

Chairman Jirik called the April 19, 2004 meeting of the Plan Commission to order at 7:30 p.m.

ROLL CALL

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

ABSENT: Mr. Griesbaum

STAFF

PRESENT: Amanda Browne, Planner
Alice Dornan, Recording Secretary

Chairman Jirik stated the draft minutes of the February 16, 2004 meeting needed to be reviewed and approved. He asked if there were any additions, deletions or corrections to the draft minutes. **MR. WAECHTLER MOVED TO ACCEPT THE MINUTES OF FEBRUARY 26, 2004, AND MR. KAHLKE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

Chairman Jirik advised the draft minutes of the March 15, 2004 meeting also needed to be reviewed and approved. He asked if there were any additions, deletions or corrections to the draft minutes. **MR. NICHOLAOU MOVED TO ACCEPT THE MINUTES OF MARCH 15, 2004, AND MRS. REYNOLDS SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

Chairman Jirik pointed out petition packets were available on the shelves on both sides of the Council chamber. For the benefit of the members of the audience, Chairman Jirik explained the purpose of the Plan Commission is to conduct public hearings to put together information, testimony from members of the public, technical assessment by Staff and questions and comments from Plan Commission members to provide a body of information to the Mayor and the Village Council. Chairman Jirik further explained that the Plan Commission would be making a recommendation with regard to this evening's petition and would not be taking any final action.

Chairman Jirik outlined the protocol for this evening's agenda item. First, as Chairman, he will call the public hearing to order. The petitioner, who is the individual proposing to do something with a particular parcel of land, will be given an opportunity to explain what it is that they are requesting. Second, when the petitioner has completed his presentation, Village Staff presents its technical review and recommendations. Chairman Jirik advised this presentation assesses what is being requested relative to the Ordinances, Codes and other requirements of the Village. The third step, the public participation portion of the hearing, is the time members of the public are afforded an opportunity to speak. Chairman Jirik further explained questions could be asked of the petitioner or of Staff. As a matter of procedure, Staff gathers all the questions to be addressed sequentially upon completion of public comment. Chairman Jirik pointed out the

proceedings are recorded to assist in the preparation of the minutes. He encouraged those wishing to speak to come to the podium where there is a microphone, to speak clearly and slowly, state their name and address before beginning their testimony so that detailed minutes can be provided. He asked those wishing to testify to state their name and address before beginning their testimony. Chairman Jirik asked anyone who testifies to remain in the Council Chambers in the event the Plan Commission members want to address specific questions to them in order to fully understand an issue or a concern. Chairman Jirik stated the final step is the Plan Commission's deliberation of the petition. When deliberation is over, a motion is presented. Chairman Jirik explained the motion can be to either recommend approval based on the information provided, it can be to recommend approval with changes or revisions or it can be to recommend denial. The recommendation along with the minutes, exhibits, etc. is forwarded to the Mayor and the members of the Village Council for further processing.

Chairman Jirik explained there is one item on this evening's agenda. Chairman Jirik noted with regard to this petition the Plan Commission would be forwarding a recommendation to the Village Council for its consideration.

PUBLIC HEARING: FILE NO. PC-04-04 LOT SPLIT – Petition seeking 1) Approval of a lot split to include an exception to create a flag lot per Chapter 20, Subdivision Control Ordinance; and 2) Approval of a Variation to allow a reduction in the required side yard of the existing residence per Chapter 28, Zoning Ordinance – Property located on the east side of Roslyn Road, approximately 339 feet north of Traube Avenue, commonly known as 4411 Roslyn Road, Downers Grove, IL (PIN 09-04-312-015); Gary Hodge, Petitioner; Gary Hodge & Margaret E. Stone, Owners

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

Gary Hodge, 4411 Roslyn Road, Downers Grove, stated they have requested consideration for splitting the subject lot. He explained in order to preserve the house in its current location there is no other way to split the lot except for a flag configuration. Mr. Hodge stated the rear of the lot is wooded and noted many of the trees are dying. Mr. Hodge noted the house is 14 inches too close to the proposed access drive of the flag lot to be able to maintain a five-foot setback. There is a triangular section of the house that is less than five feet from the access drive, which is the reason for the request for a variation. Mr. Hodge noted if the flag lot were approved, the property would continue to remain residential. Mr. Hodge expressed his opinion that a house built on the flag portion would not affect neighboring properties. Mr. Hodge pointed out 80 feet of the eastern edge of the property borders a Village of Westmont park. Mr. Hodge concluded by asking for approval to create a flag lot with a variation.

Chairman Jirik asked for the technical analysis by Staff.

Amanda Browne, Planner, stated the petitioners are seeking approval of a lot split under the Subdivision Control Ordinance, which includes an exception to create a flag lot. They are also seeking a variation under the Zoning Ordinance to reduce the required side

yard for the existing residence at 4411 Roslyn Road, which is intended to remain on the front lot in the event the flag lot petition request is approved.

Ms. Browne stressed an important point to make is regarding the terms exception and variation. Although the Subdivision Control Ordinance, which is Chapter 20 of the Municipal Code, prohibits any further exceptions to the regulations regarding the flag lot or the resulting front lot being requested, a variation regarding a yard or a setback requirement is processed under the Zoning Ordinance, which is Chapter 28 of the Municipal Code. The prohibition of further exceptions with flag lot petitions does not exclude setback variations, which can be requested as part of a flag lot petition.

Ms. Browne noted the Staff report included a brief synopsis of the Village's comprehensive review of flag lots conducted in the fall and summer of 2002, as well as an outline of the minimum requirements regarding flag lots and what the resulting parcels are required to satisfy in terms of bulk, etc.

Ms. Browne pointed out the Staff report also included an outline of the lot sizes of the surrounding residential neighborhood on Roslyn Road. The discussion was limited to those lots fronting on either side of Roslyn Road north of Traube and south of Ogden Avenue. She explained those lots were originally divided in the 1920's with 100 feet in width and over 400 feet in depth. Over the years, many of the lots were divided into two 50-foot wide side-by-side lots. The corner lots that fronted on Traube were divided in a north-south direction; some of them were divided into three lots, some of them were divided into four lots. Ms. Browne noted two of the original 100-foot wide lots on the west side of Roslyn Road, 4344 and 4420 Roslyn Road, have also been authorized by the Village as flag lots.

With respect to the petitioner's flag lot proposal, as it was noted in the Staff report, Ms. Browne advised Staff does have some concern as this is the first flag lot configuration request that has been pursued since the comprehensive review of the issue in 2002, and also it is the first flag lot petition to include any type of variation or setback requirement request to be varied as part of the petition. Ms. Browne explained Staff's concern was expressed to the petitioner from the outset of his inquiries to the Village.

With respect to the side yard variation request, Ms. Browne explained the minimum side yard requirement is 5 feet as measured from the closest point of the structure to the proposed common property line to the south of the structure, which would be the northerly line of the proposed access corridor serving the easterly lot or the flag lot. The condition of the house is such that a) it does not sit parallel to the existing property line and b) given the 20 foot width requirement for the access drive of the flag lot, the result is that the far southeast corner of the deck is approximately 3.39 feet as measured to the proposed property line. This represents a reduction of 1.61 feet, or approximately 32%, from the minimum side yard requirement of five feet. Ms. Browne explained that is within the maximum allowable threshold of a 50% setback reduction and, therefore, is able to be considered as part of the petitioner's requested action.

With respect to stormwater management, because the subject property is located within the Westmont Surface Water Protection District No. 1, the Village's regulations regarding stormwater management are not applicable to the subject petition and the review of a construction permit would be the responsibility of the Westmont Surface Water Protection District No. 1 and not the Village of Downers Grove. Ms. Browne advised the petitioner did take the step of notifying the Westmont Surface Water Protection District No. 1, who responded back through their engineers indicating they were declining to comment on the proposed flag lot division, and they would review any stormwater management permits upon submittal of construction permits in the event the flag lot petition would be approved by the Village.

Ms. Browne stated the Public Works and Engineering Staff did the remainder of the review with respect to the flag lot proposal and recommended two conditions be considered if the flag lot were to be approved. First, that the petitioner provide certain easements along the side and rear property lines of both the front lot and the flag lot, and second, that the proposed driveway would require a new apron permit out onto Roslyn Road and must meet all Code requirements. Ms. Browne stated in talking to Public Works Staff with regard to these two conditions, they did concur that if the Plan Commission were to recommend those conditions be included in any approval, those could be satisfied prior to the issuance of any construction permit, not necessarily prior to Village Council approval of the proposed flag lot.

Ms. Browne indicated the petitioner's proposal was forwarded to the Fire Department. She recalled as a result of the comprehensive review of flag lots, there was the inclusion of the condition regarding location of a fire hydrant in the conditions for approval of a flag lot. If a fire hydrant is not located within 60 feet of the point where the flag lot access corridor meets the public street right of way, they would have to either a) install a fire hydrant on the Flag lot or b) install a dry standpipe which is a different type of fire protection service. In this case, the Fire Department said they would concur with that second option of a standpipe only if any new residential construction on the flag lot is equipped with a residential fire sprinkler system. This is an alternative that would be required to be addressed prior to the recordation of the lot split.

Ms. Browne stated the requested exception to create a flag lot requires evaluation per Section 20-602 of the Subdivision Ordinance, and the requested variation requires evaluation per Section 28-1803 of the Zoning Ordinance. Ms. Browne advised that the petitioner did address the criteria relating to the flag lot and the variation in their project summary, which was included in the Staff report.

Ms. Browne concluded by stating the Staff report includes a series of seven recommendations, which they request be considered as conditions of approval in the event the Plan Commission recommends to the Village Council that this Flag lot petition be approved.

Chairman Jirik stated the next phase of the public hearing would be public participation. He explained anyone who wished to speak should come to the podium and state their name and address before addressing the Plan Commission.

Eric Pocci, 4341 Roslyn Road, Downers Grove stated he has lived at this address for 17 years. Mr. Pocci presented a petition signed by residents in the neighborhood who are against the proposed Flag lot. He read the following prepared statement: "In regards to the proposed petition seeking approval of a lot split and approval for variation to create a Flag lot, the following Downers Grove residents are opposed for the following reasons:

1. The shape of the lot is not irregular and is consistent with many other lots on Roslyn Road.
2. When Downers Grove annexed Roslyn Road in September 1989, the zoning was changed from R-1 to R-4 in order to simplify the process. R-1 zoning required a 100' minimum lot width and R-4 zoning requires 50' lot width. We feel a 50' lot frontage for homes on Roslyn Road should be kept in order to keep with the character of the neighborhood. Although some properties have been allowed to be divided into flag lots, we feel this has become intrusive to privacy, beauty, and the natural settings on Roslyn Road.
3. This property does not meet the requirements of the Downers Grove Municipal Code for flag lots because there is not an adequate amount of space to put a pole for the flag lot.
4. We have experienced first hand the problems associated with flag lots on Roslyn Road. An example would be the flag lot at 4340 Roslyn Road. Since the lot has been built, the owners have used the long flat lot driveway as a moto-cross course resulting in citations for disturbing the peace. The motorcycles have also been illegally driven into the street, which has caused the Downers Grove Police Department to visit this house regularly.
5. Due to the implementation of flag lots, trees, grass, and landscaping have been replaced by cement or blacktop to make way for flag lot driveways, which has caused the following problems: Air quality in the area has deteriorated, flooding in the streets, yards, and sidewalks has been experienced due to the inability of the stormwater drainage system to handle the overload, noise pollution has increased, and the overall appearance of the neighborhood has changed. This problem has escalated since the addition of the flag lot at 4340 Roslyn Road and will be compounded by any further flag lots.
6. The yard at 4411 Roslyn Road has been maintained to the point that it looks very similar to an arboretum. Along with many native trees, grasses, and shrubs, it has become a sanctuary for owls, hawks, woodpeckers, foxes, and many other animals. It is possible that some of these creatures could be endangered species, in which case preserving their habitat would be of the utmost importance. Leaving just one house on this property would allow for the continuation of the natural beauty and wildlife that it adds to the neighborhood.
7. With all the traffic problems Roslyn Road has, adding another driveway and house on Roslyn Road will only increase the traffic burden.

8. All signatures on this petition are within a four hundred foot radius of the proposed Flag lot proposal. Every person who was asked to sign this petition willingly did.”

Kelli Pocci, 4341 Roslyn Road, Downers Grove, stated she circulated the petition her son submitted. She collected 15 signatures of people who live within this quadrant of Roslyn Road. She commented everyone signed without hesitation because of the trouble they have been having on the block with so many flag lots. Mrs. Pocci pointed out the east side of Roslyn Road north of Traube is the last remaining part of Roslyn Road that does not have any flag lots. She asked that the Plan Commission keep the current integrity of the street.

Christina West, 4415 Roslyn Road, Downers Grove stated she really did not want to see this flag lot happen. She indicated her belief that it was an abuse of beautiful property. They purchased their home on Roslyn Road 27 years ago because it had lovely space at the rear. She commented neighbors several doors from them have experienced major water problems because of runoff from new homes on Traube. Mrs. West stated she did not want to see that happen to her property as a result of new large homes being built. She concluded by expressing the hope the proposed flag lot would not happen.

Steve Osterling, 24 Traube Road, Westmont, stated his property is about four lots south of the subject property. He pointed out currently there are no flag lots on that block of Roslyn Road so they have a wonderful view of open green space. Mr. Osterling noted this was the first request for a variation on a flag lot. He suggested the Council stick to the letter of the revised rules.

Nick Pancotto, 4721 Roslyn Road, Downers Grove stated he lives on a flag portion of a flag lot, and he does not see any problem with this proposal. He noted he has owned property there for five or six years and has never seen owls or foxes. He recalled there were some issues regarding stormwater and expressed the opinion that the Westmont Surface Water Protection District No. 1 does not do a great job; however corrections are being made. Mr. Pancotto noted you cannot classify all flag lots as bad based on the actions of one person who lives on a flag lot. Mr. Pancotto concluded by stating he could see no reason not to approve this flag lot petition.

Dave Pocci, 4341 Roslyn Road, Downers Grove, commented perhaps the reason Mr. Pancotto does not see any wildlife on his property is because the property became a flag lot. Mr. Pocci recalled when he moved into his house 17-18 years ago, two pheasants ran right by him. Those pheasants returned every year until 7-8 years ago when the house on the north side of his property was taken down, and a new house was constructed. Mr. Pocci stated they have seen deer in their backyard and have seen owls raise their families. Mr. Pocci reiterated the yard of the subject property is like an arboretum and is one of the most beautiful yards in the Village. Mr. Pocci commented the owner's wife spends almost 40 hours a week working on the yard. Mr. Pocci noted he has never seen anybody put as much time and effort into a yard as she has. Mr. Pocci stated he could not understand why they want to put a driveway in and have a house built on the rear portion

of the lot. Mr. Pocci indicated when he called the real estate office he was told the owners would probably get \$200-250,000 for that rear lot. Mr. Pocci commented a million dollar house would have to be built on that lot to justify that price. Such a house would be enormous and would affect everyone's backyards. A lot of trees will have to be torn down, and there will be increased pollution and increased traffic. Mr. Pocci stated such a proposal is not good for anybody except the seller of the property. Mr. Pocci expressed his opinion that someone would pay a lot of money for the existing property as it is. Mr. Pocci acknowledged the seller would probably get more money if the lot is divided, but he did not want to see it happen. Roslyn Road has been impacted with all these houses behind houses.

Mr. Pocci stated Roslyn Road is a gold mine when it comes to nature. He questioned if some of the birds and animals might be on the endangered species list. He recommended checking into that before anything further is allowed to happen on the subject property. Mr. Pocci recalled that the owner indicated some of the trees in his back yard are dieing. Mr. Pocci stated one of the trees has a five to six foot radius. Mr. Pocci acknowledged that building a new house often affects the root systems of existing trees. He pointed out that there are some 50-60 foot tall arborvitae on the property. Mr. Pocci stated because the house sat on the middle of the 100-foot wide lot, it was never divided into two lots because the existing house would have to have been demolished.

Mr. Pocci stated 20 years ago, the homes on Roslyn Road looked like candidates for teardowns. New construction and remodeling of existing homes as well as improving landscaping on existing lots have changed the look of Roslyn Road.

Mr. Pocci stated his opinion the only good thing about this proposed flag lot was that the developer or realtor might make more money. The Village probably would get some increased tax money, but the school systems are currently overloaded. The current Village road system is inadequate, and there is not enough green space. Creating a flag lot on this property is not the right thing to do.

Mr. Pocci stated the neighborhood has only known about this proposed flag lot for two weeks, which did not give the residents much time to research this matter. Mr. Pocci indicated when the neighbors were approached regarding the petition, they could not believe that this was happening and were more than happy to sign the petition. Mr. Pocci acknowledged most of them did not want to attend this evening's meeting. The one gentleman who indicated he did not have a problem with the creation of a flag lot lives on a flag lot. Mr. Pocci stated he respected his opinion; however, he believed most people would not want to live on a flag lot.

Mr. Pocci began to comment on the problems the neighborhood is having with the residents who live on a flag lot on the west side of Roslyn Road. Chairman Jirik interjected stating speculating that a flag lot causes criminal activity is a bit of a reach. Chairman Jirik stated such comments were not relevant to this evening's petition. He also pointed out trees are a personal property matter and are not the subject of tonight's hearing. He expressed appreciation for Mr. Pocci's heart-felt comments, but the Plan

Commission has to look at the Village's requirements and appreciates hearing comments relevant to those requirements. Allegations of particular activities when the people cannot even defend themselves are rumors and innuendoes. Chairman Jirik ruled from this point forward any further comments about a particular owner are out of bounds.

Mr. Pocci stated he wanted to go on record as asking that the Environmental Protection Agency be contacted to examine the property in case there are endangered species living on that property.

David West, 4415 Roslyn Road, Downers Grove, stated he lives south of the proposed flag lot. Mr. West commented he has lived in the area for a number of years, and he really likes the big yard and the large trees next door to him. Putting in a driveway for a flag lot will mean a lot of trees will have to be removed, and there will no longer be shade for his home. He commented there are already a lot of driveways on this block and adding another driveway would not help the situation. Mr. West referred to Mr. Pancotto's testimony earlier that the Westmont Surface Water Protection District No. 1 is working on the flooding problem and asked if they are correcting it and when will it be corrected. He also asked what is going to happen on this property. The grade slopes from the back of the lot down to Roslyn Road. Because he lives next door, he asked how much of that water will end up on his property. He also asked where all the snow from that flag lot driveway would be placed.

Chairman Jirik asked if there was anyone else who had not yet spoken. There was no response. He then asked if there was anyone who had already spoken who has anything additional to offer tonight.

Mr. Pocci stated there is a water problem in the corner of his front yard every time it rains. Water covers the sidewalk 4-5 inches deep for several days prohibiting anyone from using the sidewalk. Mr. Pocci noted the Village spent a lot of money to install sidewalk on Roslyn road, and there are times when residents cannot use them because standing water covers them. The owners of the subject property currently have a gravel driveway, and he questioned what would happen when a new hard surface driveway will be placed on the other side of the lot. He questioned whether the Westmont Surface Water Protection District No. 1 would care about how this property is developed since they are not going to be protecting it.

Mr. Waechtler asked Mr. Pocci to point out his property on the map displayed on the overhead screen. Mr. Pocci pointed out the two lots north of the subject property. He also pointed out where the water floods out onto the sidewalk.

Chairman Jirik asked if there were any additional comments. As there was no one else who wished to speak, Chairman Jirik declared the public participation portion of the public hearing closed.

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

Mr. Stark asked Mr. Pancotto if he had been before the Plan Commission before, and Mr. Pancotto responded that he had been before the Plan Commission several times as a petitioner. Mr. Stark asked Mr. Pancotto if he was a developer, had he built homes on Roslyn Road and had he built on flag lots on Roslyn Road. Mr. Pancotto responded affirmatively. Mr. Stark asked if he was going to build a home on the petitioner's lot if the flag lot was granted. Mr. Pancotto responded that at this point he was not, but he does have an interest in the property.

Mr. Waechtler stated according to the Staff report there is another owner of the property and asked if Margaret Stone was present this evening. Mr. Hodge responded that his wife was out of the state.

Chairman Jirik asked Staff if the variation was computed based on the rear dimension of the wood deck. Ms. Browne responded the southeast corner of the deck as currently measured to the existing property line is the closest point at 23.39 feet. Ms. Browne displayed a drawing that shows where the petitioner drew in the proposed 20-foot wide access corridor to the south of the residence. The resulting setback to the proposed property line as measured from the southeast corner of the deck would be 3.39 feet. She pointed out the actual area of encroachment into the required side yard and noted the structure does not sit parallel to the existing or the proposed property line, the bay window is not a permitted obstruction in the required rear yard, but the variation was processed on the shortest distance, which is 3.39 feet. Chairman Jirik asked if a window also counts in the computation of an intrusion into a side yard. Ms. Browne agreed but noted because the structure is not parallel to the property line, the house pulls away from the proposed property line. The closest point of the projection of the window is a 3.36-foot variation request in lieu of the required five feet. She emphasized that is not as close as the corner of the deck, so Staff took the most conservative approach.

Chairman Jirik next referenced the seven points in the Staff recommendation; specifically No. 6 regarding fire hydrant/sprinklers as opposed to the dry standpipe. He stated he understood the memo to say that the Fire Department was concerned about the dry standpipe. He asked Staff for clarification. Ms. Browne responded the Fire Department was not necessarily concerned with the installation of a dry standpipe, but if the petitioner chose that option, it would only be an option if all construction on the flag portion of the lot were equipped with a residential sprinkler system. If the petitioners go with a full fire hydrant, it would be required to be located within the bulk portion of the Flag lot and not anywhere within the access corridor. Chairman Jirik asked when this would have to be resolved, and Ms. Browne indicated Staff recommended that condition be resolved; i.e., approved by the Fire Department prior to the actual recordation of the Flag lot. Staff does not want the lot to be recorded without that issue being resolved.

Ms. Browne stated she had not mentioned the issue of the relocation of the utilities. The Fire Department is also requiring any utilities that are located on the south wall of the

house be relocated to the opposite side of the house away from the access corridor. That is the condition under which they would not object to the requested side yard variation.

With regard to the stormwater, Chairman Jirik asked Staff to summarize the situation, as it would apply relative to this petition. Ms. Browne stated all construction permitting that takes place in the Village of Downers Grove, but within the Westmont Surface Water Protection District No. 1 that falls within our Village limits are reviewed and approved by the Westmont Surface Water Protection District No. 1. If it is a straightforward residential construction permit, the Village does not review the stormwater management aspect of that construction permit, nor does the Village authorize it or enforce it. That is a very clear distinction that is made on all properties within the Westmont Surface Water Protection District No. 1 that fall within the boundaries of the Village of Downers Grove. Ms. Browne continued, with respect to a lot split proposal, Staff recommended to the petitioner and the petitioner did follow up with a consultation with the Westmont Surface Water Protection District No. 1 who declined to comment on the proposed lot split at this time. They indicated they have no jurisdiction with respect to the division of land even though this property is within their jurisdiction for stormwater management; however, they will review any construction permits that are a result of this flag lot. Ms. Browne further explained the Village would typically require stormwater management to be reviewed and signed off on prior to a petition being presented to the Plan Commission. She stressed that Westmont Surface Water Protection District No. 1 waived that option. Chairman Jirik noted that district feels they would still have jurisdictional authority and would enforce whatever they felt technically was necessary at a later time. Chairman Jirik clarified the Dist has not provided any guidance information, and Ms. Browne agreed.

Mr. Nicholaou asked Ms. Browne to display the transparency he provided of the southeast corner of the parkway. The photograph shows the street, the storm sewer and one of the utility boxes on the southeast corner of the parkway. He stated it appeared to him that the 20 foot wide pole would have to go over that area. He wanted to know if there was any conversation with the petitioner regarding that. Ms. Browne responded the storm inlet in the photograph might in fact be located within the 20-foot wide access corridor. She did not know where it would end up in relation to the ten-foot wide driveway that is required to be located within that 20-foot wide access corridor. Mr. Nicholaou commented that it seemed to be right on the southeast corner. Ms. Browne stated if the corridor is 20 feet wide within which a 10-foot wide access drive has to be located; if the driveway is located in the center, there would be five feet from the southerly edge of the driveway pavement to the property line. Ms. Browne commented the driveway could also be located either further to the north or further to the south. Mr. Nicholaou asked if there was any discussion with the petitioner regarding this, and Ms. Browne indicated there was no discussion. Ms. Browne stated the driveway apron is located adjacent to the street pavement, which would be within the public right-of-way. As noted by Engineering in their recommended conditions, there would be a driveway apron that would be required to be permitted by the Village where the new driveway meets the public street, and utility issues would be addressed at that time.

Mr. Waechtler recalled a previous petition on this street where there was some flooding problems in the neighborhood. Mr. Waechtler stated he found it very difficult to look at a stormwater situation without guidance. Guidance and recommendations are provided when the property is within the Village's stormwater ordinance. Without guidance from Westmont Surface Water Protection District No. 1 as to what the flooding might be, the situation is very difficult for him. Chairman Jirik agreed.

Chairman Jirik referenced the petition from the neighbors, which talked about traffic. He asked Staff if the Village was aware of traffic situations. Ms. Browne responded she has not been made aware of any. She noted the correspondence the Plan Commission received from the Public Works Department noted the petition was reviewed by Engineering, Stormwater, Traffic, Forestry and Pavement. The Traffic Division made no comments either in favor of or against this petition.

Mrs. Reynolds referenced the Fire Department's conditions and asked if those conditions had been applied to previous flag lot petitions. Ms. Browne explained that condition regarding the location of the fire hydrant within 60 feet of where the access drive meets the right of way was adopted after the comprehensive review of flag lots in 2002. This is the first petition the Plan Commission has seen where that condition has been utilized. Mr. Waechtler recalled that issue came up when the Plan Commission did their flag lot study. He recalled testimony regarding a fire that occurred on a home not on a flag lot that was set way back from the street, and the comment was the Fire Department had difficulty getting back there. Mrs. Reynolds indicated she recalled that conversation but at that time the petitioner did not have to change the location of the fire hydrant nor have a sprinkler system.

Chairman Jirik asked if someone representing the residents could come forward to answer some questions concerning the petition presented to the Plan Commission this evening. He understood it to be the signatures of people who basically said they were opposed to the flag lot, and Mrs. Pocci agreed. Chairman Jirik asked when one person signed for two people, did they represent the other person. Mrs. Pocci stated typically it was husband and wife. She noted because she was not versed in petition protocol, she felt it was more important to get one signature per household. Chairman Jirik next commented that the petition states "see attached page" and there was nothing attached to the petition that was submitted tonight. Mrs. Pocci explained the attachment was the public notice mailed by the Village. She noted there were three additional signatures. Chairman Jirik stated it was not clear as to who sent the letter containing the nine points because it was not signed. Mr. Pocci stated the statement his son read as part of earlier testimony was also read by his son to the people who signed the petition. Chairman Jirik asked if it was Mr. Pocci's testimony that when these residents signed the petition, they were shown the list of nine points. Mrs. Pocci stated they also commented to she and her son to make sure to tell the Plan Commission that these are some of their concerns.

Chairman Jirik asked for an explanation of Point 2 regarding the annexation of the Roslyn Road area in 1989. Mr. Pocci stated the Roslyn Road area was unincorporated and the Village annexed the area. A straight annexation would mean the properties

would have been zoned R-1, single family residential which did not conform to the size of the lots in the area so the Village annexed and rezoned the area to Village R-4, single family zoning. Chairman Jirik asked if the residents who signed this petition were saying they would prefer a different zoning. Mr. Pocci stated they would prefer to see 50-foot wide lots; in other words, no lots less than 50 feet in width. Chairman Jirik again asked if the residents think a 50-foot width is a good number. Mr. Pocci stated 50-foot minimum at a minimum and would prefer them to be as wide as possible.

Chairman Jirik asked Staff if there were a number of 50-foot wide lots in this area. Ms. Browne stated the preponderance of the original 100-foot wide lots in the area she reviewed in the Staff Report were divided into 50-foot wide lots. She noted for the record that 50-foot wide lots in the R-4 zoning district are not permitted any longer. In the 1990's the Subdivision Control Ordinance was amended such that all newly created lots in the R-4 zoning district must meet a minimum of 75 feet in width and 10,500 square feet in area. If the subject lot were proposed to be divided down the middle, absent the structure that would straddle the common property line, the two resulting lots would also require exceptions as the 50 foot wide lots would not be permitted by right. Chairman Jirik stated it has just been established that the neighborhood petition the Plan Commission received indicates they would favor an extreme variation for two 50-foot wide lots rather than a flag lot.

With regard to the variation, Chairman Jirik commented the variation is driven primarily by a point on the deck, secondary, by a point on a bay window and tertiary, by a point on the rear corner of the house tertiary. He stated cutting the deck back, reorienting it and replacing the window would result in a reduction of about half a foot and would reduce a 30% plus variation to about 20%. He asked the petitioner if that was technically feasible and would he be willing to venture an estimate of the cost. Mr. Hodge explained the bay window is about six feet off of the ground and does not have a foundation. The deck could be cut back about 6-8 inches. The corner of the house with the window would be quite a problem.

Mr. Waechtler stated he noticed there was a "For Sale" sign on the property. He asked the petitioner if the sale is predicated on the approval of a flag lot. Mr. Hodge advised the house would be sold in any event. He asked Mr. Hodge if the Westmont Surface Water Protection District No. 1 gave him any satisfaction. Mr. Hodge replied the District would enter the picture on a request for a building permit. Mr. Waechtler asked the petitioner if he had considered putting the access corridor on the north side of the property, which would eliminate the necessity for a variation as well as eliminate the relocation of the utilities. He acknowledged there were a lot of trees on the north side of the property but thought the trees could be replanted.

Mr. Hodge agreed trees 25-30 feet tall would be lost in that scenario. He would also have to move a storage shed and would lose the existing landscaping on that side of the house. Mr. Hodge pointed out the current location of the electrical pole and noted he had already talked to the utility companies regarding moving the utilities to the other side of the

house. Mr. Hodge stated their main reason for putting the access corridor on the south side of the property was to maintain the value of the existing building.

Mr. Waechtler stated as a Plan Commission member one of the problems he has with regard to variations is to not set a precedent for future petitions. Mr. Waechtler stated everyone on the Plan Commission studied the whole flag lot situation in Downers Grove, took pictures, walked lots and made a recommendation to the Village Council. For the benefit of the members of the audience, Mr. Waechtler stated he drove the area of Roslyn Road south of their block and noted there are some very beautiful, expensive homes on flag lots. Mr. Hodge responded by stating he would not rule out moving the access corridor to the north side of the lot and noted it could be done.

Mr. Waechtler recalled one of the things the Commission discussed when they did the study of flag lots would be the addition of some landscaping screening between the two homes on a flag lot. He indicated that was not made part of the amended Ordinance.

Chairman Jirik asked the petitioner why he chose the flag lot configuration as opposed to tearing down the house and requesting a lot split with a fairly significant variation for two 50-foot wide lots. He asked Mr. Hodge if he was planning to continue to live in the existing house. Mr. Hodge stated when they first started this process they thought they would continue to live there. Mr. Hodge indicated he has now retired and they want to relocate to the southwest where it is drier, and they can maintain an active lifestyle. He stressed the property is for sale now and it will be sold even if it is not approved for a flag lot.

Chairman Jirik asked Staff if it was within the Village's authority to grant such a significant variation. Ms. Browne stated it would be permitted to be requested. With regard to comments Staff has received from the Village Council regarding lot splits that do not meet the 75 foot width requirement, they are not necessarily met with open arms, and 50 feet is as small as the Council is willing to consider.

Chairman Jirik declared a recess at 8:45 p.m. and reconvened the meeting at 8:50 p.m.

Chairman Jirik stated his next question of the petitioner is meant with no prejudice or direction. He stated it is not within the Commission's authority to recommend a 50-foot split because that is a significant change from this petition, but it would be possible for the petitioner to withdraw his petition and reapply for such a lot split. Chairman Jirik explained the Commission would be willing to grant the petitioner some time to talk with the neighbors or further consider what has been discussed this evening or the Commission can move ahead and entertain a motion. Out of courtesy, Chairman Jirik asked the petitioner if he had any comment on that.

As a point of parliamentary procedure, Mr. Stark asked the Chairman if he had suggested that the petitioner withdraw this petition. Chairman Jirik responded that he was pointing out certain options to the petitioner before the Plan Commission would proceed to a motion. He emphasized that the Plan Commission, as usual, can make a motion to

recommend or to recommend with changes. However, the discussion regarding two 50-foot wide lots would be too great of a change for the Plan Commission to consider this evening. The petitioner could withdraw his current petition if he chose to do so and then resubmit a new petition for a lot split consisting of two 50-foot wide lots.

Mr. Stark stated his understanding that the present petition is still before the Plan Commission and the Chair has not made his own motion. Chairman Jirik emphasized that what he suggested was not a motion but an opportunity for the petitioner to consider his options given the testimony he has heard this evening.

Mr. Stark stated he would like to move to the comment section on this petition, which is currently before the Plan Commission this evening. Mr. Nicholaou agreed. Mr. Stark stated he analyzed this petition in the respect that he has analyzed prior lot splits that have asked for a flag lot exception. The Village Council's decision to make certain changes, which talk about exceptions permissible to establish a flag lot, still does not change the initial criteria that we have in a sense trying to go below a 75 foot split. Mr. Stark stated we are splitting a lot backwards, and our entire body of information about why we did not think flag lots was a desirable form of development needs to be reinserted into the record. In this case, he looked at the mandate of no less than 75 feet and he would not go below that in this case.

In order to give this petition the benefit of the doubt, Mr. Stark pointed out in this block in this neighborhood there are no other flag lots. Mr. Stark stated when he looks at a lot split that asks for something below 75 feet, he looks to see if there are any other similarly situated properties, anything, which is comparable in this neighborhood. He acknowledged that there are lot splits and flag lots on Roslyn Road but there are none contiguous to this lot, and he did not intend to create this as the last bastion of a neighborhood that does not have a flag lot. He felt that was very significant.

Mr. Stark noted the Village Council has listed several important exceptions of which each one has to be strictly construed, and he believes the ten-foot road width implicitly assumes there are going to be no variations. He further stated you cannot take a road mandate of ten feet and then read into it and change the other sides of the formula, in effect making the 10-foot wide requirement meaningless. In conclusion, Mr. Stark stated the neighborhood has clearly spoken that they do not want any lots split in this fashion, and he heartily agreed with them.

Mr. Waechtler asked Staff what the frontage was of the lot north of the subject lot. Ms. Browne responded that Mr. & Mrs. Pocci own a 100-foot wide lot and a 50-foot wide lot. Mr. Stark stated he would not agree to splitting that lot into two 50-foot wide lots either. If the only way they can go sub 75 feet is by making a flag lot he did not think that would be appropriate either.

Mr. Waechtler stated the Plan Commission has looked at and debated a lot of lot splits over a period of time. He recalled a petitioner pushing the envelope in requesting a 49.4-foot wide lot. Mr. Waechtler stated the purpose of changing the Subdivision Control

Ordinance to state that newly created lots have to be 75 feet wide was to eventually do away with 50-foot wide lots. However, if someone presents a petition to the Plan Commission stating they would like to split a parcel with a variation for lot width it has to be addressed.

Mr. Matejczyk stated, as a matter of clarification, he did not think the petitioner was asking to cut into the ten-foot width of the driveway. Mr. Stark agreed that the driveway would stay at 10 feet, but he believes that the Village Council assumed there would be no other variations because they contemplated a ten-foot road without variations.

Mr. Kahlke recalled two years ago when flag lots were discussed, it was the Commission's intention that the remaining lots in Downers Grove that could be flag lots would wash out without exception and he assumed that to mean without variations as well. The Plan Commission's purview has changed in the last year, and now the Plan Commission hears variations. Mr. Stark agreed and recalled that there were a specific number of lots that could meet the flag lot criteria period.

Ms. Browne interjected stating there were a series of parameters or conditions that were not considered when Staff looked at what lots could be potentially requested to be divided into flag lot configurations. Existing structures were not taken into consideration. Lots were looked at strictly on a lot dimensional basis. The question asked was whether this lot in its current configuration met the criteria that it could be considered as a flag lot, absent any structures.

For the record so that the Village Council would know where he was coming from, Mr. Stark stated if the house did not exist on this property and it was a vacant piece of property and a flag lot petition was presented, he still would not vote for it.

Mr. Matejczyk asked him on what basis would he not vote in favor of a flag lot, and Mr. Stark replied on the basis that he still does not think flag lots are an appropriate division of property in Downers Grove. This community would not have been designed like this to start with, and he knows there are some Village Council members who reluctantly agreed to have certain exceptions. He is holding the fort by stating it is not an appropriate division of land. He looked to the character of the neighborhood and did not see a flag lot next door to this property.

Mr. Matejczyk next asked him if a flag lot was appropriate with or without a variation, and Mr. Stark responded he would vote no in either case.

Mr. Waechtler expressed the opinion that the Plan Commission should not start recommending variations because there possibly would be other flag lot petitions. He stated the Commission has to draw a line because he believed it was not in the Plan Commission's purview to approve variations on flag lots. Mr. Waechtler indicated he respected Mr. Stark's comments.

Mr. Matejczyk commented the trend of development in the area with these very deep lots is to split the lots. They were split into 50-foot wide lots in the past, and the petitioner is asking that a flag lot split be made. Mr. Matejczyk stated eventually there is going to be pressure to tear down the house. In one to three years, we will see a petitioner come in and ask for two 50-foot wide lots. The question is which is more appropriate; to have two 50 by 400 foot lots or to have a flag lot. The Plan Commission will have to answer that at the time. Mr. Matejczyk reiterated the definite trend is, as the land values continue to increase in this Village, to see more and more pressure to split these very large lots.

Mr. Stark stated he would like to make a motion if there is no further comment from the Plan Commission members.

Chairman Jirik asked to defer that request because he previously afforded the petitioner a chance to see if anything he had heard tonight would convince him to request a continuance. He asked the petitioner if he wanted to do that or did he want the Plan Commission to proceed to a motion.

Mr. Hodge replied that he did not want to tear the house down in order to create two 50-foot wide lots because he would lose more than he would gain. He would suggest trying for the position of a flag lot with a pole on the north side of the lot with no request for variations. That is a 27-foot setback for the garage. It would change nothing in the back except for taking the variation out of the picture.

Hearing no further questions or comments, 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. PC-04-04, A PETITION SEEKING A LOT SPLIT TO INCLUDE AN EXCEPTION TO CREATE A FLAG LOT PER CHAPTER 20 OF THE SUBDIVISION CONTROL ORDINANCE AND APPROVAL OF A VARIATION TO ALLOW A REDUCTION OF THE REQUIRED SIDE YARD OF THE EXISTING RESIDENCE PER CHAPTER 28 ZONING ORDINANCE, PROPERTY LOCATED ON THE EAST SIDE OF ROSLYN ROAD, APPROXIMATELY 339 FEET NORTH OF TRAUBE AVENUE, COMMONLY KNOWN AS 4411 ROSLYN ROAD, DOWNERS GROVE, ILLINOIS (PIN 09-04-312-015); GARY HODGE, PETITIONER; OWNERS, GARY HODGE AND MARGARET STONE, MR. STARK MOVED TO RECOMMEND DENIAL OF THE FLAG LOT PETITION. MR KALHLKE SECONDED THE MOTION.

As clarification, Ms. Browne asked if the motion is in reference to the petition as it was originally presented to the Plan Commission or as just amended by the petitioner to locate the access drive on north side of the property. In response, Mr. Stark stated he did not believe there had been an amended petition. Currently there is one petition in front of the Plan Commission. There has not been a formal withdrawal of the existing petition or a refiling of a new petition.

Chairman Jirik asked if there were any other questions regarding the intent or the nature of the motion. There was no response. Chairman Jirik asked if there was any further discussion regarding the motion. Mr. Waechtler asked if an aye vote for the motion means recommendation to deny the petition. It was agreed that was the intent of the motion.

Chairman Jirik called for the vote.

ROLL CALL:

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

NAY: Mrs. Reynolds

The Motion passed 7:1.

Mrs. Reynolds stated she is in favor of flag lots, which is why she voted against the motion.

Chairman Jirik explained the Mayor and Village Council would schedule this petition for review in mid to late May. Those wishing to follow the petition through the review process can either check the Village Corner in the newspaper, or the Village's web site or contact Staff for the date when this petition would be workshopped by the Village Council. Ms. Browne commented this would likely occur at the tail end of May. Ms. Browne stated the next Plan Commission meeting would be on Monday, May 17, 2004 in the Council Chambers.

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

The meeting adjourned at 9.10 p.m.

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