CHECKED BY: BLH	
SCALE: 1"=30'	DATE: 9-09-03	
JOB NUMBER: 03-145	SHEET: 6 OF 13	
#	DATE	DESCRIPTION
1	10-10-03	PER VILLAGE OF DOWNS GROVE
2	11-05-03	PER I.L.C. PUBLIC WORKS DEPT.
3	11-26-03	PER VILLAGE OF DOWNS GROVE
4	01-06-04	PER VILLAGE OF DOWNS GROVE
5		
6		
7		
8		



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Land Planning & Surveying
633 Rogers Street
Downers Grove, Illinois 60515
voice 630-434-2780
fax 630-434-2781

C.M. Lavoie
& Associates, Inc.



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including details
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CHICAGO AVENUE



BANCHORY WOODS

NORTHEAST CORNER OF LEE AVENUE AND CHICAGO AVENUE
DOWNERS GROVE, ILLINOIS

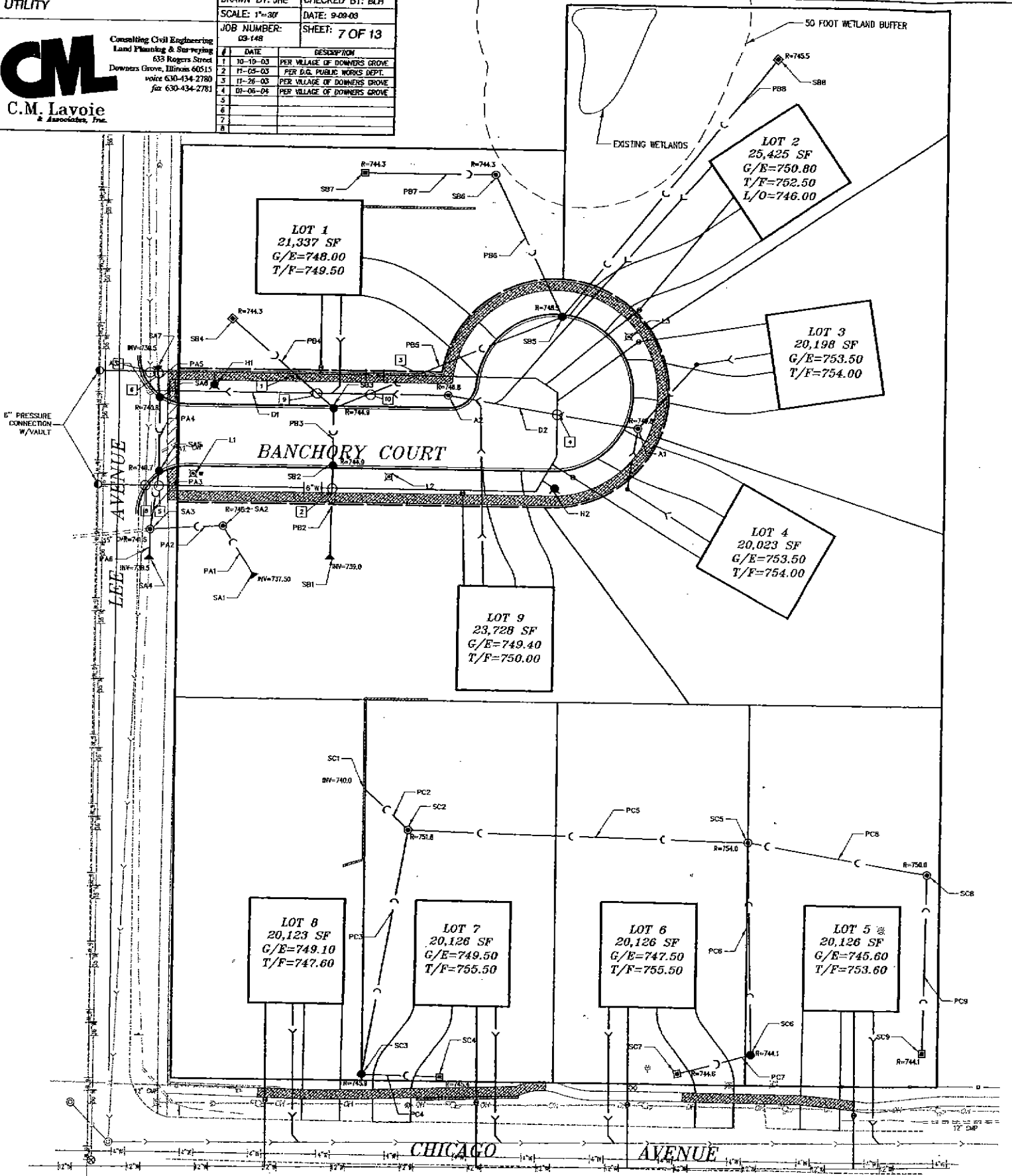
UTILITY



Consulting Civil Engineering
Land Planning & Surveying
635 Rogers Street
Downers Grove, Illinois 60515
voice 630-434-2780
fax 630-434-2781

C.M. Lavoie
& Associates, Inc.

DRAWN BY: JRE	CHECKED BY: BLH	
SCALE: 1"=30'	DATE: 9-09-03	
JOB NUMBER: 03-148	SHEET: 7 OF 13	
#	DATE	DESCRIPTION
1	10-10-03	PER VILLAGE OF DOWNERS GROVE
2	11-05-03	PER D.G. PUBLIC WORKS DEPT.
3	11-26-03	PER VILLAGE OF DOWNERS GROVE
4	01-06-04	PER VILLAGE OF DOWNERS GROVE
5		
6		
7		
8		



REVISD PLANS PER THE VILLAGE OF DOWNERS GROVE REVIEW COMMENTS DATED 12/16/03
1. REVISED INVERT OF STRUCTURE SC1 AND SC4

REVISD PLANS PER THE VILLAGE OF DOWNERS GROVE REVIEW COMMENTS AND DOWNERS GROVE SANITARY DISTRICTS REVIEW LETTER DATED 11/07/03
1. ADDED NOTE #8
2. RELOCATED CATCH BASINS TO MATCH PROPOSED GRADING
3. RELOCATED SANITARY SERVICES TO LOTS 3 & 4

REVISD PLANS PER COMMENTS
1. REVISED STORM 1
2. ADDED NOTES 7
3. REVISED STORM 1

REVISD PLANS PER 2003
1. REVISED STORM 1

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NARRATIVE OF EXCEPTIONS

To: The Planning Commission
Village of Downers Grove
801 Burlington
Downers Grove, IL 60515

Application for final plat approval has been submitted for property located at the northeast corner of Lee Street and Chicago Avenue in Downers Grove, Illinois. The proposed project is for a nine (9) lot subdivision. The property is currently zoned R-1 and all lots of said subdivision will meet or exceed all of the bulk criteria for lot width, lot depth and lot area of the Village of Downers Grove R-1 zoning ordinance. There are, however, a few exceptions which are requested from the Ssubdivision Control Ordinance, and they are as follows:

1. An exception to Chapter 20, Section 5(k), in combination with Chapter 20-5(l)3, which require full width streets along Lee and Chicago is being requested. Under Chapter 20-5(l)3, a right-of-way width of 70 feet is required and a pavement width of 30 feet is required. We are requesting an exception from this requirement as Lee Street and Chicago Avenue currently exist and we propose to allow them to remain in their current condition. The right-of-way on Lee Street and Chicago Avenue is 66 feet as opposed to the 70 foot right-of-way required pursuant to the subdivision control ordinance. In addition, the existing pavement along Chicago Avenue and Lee Street is 22 feet plus or minus as opposed to the required 30 foot pavement width. The Village engineering department and the Village staff appear to be in agreement that the Lee Street and Chicago Avenue area should remain as they currently exist.

2. Pursuant to Chapter 20, Section 9 of the Village Subdivision Control Ordinance, public improvements must be provided with regard to any subdivision plat. We will provide all public improvements pursuant to Chapter 20-9 for sidewalks, water mains, fire hydrants and appurtenances, street name signs, tree plantings in the parkway area with parkway top soil seeding and sodding, and drainage improvements. The only exceptions to the public improvements that we are seeking are as follows:

(a) 20-9A, street pavement on Lee Street and Chicago Avenue to remain as existing. Street pavement for the new cul-de-sac to meet all Village requirements.

(b) 20-9B, curbs on Lee and Chicago will not be provided as there are currently no curbs on Chicago Avenue west of Downers Drive, nor on Lee Street north of Chicago Avenue.

(c) 20-9F, storm water sewers and appurtenances will not be provided in the parkway as there are none currently existing on Lee Street nor Chicago Avenue. We will provide drainage per local ordinance for the subdivision and tie into the existing drainage system.

(d) 20-9G, street lighting facilities and appurtenances, will consist of the

existing Com Ed pole mounted light at the corner of Lee and Chicago. There will be no additional lighting provided on Chicago Avenue as there is none existing at this time. We will provide lighting at the corner of Lee Street and the proposed cul-de-sac as well as a mid-cul-de-sac light and a light at the hub of the cul-de-sac. We believe that this lighting scheme will be consistent with the existing lighting scheme along Lee Street and Chicago Avenue.

Finally, all curbing within the cul-de-sac will be mountable three inch rounded curb. This is consistent with subdivision curb development in our area. It provides for a much cleaner more consistent look along the cul-de-sac and avoids the requirement of multiple curb cuts at every driveway along the cul-de-sac.

In recommending these exceptions, the Plan Commission must consider six factors. Those factors are:

1. The extent to which the proposed exception impacts on the value or reasonable use of surrounding properties.

We believe that all of these exceptions will have no impact on the value of the surrounding properties nor the reasonable use of the surrounding properties. These properties will remain as R-1 single family homes, which is consistent with the surrounding area. The value of the proposed subdivision homes will be comparable to the existing value of homes in the surrounding area, or exceed the value of homes in the surrounding area.

2. Whether the exception is consistent with the trend of development in the area and the surrounding uses.

All of these exceptions maintain what currently exists in the area with regard to street pavement, curbs and street lighting. The existing parkway drainage system will remain and continue to be consistent with the surrounding area. The development of this property will be consistent with all R-1 development in the area.

3. The characteristics of the property which support or mitigate against the granting of the exception.

The exceptions requested will allow this area to remain a rural-type setting as it exists today. By denying these exceptions, the character of the area will be changed and will become much more of a "city-like" street scape as opposed to the rural street scape that exists today.

4. Whether the exception is in conformance with the general plan and spirit of this chapter.

We believe that all of these exceptions will be in conformance with the general plan and

spirit of this chapter. We believe that these exceptions will allow the area to remain as close to its current condition as possible. Creating a new development to exist in harmony with existing development is one of the goals of the Subdivision Control Ordinance. These exceptions help meet that goal.

5. Whether the exception will alter or be consistent with the essential character of the locality.

Once again as previously stated, these exceptions will allow the essential character of the locality to remain consistent. Denying these exceptions will create a development which will be inconsistent with the essential character of this area.

6. Whether the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

These exceptions will have no impact on the reasonable return of this property. This property will yield a reasonable return whether these exceptions are granted or not. The benefit of these exceptions is strictly to maintain the essential character of the area and to blend this development with the existing developments.

This development, we believe, will be of benefit to the community and will blend naturally with the existing area.



DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
MEMO

To: Plan Commission
From: Amanda Browne, Planner *afb*
Subject: File 2009; Banchory Woods Final Plat of Subdivision
Date: November 25, 2003

The petitioner has requested a continuance of the public hearing regarding this case in order to continue to address stormwater engineering and drainage related issues with the Public Works Department.

When this case was initially placed on the December 2, 2003 Plan Commission agenda, the petitioner anticipated that engineering related issues could be resolved prior to the public hearing date. However, in lieu of presenting the petition to the Plan Commission with certain issues still unresolved, the petitioner has opted to request a continuance to the January 19, 2004 agenda.

C: Riccardo Ginex, Village Manager
Dave Van Vooren, Deputy Village Manager, Administration; Acting Director, Public Works
Joseph Skach, Director, Planning and Community Development
Mike Millette, Assistant Director Public Works, Engineering
Jon Hall, Development Engineer
Dorin Fera, Traffic Engineer Manager
File

evening's agenda. Chairman Jirik noted with respect to both petitions, the Plan Commission would be forwarding a recommendation to the Village Council for its consideration. Chairman Jirik explained the recommendations could take one of three forms; recommend approval as presented, recommend approval with changes or recommend denial.

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

Chairman Jirik advised that the Plan Commission could make one of three types of motions; a motion to recommend approval, a motion to recommend approval with changes or a motion to recommend denial.

MOTION: WITH RESPECT TO FILE NO. 2006, MR. STARK MOVED THAT THE PLAN FORWARD A RECOMMENDATION TO DENY THE PROPOSED LOT SPLIT PETITION TO THE VILLAGE COUNCIL. MR. NICHOLAOU SECONDED THE MOTION.

Chairman Jirik asked if there were any questions or comments regarding the intent of the motion. Hearing none, he called for the vote.

ROLL CALL:

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

NAY: Mrs. Reynolds

The Motion passed 8:1.

Mrs. Reynolds stated she had expressed the reasons for her nay vote in her comments prior to the roll call.

PUBLIC HEARING: FILE NO. 2009 A petition seeking Final Plat Approval of Banchory Woods Subdivision including certain exceptions from Code. The property is located at the northeast corner of Lee and Chicago Avenues, Downers Grove, IL (PIN 09-06-312-021 & 09-06-312-016); Joel Andersen Homes Ltd. By James F. Russ, Jr., Attorney/Petitioner

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

James F. Russ, Jr., of the law firm of Wiedel, Hudzik, Russ and Phillip, 4915 Main Street, Downers Grove advised Joel Andersen, principal of Joel Andersen Homes

Ltd. and Brad Hartjes of C. M. Lavoie, the engineering firm on this project, are both present here this evening. Mr. Russ stated they are seeking final plat approval for a nine-lot subdivision located at the northeast corner of Lee and Chicago Avenues. The site is approximately 4.898 acres of land and currently consists of two lots. The easterly lot is 201.3 feet by 567 feet with an area of approximately 114,137 square feet. The westerly lot is 201.3 feet by 490 feet with an area of approximately 98,637 square feet. Mr. Russ indicated the property is currently zoned R-1, single family residential which requires a minimum lot width of 100 feet, a minimum lot depth per the Subdivision Control Ordinance of 140 feet and a minimum lot area of 20,000 square feet. Mr. Russ pointed out the property is surrounded to the north, west and east by Village R-1 zoning and by Village R-3 zoning to the south.

Mr. Russ explained their proposal is for a nine-lot subdivision called Banchory Woods. They are proposing that the zoning remain R-1, single family residential. Within the proposed subdivision, there would be four lots that would front on Chicago Avenue. Those lots would range in width from 100.61 feet to 100.63 feet, would have depths of 200 feet and would have areas ranging from 20,123 square feet to 20,126 square feet. Mr. Russ stated all of the lots along Chicago Avenue would meet or exceed the minimum requirements for the R-1 zoning district. Additionally, five lots are proposed to front on a cul-de-sac, which would extend east from Lee Avenue approximately 300 feet north of Chicago Avenue. All of the lots fronting on the cul-de-sac would also meet or exceed the minimum width, depth and area requirements of the R-1 zoning district. Mr. Russ explained the lots would range in area from 20,023 square feet to 25,425 square feet. Mr. Russ stated on a cul-de-sac the width measurement is calculated differently than on a rectangular lot. The 100-foot minimum width is measured at the setback required for the zoning district, which in this case, is 40 feet. At the 40-foot setback, all of these properties do meet the 100-foot minimum width requirement.

Mr. Russ stated the cul-de-sac would be a full width, fully improved right-of-way, including pavement, curbs, gutters and sidewalks. Under the Village of Downers Grove's Subdivision Control Ordinance, the minimum right of way width is 70 feet, and the minimum pavement width is 30 feet. Both of those requirements will be met with this cul-de-sac.

Mr. Russ explained they are seeking some public improvement exceptions with regard to this development. After several lengthy discussions with Staff with regard to the layout and design of this project, it was determined at the recommendation of Staff that the petitioner's request for exceptions be granted with regard to the dedication of street right-of-way and the construction of additional improvements for both Lee and Chicago Avenues. The Village's Subdivision Ordinance requires a minimum right-of-way width of 70 feet and a minimum pavement width of 30 feet. Currently Lee and Chicago Avenues have a right-of-way of 66 feet and are approximately 22 feet in pavement width. Mr. Russ advised that Staff believes the existing conditions are adequate for the area and no additional dedication is necessary. The main motivating factor with respect to this request is to maintain the area as it exists today. The Lee and Chicago area is more of a rural setting; it

does not have curbs and gutters. By not requiring the additional dedication or the widening of the pavement, Staff and the petitioner believe this will maintain the area in its current more natural state.

Mr. Russ stated under Article IV of the Subdivision Control Ordinance there are certain public improvements required of all subdivisions. After discussion with Staff and with Staff's recommendation, the petitioner is asking for some exceptions from those public improvements; specifically pavement width and curbs and gutters on Lee Avenue. Mr. Russ noted normally under the Subdivision Control Ordinance curbs and gutters are required. In this case, there are no curbs and gutters along Lee Avenue, and there are no curbs and gutters on the north side of Chicago Avenue in this area. The petitioner is asking for an exception from having to provide those public improvements to the adjacent streets.

With regard to storm sewers, Mr. Russ advised there are no storm sewers in the parkways in this area. To provide storm sewers would not be consistent with what is in the area nor would it be consistent with the character of the area. Mr. Russ explained Staff also believes storm sewer improvements would not be appropriate for this development.

Mr. Russ stated Village Staff and the Village's Engineering Consultant reviewed the proposed drainage plan. The drainage plan meets all the requirements of the Stormwater Control Ordinance and will be tied into the existing drainage system.

With regard to street lighting, Mr. Russ stated currently there is a Commonwealth Edison pole/light on the corner of Lee and Chicago Avenues. They are not proposing any additional lighting along Chicago Avenue. The only additional lighting on Lee Avenue will be at the intersection of the proposed cul-de-sac and Lee Avenue. They will also provide a street light midway down the cul-de-sac and also at the cul-de-sac bulb. Discussions with Staff focused on not increasing the lighting in the area but rather maintaining the current character of the area.

Mr. Russ stated the straight portion of the cul-de-sac would have barrier curbing as required by Ordinance. On the bulb portion of the cul-de-sac, they are proposing rolled curbing, which requires approval as an exception. Mr. Russ explained the rolled curbing is standard in many of the subdivisions that have been recently developed. It is a cleaner look and prevents numerous curb cuts that would be required if barrier curbing was provided on the cul-de-sac bulb. Mr. Russ noted that Village Staff concurs with this exception.

Mr. Russ referenced the factors outlined in Section 20-602 of the Subdivision Control Ordinance that must be considered in granting exceptions:

- (1) The extent to which the proposed exception impacts on the value or reasonable use of surrounding properties;

Mr. Russ advised the requested exceptions would have no impact on the value or the reasonable use of the surrounding properties. The properties will remain as R-1, single family homes, which is consistent with the surrounding area. The value of the proposed homes in the subdivision will be comparable or will exceed the value of the homes in the area. Maintaining the existing adjacent streets in their current condition will maintain the character of the area.

- (2) Whether the exception is consistent with the trend of development in the area and the surrounding uses;

Mr. Russ stated all the requested exceptions maintain what currently exists in the area. The existing parkway drainage system will remain and will be consistent with the surrounding area. The development of this property will be consistent with all R-1 development in the area with regard to the bulk requirements of the R-1 district.

- (3) The characteristics of the property which support or mitigate against the granting of the exception;

Mr. Russ indicated the requested exceptions would allow this area to retain its rural setting. By denying these exceptions, the character would be changed, and a city-like streetscape would be created as opposed to the rural streetscape that currently exists in this area.

- (4) Whether the exception is in conformance with the general plan and spirit of this Chapter;

Mr. Russ expressed the belief that all of the requested exceptions would be in conformance with the general plan and spirit of the Chapter. They also believe these exceptions will allow the area to remain as close to its current condition as possible. Mr. Russ stated creating a new development to exist in harmony with the existing development is one of the goals of the Subdivision Control Ordinance, and they think this plan and the requested exceptions will be in conformity with that goal.

- (5) Whether the exception will alter, or be consistent with, the essential character of the locality.

Mr. Russ indicated these exceptions would allow the essential characteristics to remain in this area. Denying these exceptions would actually create a development that would be inconsistent with the character of the area.

In summary, Mr. Russ stated these exceptions have no impact on the reasonable return of the property whether the petitioner is required to put curb and gutters in or not. Mr. Russ stated the fact that the bulk requirements of the R-1 zoning district are being met is a much more important criteria. He emphasized that they are not requesting a rezoning of the property, but rather leaving the R-1 single-family residential zoning in place.

Mr. Russ advised that drainage on this project would be provided through a detention area that will be located on Lot Nos. 8 and 9. The detention area would be through an easement on these two properties and would be maintained by the future property owners with the Village retaining the right to actually perform any work that needs to be done within that detention area and then charge the property owners for the work. Mr. Russ noted this type of easement arrangement is fairly common with developments that occurred in the Village; a development on Ridgewood Circle and a development by Bradley Builders on Dunham Road and 67th Street have similar situations. Mr. Russ stated the easement has been discussed with the Village Attorney and the Engineering Staff. The Village Attorney has approved the easement language, and the Engineering Department has concurred that this is an adequate solution to the detention area for the development. Mr. Russ stated all of the Village's stormwater requirements have been met.

Mr. Russ indicated a designated wetlands area is also located on the north end of this property and asked Staff to display the map that shows this wetlands area on the overhead screen. The wetland is located on Lot No. 2. Mr. Russ indicated the appropriate easement that protects the wetlands has been reviewed and accepted by the Village Attorney. A 50 foot buffer area or a no disturb zone will be provided around the wetlands. This will still allow development within the parameters of the Zoning Ordinance setbacks for the lots affected by the wetlands and/or the buffer zone.

Mr. Russ noted the subdivision is called Banchory Woods, and they are intending to save as many of the trees as possible. The trees along the perimeter of the property will be maintained. There is no reason for those trees to be disturbed unless there is a need with regard to utilities. With regard to the parkway trees, they will provide 12 new parkway trees on the cul-de-sac and 14 new parkway trees along Lee and Chicago Avenues. Mr. Russ advised that the Village Forester has reviewed the property and their plan and indicated that the developer should attempt to save as many of the large trees as possible. Mr. Russ emphasized that is the developer's intention.

Mr. Russ acknowledged receiving a copy of a notice that was sent out to residents in the neighborhood announcing this evening's meeting. Listed on the notice were issues of critical concern to whomever sent the notice, and Mr. Russ addressed those issues: 1) Number of homes: nine homes are proposed to be developed; 2) Change in the zoning requirements: the property will remain as it is currently zoned R-1, single family residential; 3) Homes do not fit the character of the neighborhood: Mr. Russ stressed they are seeking subdivision approval and acknowledged that the homes would be consistent with the new homes that have been built in the area; 4) Unattractive back sides of homes facing Lee and Chicago Avenues: none of these homes would back up to Lee or Chicago Avenues. There would be homes that would face Chicago Avenue, and there would be homes that face the cul-de-sac. No homes would face Lee Avenue although there is a possibility that a side of a home built on Lot No. One would face Lee Avenue; 5) Increase in the neighborhood property taxes: Mr. Russ acknowledged the property taxes would increase on this property as each lot is developed. He indicated that should not have any impact on

the surrounding properties other than increases in assessed values that may occur in the area; 6) Increase in neighborhood traffic: Mr. Russ advised that the Village Traffic Engineer reviewed the proposed subdivision and did not have any concern for additional traffic or the need for any special work to be completed or studies done with regard to traffic in this area; 7) Increased noise level from destruction of the woods: Mr. Russ reiterated that they are going to retain as many of the trees as possible. He pointed out these are single family homes; it is not a multi-family development or a pool; 8) Location of driveways or private roads: Mr. Russ explained there are no private roads. They will be dedicating the Banchory Court cul-de-sac to the Village. Driveways will front out of the fronts of the lots onto the public streets; 9) Increased run-off and probable flooding of neighboring lands and problems with the retention pond: Mr. Russ emphasized they would be providing a detention area which may, in fact, benefit some of the downstream properties. The Village Engineering Department and the Village's Engineering Consultant have reviewed the plans that meet the requirements of the Village Ordinance. They are not seeking any exemption with regard to any detention or stormwater issues; 10) Disruptions of the roads or utilities during the building of the subdivision: Mr. Russ acknowledged that there may be some minimal disruption along Lee and Chicago Avenues, but the majority of the work will be within the property itself.

Mr. Russ advised that the property has remained vacant for many years. Many developers have looked at this piece of property with ideas of rezoning it and reducing the lot sizes. Mr. Russ indicated Mr. Anderson has worked very hard and very long with the Village Staff to come up with this design in order to minimize the number of exceptions being requested. The exceptions being sought are exceptions that were either requested by the Village or reviewed by the Village and agreed that in fact the exceptions made sense in order to maintain the character of this area.

Mr. Russ concluded by stating he would be happy to answer any questions from the Plan Commission members.

Chairman Jirik asked Staff to make its presentation.

Amanda Browne, Planner, advised the petitioner is seeking final plat approval for a nine-lot, single-family residential subdivision on approximately 4.9 acres of land. The proposed subdivision does not require any lot or bulk exceptions from the underlying R-1 zoning district requirements, and at an effective density of 1.85 dwelling units per acre, it is also consistent with the density recommendations of the Future Land Use Plan designation of 0-6 dwelling units per acre.

With regard to zoning, Ms. Browne stated zoning around the subject site is zoned R-1, single-family residential as are the properties to the north, east and west. Properties to the south are zoned R-3, single-family residential.

With regard to lot and bulk requirements, Ms. Browne stated no exceptions are being requested from the R-1 district standards of 20,000 square feet in area, 100

feet in width and 140 feet in depth. Ms. Browne pointed out an analysis of the proposed lots was provided in the Staff Report. She advised the report noted the drainage and utility easements for certain lots within the proposed subdivision, but she neglected to note certain lots with wetlands conservation easements: The wetlands easements primarily surround the wetlands located in the far northwest corner of Lot No. 2, although the easement does cover part of Lot No. 1 as well.

With regard to Engineering and Public Works related issues, Ms. Browne indicated the Code does require the petitioner to provide any public improvements that are not present on adjacent streets; in this case, Lee Avenue to the west and Chicago Avenue to the south. The petitioner is requesting certain exceptions from those Code requirements.

With respect to the proposed Banchory Court Street, Ms. Browne noted the petitioner is requesting one exception with respect to public improvements for the mountable curb design in lieu of the barrier curb design for the bulb portion of the cul-de-sac.

Ms. Browne stated the rights-of-way for both Lee and Chicago Avenues measure 66 feet in width with 33 feet located on either side of their centerlines. The street pavements are also approximately 22 feet in width for both Lee and Chicago Avenues. With respect to the right of way, Mr. Browne explained the petitioner is required to dedicate half of the remainder of any substandard right of way width. In this case, both Lee and Chicago Avenues are required to have rights-of-way of 70 feet. On the easterly half of Lee Avenue and the northerly half of Chicago Avenue, therefore, the petitioner would be required to dedicate an additional two feet of land, and they are requesting an exception from that provision.

With respect to the street pavement widths, Ms. Browne stated the petitioner is required to provide street improvements adjacent to the development; in this case, the easterly side of Lee Avenue and the northerly side of Chicago Avenue. The petitioner is, therefore, required to construct an approximately additional four feet of pavement adjacent to the development. They would also be required to provide for curbs and gutters as well as stormwater management within the rights-of-way on the east side of Lee Avenue and the north side of Chicago Avenue. The petitioner is requesting exceptions from those public improvements for both Lee and Chicago Avenues.

With regard to Banchory Court, Ms. Browne stated it is proposed to be constructed to full standards with the exception of the previously mentioned mountable curb design. Ms. Browne pointed out the Public Works Department is recommending that it is a barrier curb design as opposed to the proposed mountable curb design for the straight portion of the street pavement, but they would not be objecting to the mountable curb design in the bulb portion of the cul-de-sac.

Ms. Browne advised Public Works reviewed the petitioner's proposed plan, and they have commented with respect to the requested exceptions. Public Works Staff feels the petitioner has satisfied the Village's standards for final plat approval, and

they have not raised any objections to the requested right-of-way dedication exceptions or the public improvement exceptions for either Lee or Chicago Avenues.

With respect to the Lee and Chicago Avenue public improvements, Ms. Browne stated Public Works made the recommendation that the petitioner resurface both Lee and Chicago Avenues for the entire widths adjacent to the subject property as opposed to being required to install full curb, gutter and storm sewer on just the sides adjacent to the subject property.

Ms. Browne explained the requested public improvement exceptions do require evaluation per Section 20-602 of the Subdivision Control Ordinance. The petitioner evaluated the requested exceptions both in their written correspondence and in their presentation this evening.

With respect to stormwater management, Ms. Browne stated the petitioner is proposing on-site detention to fully accommodate site detention for the proposed nine-lot subdivision as opposed to an out lot arrangement with the creation of a separate lot for stormwater detention. The petitioner is proposing the detention be accommodated within a detention basin that is located on two of the private lots, which would also be occupied by homes. Ms. Browne noted the easement language on the face of the plat does make reference the fact that those detention areas must be fully maintained by those respective homeowners should any maintenance be required in the future. The petitioner has been fully appraised that Staff would like to see that they have taken steps in addition to the language that appears on the face of the plat to ensure that those future homeowners are aware of their responsibilities with regard to the detention basin.

Ms. Browne stated the Public Works' Stormwater Management Division and the Village's consulting engineers have reviewed the proposed detention design and have concurred to recommend approval of the stormwater management proposal as part of this subdivision.

With regard to traffic impacts, Ms. Browne advised the Public Works Traffic Division reviewed the proposed plans and did not offer any comments with respect to the proposed subdivision.

With respect to the Public Works Forestry Division, Ms. Browne stated Forestry also reviewed the proposed plans and noted that none of the existing trees on site would become parkway trees within the Banchory Court right-of-way. It was also noted certain tree species were encouraged to be saved and integrated into the site plans as part of the design of the subdivision. Ms. Browne noted there are also parkway trees that are currently located within the Chicago Avenue right of way that would require protection during construction. Ms. Browne pointed out there would be some grading work for the reconstruction of certain sidewalks and also a retaining wall on Chicago Avenue, and existing trees in these areas will require protection during construction. Forestry also noted a total of 26 new parkway trees would be required. The Forestry Division is willing to accept payment for purchase

and installation of those trees by the Forestry Division if it is so desired by the petitioner. Ms. Browne noted that provision is not a requirement.

With respect to school and park district donations, Ms. Browne explained the petitioner is required to donate a total of \$32,435.24 prior to the granting of final plat approval by the Village Council. Of that total, \$8,770.00 would go to Grade School District 58, \$5,500.00 would go to High School District 99 and \$18,164.00 would go to the Downers Grove Park District.

In conclusion, Ms. Browne stated the Staff Development Team concurs that the Plan Commission consider forwarding a positive recommendation to the Village Council with respect to the proposed subdivision including the exceptions pertaining to street right-of-way dedications and public improvement exceptions subject to the following conditions. The petitioner continues to explore means to reduce or eliminate

2. That the petitioner address all issues as outlined in the Public Works memorandum dated January 9, 2004, including the recommendation to construct barrier curbs on the straight portions of the proposed Banchory Court cul-de-sac street as required by Code;
3. That payment of school and park district donations be made prior to Village Council consideration of the proposed Final Plat of Subdivision; and
4. Compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

Chairman Jirik thanked Staff for its presentation.

Prior to opening the public participation portion of the public hearing, Chairman Jirik noted the size of homes to be built in this subdivision is not an issue and not within the Plan Commission's purview. The Plan Commission's focus is on the proposed division of the land. Chairman Jirik further explained that the five factors in Section 28-602 of the Subdivision Control Ordinance apply to the exceptions the petitioner has requested.

Chairman Jirik explained anyone who would like to speak should come to the podium and state their name and address before addressing the Commission.

Dan Callahan, 4600 Downers Drive, stated he and his wife Joann have lived in Downers Grove for almost 24 years. They live right behind Lot No. 2, which is shown on the plat at the northeast corner, and they will see the backs of homes. Mr. Callahan commented there has been quite a bit of concern among the residents on ~~the Grand Chicago Avenue~~ but he noted the attention to detail that the Plan Commission gave to the lot split petition heard previously. There was concern that such a split would not be in keeping with the trend of the neighborhood and the aesthetics. Mr. Callahan stated it appeared the Commission members were reasonable people, and he was going to try to appeal to their reason. Mr. Callahan stated there is no cul-de-sac anywhere near his property. He pointed out the map displayed on the overhead screen shows long, narrow continuous flowing backyards with houses off the main streets. The

aesthetics are basically untouched, which is the reason most of the property owners moved to this fine area many years ago. Mr. Callahan advised that a noteworthy realtor bought a property two houses away from his home for the same reasons.

Mr. Callahan acknowledged that he and his neighbors have gotten used to something that inevitably was going to be changed. They have enjoyed their view over the years. They have seen red fox, deer, great horned owls, pheasants, woodchucks, etc. Mr. Callahan stated he understood this would all be coming to a screeching halt. Mr. Callahan expressed the opinion that a cul-de-sac forces too many homes on a too small property and is not in keeping with the tradition and character of the neighborhood.

Mr. Callahan expressed the belief that with all of these homes backing up to his backyard, not only will they lose the woods, which will depreciate the value of the homes, the cluster of homes will cause their property values to decrease and their taxes will increase.

Mr. Callahan expressed the hope that the subdivision was not a *fait accompli*. He asked the Plan Commission members to think how they would feel if all of a sudden all of these homes were facing their backyards and in their laps overnight. Mr. Callahan expressed the opinion that the property could be subdivided with long, flowing backyards with houses facing the street, which would be more in keeping with neighborhood.

Mr. Callahan asked, because they have not had any real construction of this nature in their neighborhood, how long does it take for a subdivision like this to be finished? He wondered if this was going to be a series of summers with hammering or will there be a swift completion. He next asked how the tree selection process works and are the neighbors involved in that process. He asked if a tree is bordering both property lines, who determines whether the tree could be removed? Mr. Callahan stated he brought up the trees as a point of reference only because when he came home from work one day, the entire five acre site was demolished except for the trees on their property line. Mr. Callahan stated he hoped these questions could be answered this evening.

Mr. Callahan expressed the hope that the Commission members would find in their hearts some compassion for the reason they live in this great town and not upset the aesthetics and character of the neighborhood as they have grown to know it over 24 years.

Chairman Jirik advised the audience that the factors that the Commission must consider regarding exceptions include consideration of the character of the neighborhood. The cul-de-sac design is not an exception and is irrelevant in that regard. Chairman Jirik asked for focused testimony to provide a basis for action.

Gordon Goodman, 5834 Middaugh Avenue, Downers Grove, stated he had an interest in this property, which is in a very nice wooded area. The name of the subdivision, Banchory Woods, suggests that there is a definite effort to preserve that wooded character. The fact that the lots are each one-half acre and will maintain

the R-1, single-family zoning is also a very nice feature. It stabilizes a very large portion of land with large, one-acre lots.

Dr. Goodman noted the drainage management seems very severe in the front along Lee Avenue. He indicated he had a hard time visualizing how those steep contours will look. He noted there does not seem to be much of an opportunity for screening from Lee Avenue for the dry detention basin. Dr. Goodman indicated he was not quite sure how that would fit in with preserving the sense of woods.

With regard to the Village Forester's memorandum, Dr. Goodman noted that the Forester adequately covered the issue of trees in the right-of-way. The Forester noted driving by the site she did see several trees that she felt were worth saving. Dr. Goodman stated a revised plan showed trees over 12 inches in diameter and are labeled as to whether they would be saved or removed during construction. Dr. Goodman stated he went to the Village today and asked for a copy of that revised plan because it was not in the Plan Commission packet. Dr. Goodman asked Ms. Browne to show the revised plan on the overhead screen so that everyone could look at it together.

Mr. Stark asked the Chairman under parliamentary procedure, if trees are not one of the exceptions being request, is this a germane topic for public debate?

Chairman Jirik stated he would entertain the discussion to a degree. Mr. Stark stated regardless of the number of trees, the Plan Commission is not the Forestry Department. Chairman Jirik noted there was information pertaining to trees in the packet so he will entertain this discussion unless a Plan Commission member feels it is not a relevant matter.

Dr. Goodman asked to address the relevancy. First, it relates to the site grading plan and whether trees can be preserved, and second, whether we have information about what trees are intended to be preserved. He pointed out the Plan Commission is making a recommendation to the Village Council about the overall subdivision not just a recommendation about exceptions. The Village Council is depending on the Plan Commission to be the hearing body that examines the facts related to whether they should approve the subdivision. Mr. Goodman stated this is not a lot split which would be in the Commission's authority if it had no exceptions. He stressed the Plan Commission will have to make a recommendation to the Village Council about the subdivision.

Mr. Stark reiterated the tree issue does not pertain to the exceptions. With regard to the Chairman's question as to whether any Plan Commission member had an objection to continuing this line of testimony, Mr. Stark noted there are a number of people here this evening and the comments should be limited to the exceptions which the Plan Commission has the authority to address. Mr. Stark acknowledged that no other Commission members voiced an opinion, but he wanted his comment to be on record.

Chairman Jirik indicated he would prefer to allow brief commentary on the trees. Mr. McCormick concurred stating that such comments such be limited to five minutes or less.

Dr. Goodman said he did a rough count of the trees; it looks like there are 130 to 140 trees of 12 inches or greater diameter shown on the revised plan. He pointed out he counted 14 trees in the wetland area. These trees are enclosed in double fencing and are part of the area that is not to be disturbed at all as the Forester recommended. Elsewhere in the subdivision, there are areas of trees in the detention basin that surely will have to be removed because the grading is changing so dramatically. Off to the southeast portion of the property, there are trees that are in a relatively open field. Dr. Goodman expressed the hope that they could be preserved. Dr. Goodman noted the contours associated with the new drainage, it seems there will be changes of one or two feet in the land surrounding those trees. Dr. Goodman stated it was not clear to him that those trees will be preserved. He can see nothing indicated on this plat that shows whether those trees are to be preserved. Dr. Goodman expressed the belief that information about the trees to be preserved is needed when the Plan Commission's recommendation is forwarded to the Village Council. Dr. Goodman stated the Council and Staff should be encouraging a very substantial replanting of trees in this area so that the subdivision merits the name Banchory Woods and continues to be a gracious and complimentary feature of this neighborhood. Dr. Goodman expressed his opinion that overall this would be a very desirable subdivision. Fine-tuning with regard to the trees can make it even better.

Chairman Jirik thanked the Commission members and Dr. Goodman for an appropriate compromise as to this discussion.

Dan Drieser, 4624 Lee Avenue, stated he lives directly across the street from what would be Banchory Court. Mr. Drieser noted he has lived in the neighborhood for 15 years. Mr. Drieser expressed his opinion that the issue of trees addressed by Dr. Goodman may be relevant to the factors considered by the Commission. Mr. Drieser admitted he was not a land use attorney, but in his opinion the factors to be weighed in making an exception concern maintenance of the surrounding area. If curbs and gutters are not going to be installed in order to maintain the rural look of the area, Mr. Drieser stated the trees are part of the rural look of the area.

Mr. Drieser indicated his concern regarding drainage. Mr. Drieser indicated his understanding that the Village engineers have approved the dry detention pond. Although he should not have anything to worry about, Mr. Drieser asked if anyone on the Plan Commission has a long enough memory to recall the lawsuit that was brought about 30 years ago, Wren, Clear & Sharpe Vs. the Village of Downers Grove and the Park District, when Hoopers Hollow was built, and all the yards in that area flooded. Mr. Drieser indicated there is a drainage ditch that drains the area that Banchory Woods will be in and this ditch runs along the perimeter of his yard, the perimeter of Mrs. Rehn's property, and back into Hoopers Hollow. Mr. Drieser commented that the swale the Village was required to build has not been properly maintained for many years. Mr. Drieser commented he was not sure he wanted to put his faith in the Village's engineers if they cannot keep our backyards from flooding even today after a lawsuit and a permanent injunction 30 years ago.

Mr. Drieser stated Mr. Callahan articulated very well the concerns he and his neighbors have regarding the aesthetics of the area. Mr. Drieser agreed that was an important consideration for the Plan Commission to make because the Commission is not only recommending approvals of exceptions but are recommending approval of the entire subdivision.

Mr. Drieser stated he moved into the house across the street from those beautiful woods 15 years ago. Mr. Drieser recalled that he stated at that time that those woods not be there long. He commented that he has been waiting and watching for 15 years and those 15 years has been a blessing. Now the woods are going to go and there is not much the neighbors can do to stop it. Mr. Drieser expressed the belief that something could be done to retain the character of the neighborhood, which is the reason many of the residents moved into that neighborhood. Mr. Drieser noted the discussion about not putting curbs and gutters along Lee and Chicago Avenues in order to retain the rural characteristics of the area. He stressed that the trees would retain the rural characteristics of the area.

Mr. Drieser expressed extraordinary concern about the shape of the dry detention pond. He indicated he did not think it would increase the property values. He felt that maintenance of property values was one of the factors that should be looked at when making exceptions. Mr. Drieser stated according to the plan displayed on the overhead screen that detention pond is going to be denuded of all trees. The petitioner's attorney said that the perimeter of trees would have its trees intact. Mr. Drieser stated his belief that there will not be any trees along the west side of the property, at least not in the drainage area. He questioned whether the plans could be adjusted somewhat to retain some of those trees which would help retain the character of the area.

Todd Williams, 4525 Lee Avenue, three lots north of the proposed development, expressed concern regarding the drainage of the property. Mr. Williams noted, like his neighbor, he also lacks some confidence in the Village Engineering and approving what they let happen. He recalled when the property behind him was redeveloped there was supposed to be no problem with drainage. Mr. Williams stated after a decent rain the back 1/3 of his lot becomes unmowable. His neighbor to the south, the back half of his lot has very tall grass because he cannot get a mower back there because of standing water. Mr. Williams stated when he is in his back yard and looks to the south, the proposed subdivision would be on a rolling parcel of land that rolls down toward his property. Mr. Williams stressed his concern regarding the amount of stormwater that is going to come from this property. Roads, driveways and homes will prevent this rainwater from soaking in. Mr. Williams acknowledged the proposed dry detention basin at the south end of the property, but in his view the way this property is sloped, that detention basin will only work for the properties to the south of Banchory Court itself. Mr. Williams stated he has lived in home for 18 years and has seen his property get wetter and wetter every time something happens. He does not want more swampland in his back yard. Mr. Williams advised his neighbor to the south is not present here this evening, but he also suffers from a lot of this run-off.

Chairman Jirik stated at this point it was appropriate to speak to two issues that seem to be a recurring theme, and he asked Ms. Browne to speak as appropriate. Chairman Jirik acknowledged the heartfelt concerns regarding the water issues. In recent times, the management of water and stormwater has become an engineering activity. It is fairly well understood, and it is extremely detailed. The Village holds these projects to a consistent high standard and methodology using the best available knowledge, facts and engineering to generate the expected and required outcome. It is not intended to fix someone else's problem. The intent is to not cause any increase, harm or degradation to the area due to the development. With regard to this final plat of subdivision, all of the stormwater requirements have been fully satisfied and meet the technical standards of the Ordinances.

With regard to the trees, Chairman Jirik explained the Village has certain requirements that must be met, and they have been met for this proposed subdivision. He noted Dr. Goodman had raised some additional points and suggestions, which may go beyond the strict requirements of what the Plan Commission can consider. This proposal meets and satisfies the established requirements regarding trees.

Ms. Browne added the tree installation requirements of the Forestry Division apply only to trees that are either going to be located within a newly dedicated right-of-way, or if they are currently existing in a right-of-way, or if they are going to be required to be installed as part of the development within the public-right-of way. The requirements do not apply with respect to those trees that are going to be located on private lots.

Chairman Jirik stated the Village regulates trees within public rights-of-way. He noted there are unregulated trees on private property. The Plan Commission heard advisory comments from the audience this evening regarding those unregulated trees.

Elizabeth Reidy, 1702 Chicago Avenue, stated she lives right next door to this proposed subdivision. She indicated she did not quite understand the process. She asked if there was a time that the neighbors could have spoken about all the aspects of this subdivision not just the exceptions. She wondered if they had missed a meeting when this could have been discussed. Mrs. Reidy commented the audience is seeing the proposed plan for the first time. She pointed out earlier the Plan Commission expressed frustration when the previous petitioner presented additional information late this afternoon which did not give Staff or the Commission members time to study and analyze it.

Chairman Jirik explained that the information was made available at the Library on Friday, as is the case for all of the Plan Commission petitions. Chairman Jirik again explained there are prescribed factors the Plan Commission considers relative to the requested exceptions. Chairman Jirik stated in his previous comments he was trying to clarify that testimony pertaining to any of the factors should address a proposed exception. Chairman Jirik further explained this does not preclude other comments.

Mrs. Reidy stated the people who came here this evening and sat here for three hours should have had their input respected. She said it was pointed out by the Chairman several times that the only comments were to be with regard to the exceptions. Mrs. Reidy pointed out that those present here this evening were seeing the packet of information for the first time and did not really have time to look it over and formulate questions. Mrs. Reidy reiterated her earlier comments about whether they had missed a step in the process where they could have voiced their questions and concerns.

Chairman Jirik advised if someone asks for an exception to the Village's rules and regulations, the Plan Commission and the Village Council focus on those exceptions in order to develop a good record of information for the Village Council to consider. Chairman Jirik pointed out the Plan Commission this evening has also heard about trees and other things that are not exceptions but are things in which the public is interested.

Chairman Jirik advised the members of the audience that the Plan Commission allows everyone to speak before allowing someone to speak for the second time. Chairman Jirik stressed that those speaking for the second time should focus on new information or concerns that had not been previously discussed.

John Marich, 1600 Chicago Avenue, stated he lives at the northwest corner of Chicago Avenue and Downers Drive. Mr. Marich indicated one of the exceptions being requested with this development is to not be required to improve Chicago or Lee Avenues in order to retain the character of the neighborhood. Mr. Marich expressed agreement with that request. Mr. Marich stated the character of the neighborhood could be retained while still addressing some of the shortcomings of the topography of the area. Mr. Marich advised there is a very steep grade coming off of the sidewalk down to the street level on Chicago Avenue. Additional retaining wall and changes to the sidewalk contours are going to be required. Mr. Marich asked that the Village makes sure that there is not substantial grade there so that ~~With respect to this issue, Mr. Marich indicated he had no opinion as to whether~~ the stormwater plan is sufficient, but he knows there will be drainage coming off the driveways and down into the ditch along Chicago Avenue. He suggested some sort of storm sewer improvement should be assessed in order to assure that when stormwater does drain off those driveways toward Chicago Avenue that the water is captured before running out into the street and potentially causing a hazardous situation.

Mr. Marich recalled seeing a council meeting on the cable television station where a cul-de-sac in a proposed subdivision was not sufficient in terms of its diameter. He noted that this cul-de-sac appears to meet the requirements for large maintenance trucks or fire trucks to be able to get in and out.

Mr. Marich indicated he did not know if his concerns had been addressed in the Staff report because he did not have a lot of time to review the Staff report. Mr. Marich commented that it appeared the developer was being responsible. Mr. Marich again emphasized that the area can be improved without changing its character. He asked the Plan Commission to consider those issues.

Dan Drieser, 4624 Lee Avenue, stated people came here this evening at a disadvantage. When the meeting was originally posted for December 2, 2003, they called Public Works Department and asked to get copies of the plans or to talk to people about what was being planned. Mr. Drieser said they were told quite firmly that none of the plans were amenable to the Freedom of Information Act, and they would be available at the Plan Commission meeting. Mr. Drieser indicated as the result of attending this meeting, he now knows that the next time a subdivision is proposed to be built across the street from him, the Staff Report is available at the Library for review.

Chairman Jirik assured Mr. Drieser that the standard procedure is to have the material available on Friday prior to the Plan Commission meeting.

With respect to the Freedom of Information Act, Ms. Browne advised there are certain documents, which are not permitted to be copied under exemptions of the Freedom of Information Act, such as certified plans from an architect or an engineer. Ms. Browne stated she did not know if Mr. Drieser completed a Freedom of Information form, but the working drawings may have been exempt from copying at that time. Once plans become part of an application package, and they are going to be distributed to a Board or Commission or to the Village Council, it is at that point that Staff is free to distribute that same packet of information to the public. Staff takes the position of distributing those packets all at the same time, and they are sent to the Library and the Plan Commission members on the same day.

Mr. Drieser commented that it would have been really nice if the Public Works Department had told them that rather than saying no you cannot see the plans; come to the meeting, you will find out about it then. Ms. Browne agreed and added that plans that are part of a petition are available for review in the Planning and Community Development Department as a matter of public record. Staff may not be allowed to copy such plans, but the Planning and Community Development Department requires FOIA forms to be completed by anyone making such a request.

Joan Drennon, 4710 Stonewall, stated a better plan would have been reducing the subdivision from nine lots to six lots; four lots on Chicago Avenue and then only two lots on Lee Avenue, which would result in less chance for flooding and less asphalt. Mary Drieser, 4624 Lee Avenue, stated she lives across the street from the proposed subdivision. Mrs. Drieser indicated she was not very impressed with the process tonight and feels it is a *fait accompli*. Mrs. Drieser said as homeowners, whatever they say, they are at a disadvantage because they are not experts. Mrs. Drieser stated the feedback from the Plan Commission members seems to be that some of the things we say are not relevant to the exceptions. She asked how a subdivision with nine houses, most of them a million or more dollars, fits the character of the existing neighborhood. Mrs. Drieser commented the proposed subdivision is not a rural subdivision; so to say that exceptions are being requested in order to retain the rural characteristic of the area seems to be a farce. Mrs. Drieser stated this is a very one-way process and she has not felt that the Commission is really interested in

input from the residents in the area. Mrs. Drieser commented the fact that they called the Village and did not happen to speak to Ms. Browne means that their request was not valid, and they got the response they got from Public Works.

Chairman Jirik stated the Commission cannot attribute comments to others who are not here to either accept or refute those comments. Chairman Jirik ruled out of order any further testimony of "she said" or "he said" in advance. Mrs. Drieser suggested that the Chairman could speak to the process because that is important to the homeowners. Chairman Jirik stated he would try to briefly explain that the Village establishes Ordinances that govern the growth, development, redevelopment and division of land. Mrs. Drieser questioned why he had to be brief, to be honest, as this is an issue that clearly affects the big investment that everyone present has made in this area. She indicated people did not care how brief the explanation is. Chairman Jirik referred to the table of data on Page Two of the Staff Report regarding the lot and bulk requirements for each lot. All the differences are positive which indicates they meet the Village's requirements. Mrs. Drieser agreed. Chairman Jirik stated the exceptions are outlined in Section 602 of the Subdivision Control Ordinance. Mrs. Drieser commented that she understood that. Chairman Jirik stated there is significant concern where this is an exception.

Chairman Jirik stated our country is a nation of laws that are established so that everyone regardless of race, color or creed gets the same treatment, so they can identify the standard they will be held to and strive to achieve that standard. Chairman Jirik indicated whether it is an individual coming forward to build a garage or someone coming forward to build a subdivision, the rules and regulations that apply have been published in advance. Exceptions can be considered; they are not granted per se nor are they rejected per se; they are considered based on merit and consideration of the factors that help guide the decision-making process. Chairman Jirik pointed out by and large this particular development meets Downers Grove's requirements. Chairman Jirik explained his comments regarding the exceptions were to clarify that the Plan Commission does want to hear about those issues but not to the exclusion of everything else. Mrs. Drieser indicated she understood, but they were led to believe that they could have some input into the overall subdivision. Mrs. Drieser noted it clearly meets what you people in Downers Grove considered to be something worthy. Mrs. Drieser concluded by stating they have a right to express their opinion. Chairman Jirik advised her that her opinion was valued and thanked her. As there were no further questions or comments, Chairman Jirik closed the public participation portion of the public hearing.

Chairman Jirik asked if there were any questions or comments from the Plan Commission members as part of their deliberations.

Mr. Waechtler recalled someone asking about construction completion. He asked if Mr. Russ, the petitioner's attorney, or the petitioner could shed in any light on the construction schedule. Mr. Russ responded the public improvements would be the

first portion of the construction; street, drainage, grading, etc. As far as the development of the houses, it would depend on the market and how quickly the lots could be sold. Mr. Russ noted Mr. Anderson would not build houses without buyers for those houses. Mr. Russ stated while Downers Grove is a good real estate market, he does not know how long it would take to sell these properties.

Ms. Browne advised Chairman Jirik that prior to the closing of the public hearing, the petitioner was not offered an opportunity for rebuttal of the comments from the audience. Chairman Jirik noted that usually the Commission exhausts its questions first, and then there would be rebuttal. Mr. Russ advised the Chairman and Commission that at this time he did not have any rebuttal.

Mr. Matejczyk noted he lives right down the street at 1539 Chicago Avenue and walks past this property every morning. Mr. Matejczyk commented we have always known we were going to lose those trees someday, but as someone said earlier, each year has been a blessing for the neighbors. With regard to the character of the neighborhood, Mr. Matejczyk maintained in this particular neighborhood, trees are a character of the neighborhood. Mr. Matejczyk recalled that a neighbor across the street from him once told him that if you took the trees away from the neighborhood, the property values would be cut in half. Mr. Matejczyk indicated he agreed with that observation. Many of the homes in this neighborhood are not that valuable, but the trees are what make the difference. Mr. Matejczyk recalled that a comment was made earlier that the homes built on this property would be million dollar homes. Mr. Matejczyk stated he did not doubt that but maintained the character of the neighborhood is changing, and there are already million dollar homes being built in this neighborhood. Mr. Matejczyk referenced the comment made about constant construction on the site. Mr. Matejczyk pointed out this neighborhood is seeing construction on every block right now.

Mr. Matejczyk noted about one year ago, the Village put in a very nice retaining wall with a nice sidewalk on the Chicago Avenue side of the property. He asked the petitioner how they would approach that retaining wall. Brad Hartjes, C. M. Lavoie & Associates, stated the retaining wall at the southwest corner of the property would not be touched at all. The sidewalk going east is quite steep. In order to install the driveways up to the four lots, some sidewalk will have to be removed, slight grading will be done, and the sidewalk will then be replaced in the exact location. Mr. Matejczyk clarified that the petitioner would be dropping the sidewalk down, and Mr. Hartjes agreed.

With regard to water run-off onto Chicago Avenue, Mr. Waechtler recalled that several residents expressed concern about this. Mr. Waechtler noted he was familiar with this area and expressed the hope that the Engineering Department has taken a good look at the water run-off issue. Mr. Waechtler pointed out after heavy rains there is water on Chicago Avenue and in winter there is ice on Chicago Avenue because of the run-off. Mr. Waechtler expressed concern that a lot of water run-off or ice causes hazardous driving conditions.

Mr. Hartjes commented that has been looked at, and a number of catch basins would be installed in the fronts of those lots as close as possible to the lot line of Chicago Avenue. The grading would be such that the stormwater would be directed towards those catch basins. The driveways themselves would be cross sloped slightly so that they would drain as much as possible off into the grass and towards those catch basins. The rear of the houses would be sloped toward the back, so the flow would be toward the detention pond. The only water actually heading toward Chicago Avenue would be from the front of the lots facing Chicago Avenue, and 90% of that would be caught by catch basins. The remaining 10% would flow off into the slight ditch on Chicago Avenue as it does now.

Mr. McCormick asked if that is what is being caught now by the swale (ditch) that runs along the northerly part of the property and toward Lee Avenue. Mr. Hartjes asked Mr. McCormick if he was referring to the east side of Lee Avenue, and Mr. McCormick agreed. Mr. Hartjes explained that condition would remain almost exactly as it is currently. Banchory Court would cross the ditch so there would be a culvert pipe under the pavement. The water flows from the north to the south on the east side of Lee Avenue, then there is a culvert that brings the water across to the west side of Lee Avenue and then further on to the west. Mr. Hartjes noted that is where the outlet point would be. Water also drains from the corner of Lee and Chicago to the north towards that same culvert and that was the outlet point where it drains to the west. Mr. Hartjes stated the ditch on the east side of the Lee Avenue right of way would remain exactly as it is right now.

Mr. McCormick advised Ms. Reidy and Mr. Drieser that in this type of a petition, the Plan Commission is a recommending body and our recommendation goes to the Village Council. When the Village Council addresses this subdivision at a Workshop, that is another opportunity to address your comments and concerns directly to the Village Council members.

Mr. McCormick recalled when Mr. Russ made his presentation he did not hear anything with respect to street resurfacing, but the Staff packet mentions street resurfacing as a requirement from the Public Works Department. Mr. McCormick stated he visited the site today, and he has seen a lot of streets in Downers Grove in worse shape than Lee and Chicago Avenues. Mr. Russ responded that the first time he was made aware that would be a requirement was Friday afternoon, January 16, 2004 when they received a copy of Staff's report. He noted Ms. Browne had called him earlier in the day to advise him she had just received that recommendation from Public Works, and she forwarded it on to him. Mr. Russ stated he tried to talk with Mr. Millette of the Engineering Department today, but he was not available. Ms. Browne did speak with him about this requirement, and he indicated the petitioner does not object to resurfacing Lee and Chicago; however, that was still a conversation he wanted to have with Mr. Millette. If the roads do not need to be resurfaced, Mr. Russ questioned if they are being asked to resurface them just to resurface them. If the roads need to be resurfaced, then the petitioner would agree to resurface them. Mr. Russ stressed that more investigation needs to be done as to

the need to resurface Lee and Chicago Avenues. Mr. Russ noted any damage done to the roads during this project would be corrected. Mr. Russ commented that the late notice of this issue has not given anyone time to respond to it.

Mr. McCormick noted the Village Council should address this prior to final action. Chairman Jirik asked if there were any further questions or comments from the Plan Commission members. Hearing none, Chairman Jirik advised that he would entertain a motion to recommend approval, recommend approval with changes or recommend denial.

MOTION: MRS. REYNOLDS MOVED WITH RESPECT TO PLAN COMMISSION FILE NO. 2009 FINAL PLAT OF SUBDIVISION, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PETITIONER'S REQUESTED ACTION FOR THE PROPOSED BANCHORY WOODS FINAL PLAT OF SUBDIVISION INCLUDING THE EXCEPTIONS PERTAINING TO STREET DEDICATION AND CERTAIN PUBLIC IMPROVEMENTS SUBJECT TO THE FOLLOWING:

- 1. THE PETITIONER SHOULD CONTINUE TO EXPLORE MEANS TO REDUCE OR ELIMINATE EXCEPTIONS;**
- 2. THE PETITIONER SHOULD ADDRESS AS OUTLINED IN THE PUBLIC WORKS' MEMORANDUM DATED JANUARY 9, 2004 INCLUDING THE RECOMMENDATION TO CONSTRUCT BARRIER CURBS ON THE STRAIGHT PORTIONS OF THE PROPOSED BANCHORY COURT CUL-DE-SAC AS REQUIRED BY CODE;**
- 3. PAYMENT OF SCHOOL AND PARK DISTRICT DONATIONS IN THE AMOUNT OF \$32,435.24 PRIOR TO VILLAGE COUNCIL CONSIDERATION OF THE PROPOSED FINAL PLAT OF SUBDIVISION; AND**
- 4. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.**

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

ROLL CALL:

AYE: Mrs. Reynolds, Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mr. Stark, Mr. Waechter, Chairman Jirik

NAY: None

The Motion passed 8:0

Mr. Nicholaou noted that he recused himself from this matter on the advice of the Village Attorney.

Chairman Jirik explained after the minutes are prepared and all pertinent information put together, the Plan Commission's recommendation would be forwarded to the Village Council. Staff will advise the petitioner as to when this matter will be placed on a Council Workshop agenda. Chairman Jirik advised those present in the audience who wanted to know when this would be placed on the Council agenda to contact the Planning and Community Development Department or the Village Clerk. He also noted the Council agenda is published on Fridays in the Village Corner section of the Downers Grove Reporter and can be seen on DGTV, Channel 6. Mrs. Reynolds noted the Village has a web site, and Ms. Browne stated the agenda and all of the support materials would be posted on the web site as well.

Mr. Nicholaou addressed the audience and stated the Plan Commission has certain regulations and procedures they have to follow with regard to any petition before the Commission. That is not to say that the Plan Commission members do not have their own personal opinions and emotions. The comments many of you were trying to make this evening really fall under the Village Council Workshop. That is where you can bring your concerns forward. Mr. Nicholaou explained that no one on the Commission was trying to be rude when members of the audience were told their comments have to be focused on the exceptions. Mr. Nicholaou referenced the Village of Downers Grove's Boards and Commissions Handbook, which outlines protocol and procedures each Commission must follow. When the public speaks to the Commission, the members are listening for those things that have absolute relevancy to how the petition has been brought forward, not how the audience or members of the Plan Commission may emotionally feel. Mr. Nicholaou stated he did not want audience members to walk out of the Council Chambers thinking the Plan Commission members do not care for them as fellow citizens. He again stressed the residents' forum would be the Village Council Workshop.

Chairman Jirik pointed out the Mayor and Village Council have to follow the same rules and regulations. Chairman Jirik stated the purpose for the Handbook is to provide objective standards all members of Boards and Commissions must follow.

Ms. Browne stated the next Plan Commission meeting would be on Monday, February 16, 2004 in the Council Chambers.

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: 40 p.m.