

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

ROLL CALL

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

ABSENT: None

STAFF

PRESENT: Amanda Browne, Planner
Keith Sbiral, Planner
Alice Dornan, Recording Secretary

Recording Secretary Dornan noted that Megan Schroeder, new ex-officio member representing Downers Grove High School District 99 was present.

Chairman Jirik stated the draft minutes of the December 2, 2003 meeting need to be reviewed and approved. He asked if there were any additions, deletions or corrections to the minutes. **MRS. REYNOLDS MOVED TO ACCEPT THE MINUTES OF DECEMBER 2, 2003, AND MR. MATEJCZYK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

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

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

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

Chairman Jirik pointed out packets of information regarding this evening's agenda items are available at the shelves on each side of the Council Chamber. Chairman Jirik

explained there are two items on this 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 specified changes or recommend denial.

Chairman Jirik stated the Plan Commission's recommendation along with the minutes of this meeting and all the information presented this evening goes to the Mayor and Village Council for further deliberation.

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 asked if there was a representative of the petitioner present.

Robert D. Baker, 5210 Grand Avenue, Downers Grove, stated he is a self-employed remodeling contractor specializing in the rehabilitation of old homes. He has worked as a contractor for approximately nine years after retiring from Sears and has been a resident of Downers Grove since 1966. He has built numerous new homes including one he recently built in Downers Grove. He has remodeled and rehabilitated many homes in Downers Grove including his current residence. He purchased that home, which listed as a teardown, in 2001. After he discovered the home was a Sears catalog home built in 1922, he decided to save it from demolition. Mr. Baker noted this home is currently recognized on the Registry of Historic Homes (DG Park District?) Mr. Baker stated he has designed and built handicap accessible homes one of which was featured in the Chicago Tribune. Mr. Baker indicated he presented this background to show his commitment to preservation. Mr. Baker acknowledged the beauty of the limited lands still available. Mr. Baker stressed that he did not take the request for an exception lightly. He commented that he understood the Ordinance requirements have a purpose, and he also understood that the proposed lot sizes may not meet the letter of the law but believes the proposed lots are more than reasonable and have ample width and depth and should not be considered exceptional.

Mr. Baker expressed the belief that his request is reasonable taking into account the directions homes have been positioned on comparable lots in this neighborhood that have smaller depths.

Mr. Baker stated he included two more lots on Blanchard in materials submitted the day of the hearing, which have recently been divided within the last three years. He noted all of the east-west streets provide the most irregular lots in Downers Grove. They contain the most diverse lot dimensions.

Mr. Baker referred to Exhibit A in the Staff Development Team Report, which showed lots labeled 1, 2, 4, 5, 7 and 16. Mr. Baker stated he identified these particular lots because they have two front yards. The homes have been built to face out from the shortest depth, although the homes could have been built facing out from the longest depth. Mr. Baker expressed the belief that these were prime examples of why his proposed lot depth exception is not exceptional to the existing spirit of the east-west streets. Mr. Baker noted that these might be misleading examples for depth exceptions. In response to the Staff Team Report, Mr. Baker presented for the Plan Commission's study three additional plat maps that include better comparisons and two recent lot splits exactly two blocks east on Blanchard. Mr. Baker advised these new submittals show 32 examples within four blocks.

Mr. Baker next referred to Exhibit B in the Staff Development Team Report which has lots identified by Numbers 3, 6, 8, and 10. These are examples where street addresses again place the homes facing the shortest depths of these lots and not the front yard required by Code. Mr. Baker stated he is also presenting additional lots from Exhibit B as amended Exhibit E. Mr. Baker stated Exhibit E is in the packet of material he is presenting this evening. Mr. Baker noted this was done in haste and is handwritten. All of the lots shown on the amended Exhibit E have been recently subdivided into new cul-de-sacs. These lots indicated irregular depth lots. Mr. Baker acknowledged that cul-de-sac lots are not normal lots, but these lots do show depth exceptions.

Referring to Staff's Exhibit C, Mr. Baker stated Staff looked at the property directly across the street where eight homes face onto Blanchard. Mr. Baker acknowledged that those homes sit on deep lots, but noted they have very narrow frontages. Mr. Baker explained in 1955 the house on the subject property was built on the narrowest part of the lot facing Blanchard. Mr. Baker pointed out directly across Middaugh Street is Lot -017, which is 60 feet wide. The house is located at the back of the lot facing Blanchard. The visual front yard faces the side of the lot that makes up the depth of the lot per Code.

Mr. Baker next referenced Exhibit F, which is not in the Staff Report, submitted by the petitioner the day of the hearing. The Exhibit shows lots four blocks due east on Blanchard that have smaller and irregular lot sizes and contain new home construction.

Mr. Baker acknowledged that Mr. Hall raised some stormwater and wetland related issues. Mr. Baker stated he hired the JFNew Company to do the additional fieldwork Mr. Hall requested. This work was completed on Thursday, January 15, 2004. Mr. Baker stated he presented this report to Mr. Hall this morning and submitted the report to the Planning and Community Development Department earlier today. Mr. Baker indicated he was still waiting for a response from the Army Corps of Engineers verifying that there are no wetlands on the property.

Mr. Baker stated he has considered alternatives to the requested exception. Mr. Baker emphasized that he could pursue such alternatives, but he really did not want to do the alternatives. Mr. Baker stated one of the alternatives would be a flag lot. Mr. Baker indicated a flag lot would meet all of the Village's requirements including fire hydrant

location. Mr. Baker advised the Plan Commission members that he included a rough drawing of a flag lot in the material they received this evening. Such an alternative would give the westerly lot more square footage and frontage on Middaugh. Mr. Baker expressed the belief that such a layout would not benefit anybody. He reiterated that he did not want to pursue a flag lot. Mr. Baker stated that if the lot were developed as a flag lot, the homes would still face Blanchard and would not face toward Middaugh. Mr. Baker noted that with the proposed lot split both homes would face Blanchard. Mr. Baker stated the approximate size of homes to be built would be between 3,000-3,200 square feet, of brick construction, with side-loaded garages.

Mr. Baker stated if the lot split were not recommended for approval, one home could be built and would have to be exceptionally large to cover the cost of the land. He noted such a home would look like the long, narrow home that was built on Dunham Road and 55th or the home three lots to the north that is four stories tall. Mr. Baker stressed that he did not want to build that type of home.

As a preservationist, Mr. Baker expressed his belief that he would be able to save most of the trees on the property. There are well-developed trees on the outskirts of the property. The center of the property has two trees. He is going to do his best to save the large oak tree on the lot. Mr. Baker noted if he could only build one home on this lot, he would also save the oak tree.

Mr. Baker noted Staff looked at the property and used examples due west on Blanchard in review of the lot depth. Mr. Baker indicated there are eight homes facing the street. The house on his property currently faces toward the west outward toward those eight homes. The house due west of his property is on a 60 foot wide by 300 foot deep lot also faces the westerly property. Currently there are two homes facing eight homes.

Mr. Baker indicated if the lot split were approved, the one additional home would have a frontage 2.36 times greater than the homes across the street. The proposed homes would not take up anywhere near the space as the eight homes across the street.

Mr. Baker next referenced the latest letter from JFNew that states, "We have verified that there are wetland areas that exist off-site adjacent to and west of the above-referenced property. We have enclosed a scaled figure showing the approximate location of the adjacent offsite wetland area as well as the mandatory 50' buffer. The figure is based on measurements taken in the field which were then scaled onto the Plat of Survey provided by Lambert & Associates. In addition, oak lathe with an orange flagging was placed on the 50' buffer line on the subject property." Mr. Baker explained the rear or deepest part of the property is where the 50- foot buffer is located, which only encroaches 41 feet onto the subject property. Mr. Baker pointed out the home would be placed approximately where it states Lot 104 on the Plat of Survey and would not encroach into that 50 foot buffer.

Mr. Baker commented he worked with JFNew regarding the wetlands. Mr. Baker stated if it had been determined that the wetlands were a problem he would have stopped consideration of this property.

Mr. Baker stated it was noted in the wetlands area there is an elevated man-made, earthen berm blocking the water flow on that particular area. There is also a corrugated metal pipe off-site under the street, which is blocked with debris, rocks and railroad ties. Mr. Baker suggested that some of the existing water problems could easily be eliminated. Mr. Baker advised that if the Village required him to help resolve those water problems, he would undertake them.

With reference to Exhibit B, Mr. Baker noted this shows the cul-de-sac on 61st Street, west on Dunham. He referenced lots 8, 9, 6 and 11. The houses on these lots face out from the narrowest depth. Mr. Baker stated the backs of homes contain the minimal amount of space. Almost every one of his examples have less than 100 feet of depth. Mr. Baker referred to Table 4 in the Staff report, which shows the lot depth as the deepest part and pointed out that the homes are not built that way. Any concern by the neighbors that the lot depth is not deep enough, he selected these particular homes because they face the narrowest side of the lot.

Referring to his hand-written Exhibit D, Mr. Baker stated he selected these lots for several reasons. For example, the area designated as 2A are lots that have been changed from fronting on Main Street to fronting on Blanchard. Mr. Baker stated he was not sure but he thought this change occurred in 2001. Using the criteria of the north-south being the front yards, then the lot -045 is only 89 feet deep not 120 feet as shown. The adjacent lot -044 has the same dimensions. PIN 09-07-101-005, Lot 7, is part of an older subdivision. Mr. Baker indicated these are examples of lot depths that are equivalent to the requested lot depth. Mr. Baker referenced the second page of amended Exhibit D submitted by the petitioner. He pointed out the two lots designated as 1A and pointed out both of these lots are 75 feet wide by 100 feet deep. Mr. Baker acknowledged these are older lots facing east-west streets. Mr. Baker strongly stressed that all these odd lots do face onto east-west streets. Mr. Baker explained that a mean comparison of those lots shows that the existing lot depths average 108 feet, 23% below today's minimum requirement.

Again referencing the new handwritten Exhibit E submitted by the petitioner, Mr. Baker stated when he realized that Exhibit B might be looked at in the wrong light, he reviewed those same lots in his new Exhibit E. He commented the lot depths on these lots are so irregular that some of them cannot be recognized at depths. Lots 4 and 5 have existing lot depths of 125 and 126 feet for a negative 10% of the required lot depth. He noted if you look at the area as a whole, these lots fit in even though the homes take up most of the lot.

Mr. Baker referred to his new Exhibit F, which is four blocks from the subject property, and shows how these lots have been divided and turned east-west instead of north-south

and have smaller depths than the requested exception. The average depths are 103.23 feet or minus 26%.

Mr. Baker next referenced JFNew's letter of November 25, 2003 contained in the Plan Commission packet. That letter stated "no waters of the U.S.", including wetlands, exist within property boundaries. Mr. Baker explained that Mr. Hall, the Village's stormwater engineer wanted that delineated in order to find out how far off of the property in order to determine the 50 foot buffer. Mr. Baker indicated that information was provided to Mr. Hall this afternoon.

Mr. Baker expressed the hope that the Plan Commission would make a favorable recommendation on the proposed lot split and requested exception, as he believes it is a no-harm proposal.

Chairman Jirik asked for the Staff presentation.

Mr. Sbiral prefaced his report with the explanation that the packet of information in front of each Plan Commission member was submitted at noon today. Staff has not had ample time to look at any of that information. Mr. Sbiral indicated the focus of his presentation would be the Staff Development Team Report in the Plan Commission Packet forwarded to the Plan Commission members on Friday, January 16, 2004 and noted that Staff cannot comment on more recently submitted materials. Two letters from neighborhood property owners were also included in the information presented to the Plan Commission members this evening; one in support of the petition and one in opposition to the petition.

Mr. Sbiral stated the petitioner is currently seeking a lot split to divide the lot as currently shown on the current submitted plan. It would require a lot depth exception. The proposal is consistent with the Future Land Use Plan, which designates the property as residential with a proposed density of 0-6 dwelling units per acre. Mr. Sbiral further advised the current zoning is R-4, Single Family Residential District as is all the land surrounding this property. Both newly proposed lots would meet the lot area requirement of 10,500 square feet as well as the lot width requirement of 75 feet. Mr. Sbiral advised lot depth is measured from the front of the lot, which by Code is measured from the shortest street frontage. In the case of the proposed easterly lot, that frontage would be on Middaugh, and the proposed westerly lot's frontage would be on Blanchard. Mr. Sbiral noted the plat of survey shows the northerly 20 feet of this lot was sold off creating the existing 100-foot wide lot. If the proposed lot split were granted, the westerly lot would have a lot depth of 100 feet, which requires a 28% exception from Code.

As a side note, Mr. Sbiral stated Staff did not have time to evaluate the plans submitted the date of the meeting which show an alternate plan for a flag lot, but noted the creation of a flag lot would also require the granting of an exception by Code.

With regard to Table 4, Lot Depth Tabulation, Mr. Sbiral explained the petitioner originally submitted three plat map pages with certain lots delineated as having lot depths

smaller than Code requirements. Mr. Sbiral advised those lots are noted on either Exhibit A or Exhibit B. The petitioner originally delineated 19 lots. Of those 19 lots, Lots 1 through 10 are all lots where the actual depth of the lot as measured by Code exceeds the 140-foot requirement. Mr. Sbiral noted many of these lots were created prior to the 140-foot requirement and, therefore, may not have required an exception. Lots 11 through 19, shown on the Exhibit in Yellow, are lots the petitioner indicated would require a lot depth exception if created today. Mr. Sbiral stated that it is important to note the mean variation from 140 feet is 14.6%. Mr. Sbiral indicated Staff added Lots 20 through 26 to Table 4. These are lots located in the immediate neighborhood of the subject property. Mr. Sbiral stated Staff defined immediate neighborhood as the area within the same quarter section map for the purposes of this Table. Within that area, there were six additional lots that would require lot depth exceptions that were not noted by the petitioner, and the overall total mean of the exceptions of these lots in this immediate area (Exhibit A) is 11.5%. Mr. Sbiral stated the requested exception on the subject lot is 28%, which is considerably higher than the average of the lots in the neighborhood that currently have a lot depth of less than 140 feet.

With respect to stormwater management, Mr. Sbiral advised there are some remaining concerns about the previously identified wetland. The wetland is not on the site, but there is a wetland buffer area that extends into the site. Mr. Sbiral acknowledged the exhibit the Plan Commission members received this evening indicates the location of the wetland buffer area. Mr. Sbiral noted a preliminary review shows the buffer area encroaches into the buildable area of the proposed westerly lot. Mr. Sbiral advised this information has been transmitted to Public Works, and they will be looking at the wetland buffer area in the near future.

Mr. Sbiral stated the Staff Development Team reviewed the petitioner's request for the proposed lot split and concurs to recommend that the Plan Commission consider recommending:

1. That the petitioner complete/resolve all wetland and potential related engineering stormwater issues prior to any further Plan Commission consideration of the petition to ensure the possibility of a buildable lot;
2. That the petitioner strongly consider not dividing the lot as the lot in its current existing configuration may be better able to address potential engineering/wetland issues and be more in keeping with the character of the neighborhood overall.

Mr. Sbiral further indicated the Staff Development Team recommends that, should the Plan Commission consider forwarding a positive recommendation of the petitioner's request, consideration be given to including the following conditions as part of the recommendation:

1. All structures currently located on the subject property must be demolished prior to issuance of any construction permit on either resulting lot.

2. The petitioner should continue to explore means to reduce or eliminate the requested lot depth exception for the proposed west lot, including the opinion of not further dividing the existing lot.
3. All conditions listed in the Department of Public Works' memo dated January 12, 2004, the memorandum by Jedd Andersen, CBBEL, dated December 23, 2003 and the letter from JFNew dated November 25, 2003 must be satisfied prior to consideration by the Village Council.
4. Compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

Mr. Sbiral concluded by stating he would be pleased to address any questions from the Plan Commission members.

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.

Don Guest, 5633 Dunham Road, Downers Grove, stated he has lived there for 40 years, and the rear of his property abuts on the west end of the subject property. Mr. Guest stated he has watched the filling of ponds, the Village putting in culverts one on top of the other until they have established a dam with Blanchard. Mr. Guest stated he wanted to speak about ecology. He regularly watches the woods that abut his property and frequently sees red foxes and other animals as well. Mr. Guest stated when his sons return home, the first thing they do is go to the back of the property because they like the feeling that they are in their own little forest. Mr. Guest advised that there is a ten-foot utility easement that runs along the west of the subject property. Mr. Guest stated he would be disappointed if all the smaller trees are removed from the subject property because it will change the character of his yard, which abuts on the proposed westerly lot. Mr. Guest expressed the hope that the Plan Commission understands the term ecology.

Gordon Goodman, 5834 Middaugh Avenue, Downers Grove, indicated he supported the Staff Recommendation that the Plan Commission pay particular attention to the development of this property that would be in keeping with the character of the neighborhood. With regard to the character of the neighborhood, Dr. Goodman noted it is true as Mr. Guest pointed out, that there has been some fill put into the lot just west of Lot One. Dr. Goodman recalled that was done in non-compliance with the Village Code. The people who previously owned the subject lot were ordered to remove the fill and pay a fine. The previous owners moved away from Downers Grove, and the fill remains on-site. Dr. Goodman indicated there are continuing problems with that wetland, and we have to now try to stabilize the wetland and incorporate it into the neighborhood rather than encroach further into it.

Dr. Goodman acknowledged that there have been changes in the neighborhood, and some of them are outlined in the Staff summary of lot sizes. He commented if you drive down Brookbank just east of the subject property you would see very large houses replacing the original 1950 era ranch houses. Dr. Goodman noted the same thing is happening next to

his house on Middaugh. A very large house is being built on a lot approximately the same size in area and frontage as the subject property. It is a 4,000 square foot home that just fits on the lot. There is still some extra space at the rear because the lot is approximately 300 feet deep. Dr. Goodman indicated it does not really intrude tremendously in the neighborhood. It provides a very gracious upgrade of the neighborhood's housing stock. Dr. Goodman stated that was the current trend. He commented whether or not this lot is split, the home under construction next to his home is the style of home that is going to be built on this lot. Dr. Goodman expressed the opinion that building one larger home on this lot would be much more appropriate than building two larger homes on smaller lots. Dr. Goodman noted after a lot is split, the building setbacks in the Zoning Ordinance govern what can be built on newly created lots. He noted the Zoning Ordinance is very weak with regard to controlling the size of new homes. Dr. Goodman told the Plan Commission they have control over the size of the lot and the appropriateness to the neighborhood. He advised the Commission that they have a wonderful opportunity to do things: First, wait until you have the real facts before you act on it, and secondly, when the Commission gets the facts and decides to act on the facts, the decision should be to keep the single lot and permit the neighborhood to develop in its upgrading fashion on larger properties rather than smaller properties.

Chairman Jirik clarified that the issue before the Plan Commission this evening is a question of subdivision of the lot. He stated in the simplest of terms the question is whether or not there should be a line drawn that makes one lot into two lots. House size, buildable area, setbacks are governed by the Zoning Ordinance and are not in the Commission's purview with respect to this petition.

Joseph McCormick, 5612 Middaugh, Downers Grove, stated he lives three homes north of the subject property. Mr. McCormick advised the Plan Commission that this area is rather unique in that there are no fences on this block of Middaugh or the corresponding block on Middaugh. The rear yards are all open, and the footprints of the homes are rather small. Mr. McCormick expressed surprise at how well the extensive Staff Development Team Report was done. He referred to the background information, which stated the properties north of the subject property were generally 60 feet wide. Mr. McCormick advised that is not really true; the lot immediately north is 130 feet wide, the next property is 70 feet wide, and the one after that is 120 feet wide. He noted on the east side of Middaugh there are three homes within the same 5600 block; one is 70 feet wide and two more are 75 feet wide. Mr. McCormick stated the depths of the lots on the west side of Middaugh are 305 feet and 284 feet on the east side of Middaugh. He commented that the characterization of the lots in the neighborhood as 60 feet wide is not fair. Mr. McCormick noted the lot sizes on Blanchard are mentioned but there is no mention of lot sizes on both sides of Middaugh. He suggested that this information should be part of the Plan Commission's consideration. With regard to the lot split characteristics, Mr. McCormick pointed out the petitioner is asking for a 29% deviation, which is extremely large when compared to what has happened in the past. Mr. McCormick stated the average lot depth of Blanchard is about 180 feet not 100 feet. With regard to stormwater management, Mr. McCormick stated there are many issues on the subject lot. Mr. McCormick advised that he has lived there for 23 years. Currently there is a noticeable

pool of water on the subject property, and in the summer the pool of water is double the current size. Mr. McCormick strongly urged the Staff's recommendation not to split this lot. Mr. McCormick next addressed the petitioner's response that the proposed lot split would be beneficial to property values. Mr. McCormick disagreed stating the property values on Middaugh will not increase. The petitioner also stated the proposed lot split would improve curbside appeals. Mr. McCormick stated that is not a fact, and it is very debatable.

With respect to the character of the neighborhood, Mr. McCormick expressed his opinion that the proposed lot split was not a positive change, and he indicated he could not see where an exception would be a benefit to this area. Mr. McCormick asked the Plan Commission to respect the recommendations of the Staff and the people who have spoken tonight. For the record, Mr. McCormick advised the architect who designed the existing home was a student of Frank Lloyd Wright, and he built two other prairie-style homes north on Middaugh. His work helped establish the character of the area 40-50 years ago. Mr. McCormick asked the Plan Commission to uphold the character of the neighborhood by not recommending approval of the proposed lot split with exceptions.

Robert Field, 5626 Middaugh, Downers Grove, stated he lives immediately to the north of the subject property. He encouraged the Plan Commission to follow the recommendation of the Staff Development Team and recommend against this lot split. Mr. Field indicated he had a number of concerns in addition to those mentioned. From a personal perspective he is not interested in having two lots with a very short depth back up to his lot. Having two households built a lot that is 100 feet deep with substantially larger houses than are there now would end up with almost no back yard. He indicated this would not be aesthetically desirable from his standpoint.

Carol Gentes, 1332 Blanchard, Downers Grove stated the water issues are her concern. She would strongly encourage that all studies be completed before the Plan Commission makes a final recommendation. Everyone is aware that there are water issues. Ms. Gentes indicated there is a chance that a split of this property might increase the problems.

As there was no one else who wished to speak, Chairman Jirik closed the public participation portion of the public hearing.

Chairman Jirik moved on to questions or comments from the Plan Commission members. For clarification, Mr. McCormick asked if the Plan Commission has the authority to approve this lot split or does the Commission make a recommendation to the Village Council. Mr. Sbiral clarified that the Plan Commission makes a recommendation to the Village Council either for or against the exception. Mrs. Reynolds asked for clarification as to whether or not the Commission could make a recommendation for approval of the lot split with exceptions. Chairman Jirik explained this petition is like many of the other petitions heard by the Plan Commission where the Commission is the recommending body and does not have final approval.

Mr. Griesbaum asked Staff if there is a diagram of where the wetland is located in this area. Mr. Sbiral responded the only information showing that location is included in the material in front of each Plan Commission member. There is a diagram behind the letter from JFNew. Chairman Jirik commented in the sense of fair play regarding a matter that has been pending for months, he noted for the record that it was an unreasonable expectation that new information can be supplied within hours of the public hearing and expect the necessary appropriate process of review, evaluation and verification to occur. Chairman Jirik stressed it is an unfair and inappropriate burden to expect verification and assessment. Mr. Nicholaou concurred with the Chairman's assessment. He noted the Plan Commission spends a great deal of time reviewing the information provided to them. Mr. Nicholaou commented that he read the Staff report three times in order to understand the various Exhibits and Tables. Mr. Nicholaou stated for the Plan Commission members to arrive at the meeting this evening to find another packet equally as thick as the Staff Report was totally unacceptable. He also noted that Staff has not had time to review this late submittal. Mr. Nicholaou suggested this information should be turned back to Staff for their review and then the Plan Commission can take another look at this petition at a future date. Chairman Jirik pointed out that he was hesitant to even do that as this petition has been continued twice. Chairman Jirik further clarified that if the Plan Commission members are comfortable going forward with this petition this evening he would raise no further objections.

With respect to the wetland submittal presented today, Mr. Sbiral advised Staff is not comfortable commenting on this information. Mr. Sbiral explained Staff does know from the original delineation that there is a wetland on Lot 103. What Staff does not know is how close it is to the lot and to what extent the 50 foot buffer would affect the buildable area of the proposed westerly lot.

Mr. Griesbaum stated based on what Staff knows now and looking at the materials the Plan Commission received on Friday, January 16, 2004, it looks like the wetland is in Lot 103 overall. Mr. Griesbaum agreed that it is hard to tell whether there is encroachment and where it comes on to Lot 104.

Mr. Stark asked Staff when the petitioner was given an indication that the Village wanted more information about this wetland issue. Mr. Sbiral advised Staff has been working on the wetland issue with the Stormwater Engineer in the Public Works Department since October 2003. Mr. Stark asked if what is currently in front of the Plan Commission members is the response. Mr. Sbiral agreed. Mr. Stark commented in his mind he would give it the appropriate weight it is due in view of the fact that the material was presented today although the petition was submitted to the Village over three months ago.

Mr. Stark asked the petitioner if the examples he was presenting were primarily on 55th Street. Mr. Stark indicated he did not find any that were below 100 feet or at 100 feet. He asked Mr. Baker if he had examples of any lots in this area that were at 100 feet or below 100 feet. Mr. Baker responded such lots could be found only on 55th Street.

With regard to the lot divisions shown in yellow and red on the Exhibit, Chairman Jirik asked Staff if there was any idea of how recent the lot divisions were done. Mr. Sbiral responded the majority of what is depicted on the Exhibits was done in the 1960's. Chairman Jirik commented it appears that to the best of Staff's knowledge there has not been a lot of activity with regard to the division of lots in this area. Chairman Jirik stated the examples given liberally define a neighborhood. He expressed the opinion that what we have is a count of the lots. We do not have statistics such as the percent of lots, etc. As further clarification, Mr. Sbiral stated when most of the lots shown on the exhibits were created, the 140-foot depth requirement probably did not exist. Ms. Browne stated the 140-foot lot depth requirement is not a function of the underlying zoning district or of the Zoning Ordinance. It is solely a function of the Subdivision Control Ordinance. Ms. Browne stated her belief that the 140-foot depth requirement was made a part of the Subdivision Control Ordinance in 1998.

Mr. Nicholaou stated from his reading of the Staff report, it appears that the LPDA (Localized Poor Drainage Area) on the site. He asked Staff for confirmation. Mr. Sbiral responded the Stormwater Department is still waiting for final analysis from JFNew, which was transmitted to them today.

Mr. Griesbaum commented if he looked at the whole area bounded by Brookbank, Blanchard, Dunham and 55th, the character and make-up of all of those lots are long, narrow lots with homes facing Brookbank, Middaugh, Dunham built on them. Mr. Griesbaum stated in his opinion that is the character and overall make-up of the neighborhood. Mr. Griesbaum stated in driving through the neighborhood he saw new homes built on those long and narrow lots.

Mr. Stark stated to his mind, the examples cited by the petitioner are not persuasive and perhaps even irrelevant. The preponderance of properties in the area is long and deep. The petitioner has looked for the lowest common denominator to ask this Commission to recommend approval of the proposed lot split based on 1950 sized lot splits. Mr. Stark commented that he had not seen anything presented by this petitioner, which would change his mind to recommend approval of an exception to a clearly established lot depth requirement, which is a recent addition to the Subdivision Control Ordinance. The Subdivision Control Ordinance establishes what the community's goal is for the type of development we seek now. Mr. Stark recommended to his fellow Commissioners that the Commission make a motion to forward a negative recommendation to the Village Council.

Chairman Jirik stated when he looked at the Map it appeared that there would be very few lots that would not meet the late 1990's Subdivision Control Ordinance change that required the 140 foot lot depth. He acknowledged there are a few but they are in the minority. Chairman Jirik stated that does not automatically take him to a no position, but it is an indicator. Chairman Jirik pointed out there is no recent trend of splitting lots because nothing has occurred in that neighborhood. He commented that speaks unfavorably to the proposed lot split. If the proposal was harmonious with those lots

shown on Exhibit A, Chairman Jirik indicated he might still engage in further thought and consideration. With regard to Table 4, this particular proposal is an outlier(?) outlaw(?) Chairman Jirik stated when you do statistics and you try to look if something is within a normal population or is deviant to that population. Chairman Jirik indicated this is an outlying data point and it is not outlying on the small size but rather on the excessive side. He pointed out that the exception percentage is bigger than any other number on the Table. Chairman Jirik concluded that this is deviant from the norm and not in character. Chairman Jirik stated he was not advocating a vote but rather he was trying to outline three different approaches to define the character of the neighborhood.

Mrs. Reynolds asked if the door has been closed on the wetland issue. Chairman Jirik expressed the opinion that the door has not been closed. Some additional information came in today. There are a number of approaches and requirements under the wetlands rules. Chairman Jirik stressed that any applicant would be well advised to be assured of what they are asking to create in terms of buildability. With regard to Lot No. 1 on Exhibit A, Mrs. Reynolds recalled that the owners wanted to split the lot but at that time there was a lake down there which was built for aesthetic value. Mrs. Reynolds noted that the lot to the west was never in question as being a wetland. Mrs. Reynolds indicated she was very familiar with the land in this area, and she knew about the Frank Lloyd Wright style of homes. She expressed regret that those homes cannot stay with us. Mrs. Reynolds commented that she was sure the people who live in the area are familiar with the very long and large house that has been built on the southeast corner of Dunham Road and Maple Avenue. Mrs. Reynolds suggested that if the Plan Commission agrees to recommend denial of the proposed lot split with exceptions and the Village Council concurs with the Plan Commission's recommendation, the same type of home that was built on that corner will be built on the corner of Blanchard and Middaugh. Mrs. Reynolds pointed out that there are lots on 55th Street that have been split the same as what is being proposed here this evening. She also pointed out the four homes on the south side of Blanchard. She expressed the opinion that the proposed lot split was not a big deal.

Mr. Stark stated he wanted to speak to something Mrs. Reynolds brought forward. He indicated he is always tempted to imagine in his mind what is going to be put on a lot if it is split or what would be put on the lot if it were not split. Mr. Stark acknowledged that he has to keep himself from that way of thinking because his mandate as a Plan Commission member is limited what makes sense with regard to our Subdivision Control Ordinance. The aesthetics and building code limitations have to be left to other bodies. Mr. Stark commented that he has not heard persuasive evidence that the Plan Commission should recommend an exception to the existing Ordinance. Mr. Stark recalled that Chairman Jirik pointed out that the requested exception is going to be the leading edge. If the Plan Commission recommends approval, this petition will be the cited number one example for similar proposals in the future.

Chairman Jirik stated each exception is case specific, unique and subject to its own evaluation. Chairman Jirik stated if the yellows and reds shown on the Exhibits had been 25%, 32%, etc., that would say there are a lot of lots that are in the same kind of

condition. He again noted that the requested exception would be the largest percentage and that is what concerns him.

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. 2006, MR. STARK MOVED THAT THE PLAN FORWARD A NEGATIVE RECOMMENDATION TO THE PROPOSED LOT SPLIT PETITION TO THE VILLAGE COUNCIL. MR. NICHOLAOU SECONDED THE MOTION.

Chairman Jirik asked the maker of the motion if the term negative recommendation means a recommendation to deny the proposed lot split petition. Mr. Stark agreed. Chairman Jirik then 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.

Chairman Jirik advised the members of the audience that after the minutes are prepared and all pertinent information put together, the Plan Commission's recommendation will 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 explained those present in the audience who wish to know when this matter would be placed on the Council agenda should contact a member of the Planning and Community Development Department staff.

Chairman Jirik declared a recess at 8:55 p.m. and reconvened the meeting at 9:05 p.m.

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:

1. That the petitioner continues to explore means to reduce or eliminate exceptions;
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 Lee and Chicago Avenues. Mr. Callahan indicated he had never attended a Plan Commission meeting before, 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 requested, 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 there are not any issues of a roller coaster type sidewalk going in that area. With respect to stormwater, Mr. Marich indicated he could not say whether or not 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 such as certified plans from an architect or an engineer that are not permitted to be copied under exemptions of the Freedom of Information Act. 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. Waechtler, 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.

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