

Chairman Jirik called the June 21, 2004 meeting of the Plan Commission to order at 7:30 p.m.

ROLL CALL

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

ABSENT: Mr. Matejczyk

STAFF

PRESENT: Joseph Skach, Director Planning & Community Development
Keith Sbiral, Planner
Jon Hall, Development Engineering Manager
Alice Dornan, Recording Secretary

Chairman Jirik advised the draft minutes of the May 17, 2004 meeting need to be reviewed and approved. He asked if there were any additions, deletions or corrections to the draft minutes. **MR. NICHOLAOU MOVED TO ACCEPT THE MINUTES OF MAY 17, 2004, AND MR. KAHLKE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

For the benefit of the members of the audience, Chairman Jirik explained the purpose of the Plan Commission is to conduct public hearings to put together information, testimony from members of the public, technical assessment by Staff and questions and comments from Plan Commission members to provide a body of information to the Mayor and the Village Council.

Chairman Jirik outlined the protocol for this evening's four agenda items. First, as Chairman, he will call the public hearing to order. The petitioner, who is the individual proposing to do something with a particular parcel of land, will be given an opportunity to explain what it is that they are requesting. Second, when the petitioner has completed his presentation, Village Staff presents its technical review and recommendations. Chairman Jirik advised this presentation assesses what is being requested relative to the Ordinances, Codes and other requirements of the Village. The third step, the public participation portion of the hearing, is the time members of the public are afforded an opportunity to speak. Chairman Jirik further explained questions could be asked of the petitioner or of Staff. As a matter of procedure, Staff gathers all the questions to be addressed sequentially upon completion of public comment. Chairman Jirik pointed out the proceedings are recorded to assist in the preparation of the minutes. He encouraged those wishing to speak to come to the podium where there is a microphone, to speak clearly and slowly, state their name and address before beginning their testimony so that detailed minutes can be provided. He asked those wishing to testify to state their name and address before beginning their testimony. Chairman Jirik asked anyone who testifies to remain in the Council Chambers in the event the Plan Commission members want to address specific questions to them in order to fully understand an issue or a concern.

Chairman Jirik stated the final step is the Plan Commission's deliberation of the petition. When deliberation is over, a motion is presented. Chairman Jirik explained the motion can be to either recommend approval based on the information provided, it can be to recommend approval with changes or revisions or it can be to recommend denial. The recommendation along with the minutes, exhibits, etc. is forwarded to the Mayor and the members of the Village Council for further processing.

Chairman Jirik explained there are four items on this evening's agenda. Chairman Jirik noted with regard to one of this evening's petitions the Commission will make a final determination, and they are acting in an advisory mode for the other three petitions.

Joseph Skach, Director Planning & Community Development, asked to be recognized regarding the agenda and a petition on the agenda, and the Chairman agreed. With respect to File PC-10-04, Mr. Skach advised the Plan Commission the background conditions regarding that petition have changed. The petitioner is here this evening to address the Plan Commission but will be requesting a continuance because of those changed conditions and also requesting an opportunity to address certain outstanding issues. Mr. Skach asked the Plan Commission to consider the possibility of moving the last item on the agenda up in consideration of the request for a continuance.

Chairman Jirik responded that on occasion the Plan Commission takes petitions out of order. He asked how many people in attendance were present for the fourth item on the agenda, File PC-10-04, 5512 Main Street. As only a few people raised their hands, the Chairman noted the majority of the audience was present for other matters on the agenda. Chairman Jirik stated File PC-10-04 would remain as the last item on the agenda. Chairman Jirik explained for those wondering what Item No. 4 on the agenda is, there are petition packets available on the shelves on both sides of the Council chamber. Chairman Jirik called the public hearing to order.

PUBLIC HEARING: FILE NO. PC-07-04 - Petition seeking: 1) Special Use approval for a drive-thru bank and 2) approval of certain variations from Code – Property located at the southwest corner of Warren and Forest Avenues, commonly known as 1111 Warren Avenue, Downers Grove, IL (PIN Nos. 09-08-121-003,-004); Community Bank of Downers Grove, Michael G. Busse/Hinsdale Bank & Trust, Dennis Jones, Owner

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

Michael Busse, President of Community Bank of Downers Grove, stated he is a resident of Downers Grove living at 5472 Bending Oaks Place. He explained they are asking approval for a special use for the drive-through as well as certain variations. Mr. Busse advised he would like to talk about the non-technical aspects of the bank, and he wanted to have other people who are representing them and working with them as consultants speak to the technical issues. Chairman Jirik agreed.

Mr. Busse stated he would be explaining why they wanted the bank to be a part of Downers Grove, the organizational aspects of the bank and their philosophy regarding community banking.

Mr. Busse stated Chuck Grund of the architectural firm of Grund & Reisterer, Tom McCabe, their consulting civil engineer with Seaton Engineering, Chris Paul, their landscape architect with Green Grass and Dennis Jones, Chairman of Hinsdale Bank and Trust are all present this evening to answer any questions.

Mr. Busse noted Downers Grove has great demographics when you are thinking about a place to have a community bank. There is an excellent mix of ages, incomes, homeownership, a good combination of commercial, retail and professional businesses. There is significant opportunity for expansion. Downers Grove is a good place to live and raise a family, and it also fits into the Hinsdale Bank and Trust's plan to expand along the Burlington/Santa Fe Railroad.

Mr. Busse explained Community Bank of Downers Grove is a branch of Hinsdale Bank and Trust. Hinsdale Bank and Trust in turn is a part of Wintrust Financial Corporation, a five billion dollar financial services holding company. Wintrust has two primary lines of business; banking and personal financial asset management. On the banking side, Wintrust owns ten banks, all of which have been started as de novo banks since 1991. Wintrust is presently in negotiations to buy two more banks that would fit within that description. In total, it operates over 40 different banking entities, primarily throughout the Chicago suburban area. One of the acquisitions they are currently looking at will take them up into Wisconsin.

On the personal financial asset management side of the business, Mr. Busse explained they provide full service brokerage, personal financial asset management and advisory services as well as trust services through the Wayne Hummer Group of companies. Mr. Busse stated Wayne Hummer is another entity that is a part of the Wintrust organization.

With regard to the Hinsdale Bank, Mr. Busse stated the bank was formed and started in 1993. It presently has over \$800 million in assets and is budgeted this year to earn over \$6.5 million dollars. Other banks that are a part of Hinsdale Bank include the Riverside Bank, Bank of Clarendon Hills and the Community Bank of Western Springs.

Mr. Busse advised community banking has always been a part of the Wintrust organization, and it has some fairly well defined ideas about what a community bank should be about and what it should do. The banks always have to be full service, modern facilities that are staffed by local friendly, bright people who understand the community and who understand the need to put the customer first. Mr. Busse stressed that it is always about customer service. They also feel they have a responsibility to the shareholders to earn a fair return on their investment. They also understand that as a community bank they need to give back to the community. They need to be active, supportive and involved with the community, its residents and its businesses.

Mr. Busse stated although they have only been in business three months, he could demonstrate how they are giving back to the community. They have had three different promotions since they started. The first promotion was done in conjunction with the Tivoli. The second promotion was done in conjunction with Every Day's a Sundae, and the third promotion was done with Wannemakers. They have given out Mother's Day and Father's Day gifts, and tickets to the first run performance of the latest Harry Potter film. They will be the sponsor of the Extreme Amazon Slide and Obstacle Course in the Lot of Fun at the Downers Grove Heritage Fest this upcoming weekend. They will also be the co-sponsors of the District 58 Foundation's Kelly Miller Circus. Mr. Busse explained when they open a Founder's Account, they allow their Founders to designate one of five local, not-for-profit entities and they make a donation in their name. By the end of the June, they will have made donations of close to \$5,000 to those five entities.

With regard to the building, Mr. Busse indicated it is going to be an architecturally significant addition to downtown Downers Grove. He thinks of it as a bookend with the Tivoli for the northern part of the central business district. It will be an imposing and striking addition to downtown Downers Grove. It will also be an inviting place for their customers and for Downers Grove residents. He commented that obviously people will come to do their banking, but they will also come to have their meetings and to relax. With the approval of this bank, in the future residents will be able to come and sit by the fountain in the plaza. In the wintertime, they will be able to come in and get warm at one of the two fireplaces. Founders will be able to come and look at their names on their bricks in the plaza. Junior savers will be able to come in and make their deposits and get treat dollars. Mr. Busse expressed the hope that business people will be there to discuss deals. Senior citizens and not-for-profit organizations will be there to get free checking accounts.

Mr. Busse stated he liked to think of the building as a place people will want to come to; it will not merely be a place they are going to stop at on their way to someplace else. It will be a destination bank.

Mr. Busse turned the presentation over to Chuck Grund.

Chuck Grund, principal of Grund and Reisterer Architects, 20 North Wacker Drive, Chicago, explained he has been working with Village officials for about 3-4 months preparing this package. As the building is located on the north-south axis at the corner of Forest and Warren Avenues, they like to look at it as a bookend to the Tivoli. This is a full service bank, two stories with a full basement. Banking services occupy the entire first floor. The service end of the banking business such as safe deposit vaults, coupon booths and support services are in the basement. At the present time, the second floor has been designed as leasable space. Preliminarily they have divided that space into three separate parcels and have created a separate entry off the parking lot so that any of those professionals can come and go as they please and not interfere with banking services. The second floor also has a boardroom that is not used for bank purposes very often so it is really a room that can be used by the community. Mr. Grund pointed out in Western Springs the boardroom is used three or four times a week by members of the community.

The boardroom will have its own entry and elevator access. It is completely ADA compliant.

Mr. Grund explained they build a lot of their buildings in brick and stone because when you see a brick and stone building, the immediate reaction is permanence. The attitude of this bank group is to build to last a long time. This particular building will have brownish-reddish brick with true limestone detailing and a greenish gray slate roof. Mr. Grund acknowledged a noteworthy attitude this group has is to build in true natural materials; no concrete or imitation shingles. They try not to do renaissance stone and more often than not they are able to use real limestone.

Mr. Grund pointed out landscaping also plays a very important role in the development of this site. They sought to hire a local landscape architect, someone who is familiar with the rules and regulations in Downers Grove. Some of the variances they will be asking for have been compensated for by a significant amount of landscaping over and above what the Code requires.

Mr. Grund stated the plaza on the east side of the building is a “welcoming plaza”. People that come to this bank may go inside and get their cup of coffee and cookies and then go outside and sit in the plaza for an hour. They may not transact any business. Mr. Grund noted the same thing happens as they enter the bank. The waiting area is large and welcoming and more often than not they will get two or three people who just enjoy coming to the bank sitting down and relaxing. They may not transact any business.

Mr. Grund advised incorporated with the landscape program is a complete use of the streetscape program in Downers Grove down to the sidewalk patterns, the use of stone borders as seen in the downtown area, lighting and trash containers.

Mr. Grund stated the request for a special use for a drive-through is an allowed special use in the Code. They will require a setback variation from Forest Avenue of 26 feet 9 inches as opposed to the required setback of 34 feet 8-1/2 inches. They will also require a setback variation from Warren Avenue of 24 feet 7 inches as opposed to the required 29 feet 2 inches. Mr. Grund explained these variations are necessary because of the existing 36 inch sanitary line that runs through the property from the east side, originating from Warren Avenue and continues through the west property line onto adjacent properties.

Based on their civil engineer’s analysis, Mr. Grund explained they are building as close to this sanitary sewer as possible. As you drive into the site, the Fire Department needs access to the site, not only to get their trucks in but more importantly to make the turn and get their trucks out. These two issues necessitated the building being closer to Warren Avenue.

Mr. Grund advised they are also seeking a variation with regard to the location of parking spaces. The Village Code says parking in the first 25 foot setback is not allowed. They are requesting a setback from 25 feet to 3 feet six inches so that they can park some cars

in that area. Seven parking spaces would be affected. Mr. Grund pointed out there is existing parking in the setback.

Mr. Grund next referenced the request for a variation in the reduction of the front yard from 25 feet to 3 feet 6 inches for site lighting. They would like to get site lighting not only for the parking lot but closer to the sidewalk so that the pedestrian way is well lit. Mr. Grund indicated their last request for a variation is for a reduction in the number of parking spaces from 37 to 35. Mr. Grund acknowledged the traffic study shows this should not prove problematic.

Mr. Grund stated it is their belief that the requested special use and variations address and satisfy the standards for approval and standards for granting a variation. Specific to the special use requested, the drive-through is necessary and desirable for the bank. It will not be detrimental to the health, safety and general welfare of the surrounding residents or the commercial employees. It complies with the Village of Downers Grove Code requirements as well.

With respect to the listed variations, Mr. Grund explained they are in harmony with the general provisions of Village's Zoning Ordinance; they will not alter the essential character of the locality. Mr. Grund stated they believe it will enhance the local character especially from a landscaping point of view. The requested variations will not impair adequate supply of light to the adjacent properties, will not increase traffic congestion and are consistent with the current B-2 zoning designation.

In conclusion, Mr. Grund stated they were pleased to present to the Plan Commission the proposed Community Bank of Downers Grove at the intersection of Warren and Forest Avenues. Mr. Grund expressed the hope that the Plan Commission would agree that this facility will improve the quality and competitiveness of local banking services, enhance the tax base and more importantly will be a significant and vibrant addition to the expanding area of downtown Downers Grove. They also believe it will be a catalyst for new development at the north end of downtown.

Mr. Grund noted the civil engineer and the landscape architect are available to answer any questions.

Chairman Jirik asked Staff for its presentation.

Mr. Sbiral stated the bank is requesting a special use for the drive-through portion of the facility. There are five variations, four of which are for a reduction in the front yard requirements. The petitioner is proposing the redevelopment of the southwest corner of Forest and Warren Avenues. The redevelopment will be for a two-story building that is approximately 14,500 square feet, which will include four drive-through lanes, one being dedicated for a 24-hour drive-through ATM. Thirty-seven parking spaces are included on the site as well as landscaping and green space.

With respect to the special Use, Mr. Sbiral explained drive-up banking is a permitted use but is subject to special use approval per Code. This particular drive-through is proposed to be open from 7:00 a.m. to 7:00 p.m. Monday through Friday and Saturday from 8:00 a.m. to 2:00 p.m. with the exception of the 24 hour ATM drive-through.

Mr. Sbiral noted the petitioner addressed the special use criteria found in Section 28-1902 of the Zoning Ordinance.

Mr. Sbiral explained the surrounding zoning to the north is B-2 as is the site itself, to the east is B-2, and there is a small 50 foot portion of R-6 zoning to the north of the property. The Burlington Northern Santa Fe railroad tracks are to the south of the property. To the west of the property the zoning is M-1, Light Manufacturing.

Mr. Sbiral noted the Village is currently considering a Future Land Use Map change and have gone through discussions over the last year to change this site from the Manufacturing designation to a Red Commercial designation, which would be consistent with what is being proposed here tonight.

With respect to the site, Mr. Sbiral stated the proposed lot and building meets or exceeds all of the bulk requirements as far as lot area, gross building area, floor area ratio and building height. Mr. Sbiral noted the building is just under 35 feet in height.

With respect to the variations that are being required with regard to the yards and setbacks, Mr. Sbiral noted with regard to Warren Avenue, the figures in Table 3 are in error. He pointed out the figures shown on the front page of the Staff report are correct. The building itself is being requested to have a variation. There is a sewer line on the south side of this building, and parking and access requirements to the west necessitate the building being placed where it is. The variations as noted are between 15 and 17 percent for the building setbacks. The parking setback as well as the screening and lighting standards for the parking lot are also being requested to allow an additional seven parking spaces.

With respect to the parking variation itself, Mr. Sbiral stated 37 parking spaces are required, and the petitioner is providing 35 spaces and two required handicap accessible spaces for a 5.41% parking variation request.

With respect to green space, Mr. Sbiral advised the proposed plan significantly exceeds the green space requirements by several hundred percent.

With respect to the proposed signage, Mr. Sbiral stated there are proposed signs for the front of the building as well as a monument sign at the corner of Warren and Forest Avenues. Mr. Sbiral noted the Village Council instituted a sign moratorium in May of this year. Permits will have to be sought after the moratorium has ended and at the time of construction of the building.

With respect to stormwater management, Mr. Sbiral pointed out there is a localized poor drainage area as well as a flood plain area on the site. The petitioner, as well as the Village Stormwater Management Staff, met with the County. The localized poor drainage area will require additional management methods as far as how the bank is going to provide some storage area for water. This is all being handled through the County appeal process and is mentioned in the Public Works' memo. Mr. Sbiral noted Jon Hall, Stormwater Engineering Manager, is present if there are any specific questions about stormwater management.

With respect to traffic and parking, Mr. Sbiral stated the only issue beyond the variation is that during the temporary construction period there will be some juggling of parking spaces as they build the new building and maintain their presence in the existing building and then tear down that building.

With respect to the Fire Department, Mr. Sbiral advised the Fire Prevention Division of the Fire Department has found the proposed plans acceptable.

In conclusion, Mr. Sbiral stated Staff concurs to recommend that the Plan Commission consider forwarding a positive recommendation to the Village Council regarding the proposal subject to the following conditions:

1. All delivery and loading/unloading operations shall occur on site;
2. All storage of refuse shall occur completely in appropriate and architecturally compatible enclosures at all times;
3. The existing structure must be removed not more than 90 days from the issuance of a certificate of occupancy for the new structure;
4. Compliance with the Public Works requirements and conditions prior to the issuance of permits as outlined in their memorandum dated June 14, 2004 and with all the Fire Prevention Division requirements and conditions as outlined in their memorandum dated May 19, 2004;
5. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information;
6. This recommendation is further conditioned that it is the Petitioner's obligation to maintain compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

Mr. Sbiral stated he would be happy to answer any questions.

Chairman Jirik asked if there was anyone in the audience who wished to speak for or against this petition. There was no response, and Chairman Jirik closed the public participation portion of the Public Hearing.

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

For the record, Mr. Nicholaou asked Mr. Hall if he was comfortable with what is being proposed. Mr. Hall responded the petitioner has been working hard to address all the stormwater issues as outlined in the Public Works memo. He acknowledged that there are some significant issues on the site. They will need a variance from DuPage County for parking lot elevation relative to the flood plain. Mr. Hall noted that is a fairly new revision to the flood plain. While the petitioner is working hard to correct that issue, it will affect the timetable of the issuance of the eventual permit. Mr. Hall stated because this summer the site will officially be mapped on the FEMA floodplain maps, the petitioner would have to obtain a Letter of Map Revision from FEMA to officially remove the northern part of the site from the flood plain so that the building will not be considered to be in the flood plain. Mr. Hall indicated, if the petitioner takes all the necessary steps and follows all the rules, there should not be an issue or a problem from a stormwater perspective.

Mr. Griesbaum congratulated the group on a great-looking building and presentation on how much involved the bank will be with the community of Downers Grove. With respect to parking, Mr. Griesbaum asked Staff how does this compare to other banks in the area, like Bank One up on Ogden Avenue or West Suburban Bank on Main Street off of Maple Avenue. Mr. Sbiral indicated he did not know but pointed out the variation from Code is relatively small, five percent with the two spaces. Mr. Sbiral stated he would have to look at the plans of the banks Mr. Griesbaum mentioned to see how they match up to current Code.

Mr. Griesbaum asked for clarification of Condition No. 1 in Staff's recommendation. Mr. Sbiral explained for any building less than 40,000 square feet our Zoning Code does not require a specific loading area be implemented on the site. However, rather than loading and unloading of deliveries off of the street, the Village prefers that this be done on site.

Mr. Waechtler asked Mr. Sbiral to point out where that loading/unloading area would be located. Mr. Sbiral commented it is not specifically shown on the site plan, but it could be in any of the areas on the east side of the parking lot. Mr. Waechtler asked if the petitioner knew where that loading/unloading would occur. Mr. Grund referenced the bottom left corner of the building, which is where the secondary entrance is located for elevator access and access to the professional offices on the second floor as a possible loading/unloading area. Mr. Grund commented most deliveries to their other banking facilities occur in the morning. Mr. Grund also noted there is room at the side of the drive-through canopy for a truck to pull in, come across the site, unload and move on. For clarification, Mr. Waechtler asked how many times a day would loading/unloading occur. Mr. Busse advised it would occur very infrequently. Mr. Dennis Jones of Hinsdale Bank stated the Downers Grove site would have more room than any of their current sites. The two largest trucks that will frequent this location are the cash truck and an on-site document shredding truck, which occurs once a week and takes 15-20 minutes.

Mr. Stark asked someone to point out on the map where the railroad tracks are. He questioned if the railroad tracks were on the property line. Mr. Sbiral noted where the railroad tracks are located and that they are in the BNSF right of way.

Mr. McCormick asked the petitioner about the construction timetable, assuming the Village Council approves the project. He explained he travels through that intersection on a fairly regular basis. He expressed concern regarding the effect of construction on traffic at the Warren and Forest Avenue intersection. Mr. Grund stated there are 18 months remaining on the lease of the existing facility. Mr. Grund indicated 18 months from today their hope would be to have the new building constructed and be in the process of taking down the small building and creating the parking lot. There may be some time issues in obtaining the permitting in terms of the flood issues. They remain optimistic that they would be up and running in 18 months. With regard to the actual construction period, Mr. Grund stated these buildings take as few as nine months or as many as twelve months, generally speaking. The site plan in the Plan Commission packet shows construction traffic coming in off of Warren Avenue so that they stay away from the Warren-Forest intersection. There will be a construction in and out entry as well as maintaining a portion of the existing parking lot for customers. There would be a cyclone fence around the site, and the remaining portion of the lot servicing the existing building would have its own entry.

Mr. Waechtler asked if they have typically incorporated three drive-through lanes and one ATM lane at their other banks. Mr. Dennis Jones responded that the Riverside bank does not have any drive-through lanes. The Village of Riverside does not allow drive-throughs in their central business district. The Western Springs location has the same configuration as is proposed for the Downers Grove location. At the Hinsdale location, there is a separate drive-through facility north of the railroad tracks, which also has the same configuration as this location. Clarendon Hills is a tighter site and has two drive-through lanes. Mr. Waechtler explained his reason for asking this question is because the petitioner is requesting a variation from the setback on Forest Avenue. He questioned if the elimination of one drive-through lane would reduce some of the requested setback variation. The response was that it would not reduce the requested setback variation. Mr. Waechtler asked, if the building was moved towards the drive-through lanes to the west and one drive-through lane was eliminated, could this reduce the requested setback variation. Mr. Jones stated the traffic study was done with this configuration drive-through lanes and the stacking is key. If you reduce it by one lane, you may have more cars waiting in the line to get service. The current plan shows three, potentially four cars in the stacking mode. Mr. Waechtler asked Mr. Jones if they have a stacking problem at their Clarendon Hills bank, which has two drive-through lanes and an ATM lane. Mr. Jones responded it is not a big problem. He pointed out Clarendon Hills has 6,000 residents. Mr. Jones stated the projections relative to the level of banking activity that they anticipate in a handful of years would require this kind of configuration. Mr. Jones explained they are building for five to ten years from now. Mr. Jones pointed out they do not really know what the banking world will be like ten years from now and expressed the possibility that drive-throughs may become passé. Mr. Jones stated their traffic study

indicates that as long as they have appropriate passing capability in the parking lot itself there should not be a problem.

Mr. Waechtler next referred to page 16 of the traffic study prepared by their consultant. Mr. Sbiral acknowledged that Metro Transportation did the traffic study. Mr. Waechtler noted the configuration shown on page 16 is rather interesting. As you go south on Forest there is a major stop sign and a pathway crossing. As you go north on Forest over the railroad tracks there is no stop but it does say you have to yield to pedestrians. Mr. Waechtler noted Warren Avenue has a major stop sign as you are going east. Mr. Waechtler stated the delays at that intersection went from 27.7 seconds to 31.6 seconds. That seems to be minimal, but it is a 14.1% increase. That was the weekday a.m. peak hour. The weekday p.m. peak hour went from 18.7 seconds to 24 seconds, which is a 28.3% increase. Saturdays are a little better because there is no commuter traffic. Saturdays went 17.7 seconds to 19 seconds, which was a 7.3% increase. Mr. Waechtler asked if the Village's Traffic Engineer feels this is a significant impact on that intersection. Mr. Sbiral responded the level of service does not change in those situations, and the Village's Traffic Engineer concurs in the Public Works memo.

With reference to the first page of the Staff report, Chairman Jirik referenced variations four and five, which are for a fairly significant amount and asked Staff for confirmation that the intent was for a fairly specific variation for a specific activity as opposed to just a variation. Mr. Sbiral agreed and stated Number Four is specific only for placing portions or entire parking spaces inside of that 25-foot yard. Number Five takes into account two things; one is the required landscaping and screening which is shown on their landscape plan. Mr. Sbiral noted the Plan Commission has seen this requested variation in previous petitions due to the way our Ordinance is worded which states the petitioner must request that variation. Secondly, the lighting standards are located three and one-half feet from the property line. Mr. Sbiral noted that might change. Community Bank is talking to Public Works about potentially moving those lighting standards into the right of way where the Village's existing lights are now.

Chairman Jirik opined it was good to have dialog regarding intent so that there is clarity. With this clarity, Chairman Jirik stated looking at Warren Avenue requested variation Number Three has a smaller change from the 29 feet 2 inches required to 24 feet 7 inches requested. For the specified uses in variation Numbers Four and Five, the requested variation is much larger, but it is for a particular specified activity.

Mr. Sbiral stated the requested Variations Numbers Two and Three are tied specifically to the building and specifically to this site plan.

Chairman Jirik asked if there were any further questions or comments. Hearing none, Chairman Jirik called for a motion noting that the Plan Commission is in a recommendation mode with regard to this petition.

WITH RESPECT TO FILE NO. PC-07-04, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO

THE VILLAGE COUNCIL REGARDING THE PROPOSAL TO CONSTRUCT A NEW 14,578 SQUARE FOOT BANK AND OFFICE BUILDING TO INCLUDE A DRIVE-UP (BANK AND ATM COMPONENT) INCLUDING REQUESTED VARIATIONS SUBJECT TO THE FOLLOWING:

- 1. ALL DELIVERY LOADING/UNLOADING OPERATIONS SHALL OCCUR ON SITE;**
- 2. ALL STORAGE OF REFUSE SHALL OCCUR COMPLETELY IN APPROPRIATE AND ARCHITECTURALLY COMPATIBLE ENCLOSURES AT ALL TIMES;**
- 3. THE EXISTING STRUCTURE MUST BE REMOVED NOT MORE THAN 90 DAYS FROM THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE NEW STRUCTURE;**
- 4. COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS PRIOR TO THE ISSUANCE OF PERMITS AS OUTLINED IN THEIR MEMORANDUM DATED JUNE 14, 2004, AND WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED MAY 19, 2004;**
- 5. ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. THE VILLAGE RESERVES THE RIGHT TO RE-OPEN ITS REVIEW PROCESS UPON RECEIPT OF SUCH INFORMATION.**
- 6. THIS RECOMMENDATION IS FURTHER CONDITIONED THAT IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.**

MR. NICHOLAOU SECONDED THE MOTION.

Chairman Jirik asked if there were any further questions regarding the variations requested. Chairman Jirik asked if the intent of Mr. Griesbaum's motion was to recommend approval of the requested variations as outlined in the Staff report, and Mr. Griesbaum and Mr. Nicholaou concurred.

Mr. Waechtler asked if Condition Number Four, which references Public Works requirements, includes any County stormwater issues. Mr. Hall responded that the County issues were identified in the Public Works memo dated June 14, 2004. Hearing no further questions, Chairman Jirik asked for a roll call:

ROLL CALL:

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

NAY: None

Motion passed unanimously.

Chairman Jirik announced anyone wishing to follow the review process to determine the date when this would be scheduled before the Mayor and Village Council should contact Staff. Mr. Sbiral stated because of the 4th of July holiday, this petition would probably be heard at the second workshop date in July.

PUBLIC HEARING: FILE NO. PC-08-04 – Petition seeking final plat approval for the Pettit Resubdivision (3 single family lots) – Property located on the west side of Plymouth Street, approximately 172 feet south of 61st Street, commonly known as 6124 Plymouth Street, Downers Grove, IL (PIN 09-18-410-003); Gregg Pettit, Petitioner/Owner

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

Greg Pettit, 6124 Plymouth Street, Downers Grove, stated in 1979 he and his wife purchased a house on three acres of land in Downers Grove on Plymouth Street. In about 1985, the Ponstein Builders group came through and advised them they were purchasing the parcel next to the Pettits and developing the area. They asked if the Pettits were interested in participating in that development. Mr. Pettit indicated they sold off two acres retaining just over one acre. Ponstein Builders put in a street right beside them. The Pettits changed their address from 61st Street to Plymouth Street, which was very difficult to explain because they did not move but merely changed their address. Mr. Pettit stated good neighbors with young children moved in. His children and the neighborhood children all grew up together. All the children are either in college or going off to college and are past the stage of playing in the lot next door. He and his wife have decided it is a good time to subdivide. They originally were just going to strike off one lot beside their lot but instead decided to divide the parcel into three lots as it is very large; 253 feet wide by 180 feet deep.

Mr. Pettit stated his belief that all concerns brought up by Staff have been addressed. They are not asking for any variations. All of the lots are at least Code or larger. Mr. Pettit asked the Plan Commission to recommend final approval of the proposed three-lot subdivision.

Chairman Jirik asked Staff for its presentation.

Mr. Sbiral explained this is a Final Plat of Subdivision request per Chapter 20 Subdivision Control Ordinance, Section 20-505, Final Plat – Petition. Mr. Sbiral stated in 1985 the property was originally annexed and rezoned as part of Plymouth Place Subdivision. The parcel is just over one acre in size, and the zoning of the property is R-3, Single Family Residential. The zoning of the properties to the north, south and east of the subject property is also R-3, Single Family Residential. The property to the west is unincorporated DuPage County, R-4, Single Family Residence. Mr. Sbiral noted the proposal is consistent with the Future Land Use Map designation of Residential, 0-6 dwelling units per acre, with a resulting density of 2.86 dwelling units per acre.

With regard to bulk characteristics, Mr. Sbiral stated there are no exceptions required for this petition. Lots will range from 13,500 square feet up to over 16,000 square feet with one lot 75 feet wide and two lots 89 feet wide. All the lots will be 180 feet deep.

Mr. Sbiral pointed out the petitioner currently lives on the property. Their residence straddles what would be the lot line between Lots 2 and 3. Therefore, Lots 2 and 3 would not be developable until the existing structure was demolished. At this point, only Lot 1 would be able to be built with a new home. At any future time after the existing home is demolished, then Lots 2 and 3 would become developable.

Mr. Sbiral pointed out that the Public Works memorandum notes all the public improvements were installed as part of the Plymouth Place Subdivision. Any parkway trees will have to be protected and/or replaced if they are in the area of a driveway apron.

With respect to required school and park donations, Mr. Sbiral stated the total amount of donations for the three homes that would be constructed is \$7,654.04, which takes into account credit for the existing three-bedroom home. Mr. Sbiral indicated this payment would have to be made to the Village prior to the granting of final plat approval and subject to confirmation when the construction permits are pulled for the new houses.

With respect to the recommendation, Mr. Sbiral stated the Staff Development Team has reviewed the petitioner's request and concurs to request that the Plan Commission consider forwarding a favorable recommendation to the Village Council for the proposed Pettit Subdivision Final Plat of Subdivision, subject to the following conditions:

1. The existing residence must be demolished prior to any development on proposed Lot 2 or Lot 3 prior to the issuance of any building permits;
2. Compliance with all Public Works requirements and conditions prior to the issuance of permits as outlined in their memorandum dated May 27, 2004 and compliance with all Fire Prevention Division requirements and conditions as outlined in their memorandum dated May 7, 2004;
3. Payment of required school and park district donations in the amount of \$7,654.04 prior to Village Council consideration of the proposed Final Plat of Subdivision;
4. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information;
5. This recommendation is further conditioned that it is the Petitioner's obligation to maintain compliance with all applicable Federal, State, and Village laws, ordinances, regulations, and policies.

Chairman Jirik asked if there was any member of the public who wishes to speak regarding this petition. There was no response, and 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. Mr. Nicholaou commented that Mr. Pettit owns a beautiful piece of land. He

encouraged the petitioner construct something that is architecturally compatible with the other homes in the neighborhood.

Mr. Waechtler commented he also looked at the property, and he asked Mr. Pettit to save as many of the beautiful trees as possible as it would certainly enhance the future development. Mr. Pettit responded they have been considering staying on the middle lot simply because there are two chestnut trees on that lot as well as several black walnut trees.

Mr. Stark asked Mr. Pettit if he is going to develop the lots or will he be selling them. Mr. Pettit responded he would not develop the lots, and currently they only plan to sell the lot that does not have the house on it. Mr. Pettit explained the tax burden is heavy because of the existing frontage, and they no longer need that acre for their children who are now grown.

Chairman Jirik asked Mr. Sbiral to clarify Condition Number One in the Staff recommendation. He asked administratively what is the simplest means for the Village to track that condition; would it be prior to the issuance of building permits or prior to the issuance of physical activities constituting construction. Mr. Sbiral responded it would be prior to the issuance of building permits. Once the subdivision is complete, they would not be able to obtain a building permit to build a house on Lots 2 or 3 until the existing home is demolished.

Chairman Jirik asked if there were any further questions or comments. Hearing none, he called for a motion.

WITH RESPECT TO FILE NO. PC-08-04, MRS. REYNOLDS MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PETITIONER'S REQUESTED ACTION FOR THE PROPOSED FINAL PLAT OF PETTIT SUBDIVISION FINAL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE EXISTING RESIDENCE MUST BE DEMOLISHED PRIOR TO ANY DEVELOPMENT ON PROPOSED LOT 2 OR LOT 3 PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS;**
- 2. COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS PRIOR TO THE ISSUANCE OF PERMITS AS OUTLINED IN THEIR MEMORANDUM DATED MAY 27, 2004 AND COMPLIANCE WILL ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED MAY 7, 2004;**
- 3. PAYMENT OF REQUIRED SCHOOL AND PARK DISTRICT DONATIONS IN THE AMOUNT OF \$7,654.04 PRIOR TO VILLAGE COUNCIL CONSIDERATION OF THE PROPOSED FINAL PLAT OF SUBDIVISION;**
- 4. ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE**

CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. THE VILLAGE RESERVES THE RIGHT TO REOPEN ITS REVIEW PROCESS UPON RECEIPT OF SUCH INFORMATION;

Mrs. Reynolds commented based on the minutes of the May meeting, the Plan Commission decided not to include Recommendation Number 5 in future Staff reports. Chairman Jirik pointed out Recommendation Number 5 was reworked. Recommendation Number 5 is informational and notes it is the petitioner's obligation to maintain compliance and clarifies the intent.

5. THIS RECOMMENDATION IS FURTHER CONDITIONED THAT IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.

MR. GRIESBAUM SECONDED THE MOTION.

Chairman Jirik asked if there was any discussion or questions regarding the content or the intent of the motion. Hearing none, Chairman Jirik called for a roll call.

ROLL CALL:

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

NAY: None

The motion passed unanimously.

Chairman Jirik announced anyone wishing to follow the review process to determine the date when this would be scheduled before the Mayor and Village Council should contact Staff.

Chairman Jirik recessed the meeting at the request of Mr. Nicholaou at 8:45 p.m. and reconvened the meeting at 8:55 p.m.

PUBLIC HEARING: FILE NO. PC-09-04 – Petition seeking a lot split – Property located on the north side of 35th Street, approximately 295 feet west of Pomeroy Road, Downers Grove, IL (PIN 06-31-201-033); Regent Land Company, James R. Pasquinelli, President; Standard Bank & Trust, Owner

Chairman Jirik pointed out the Plan Commission is the final authority for this petition. He asked if there was a representative of the petitioner present.

James Pasquinelli, President of Regent Land Company, stated Regent Land Company is the beneficiary of the Standard Bank trust. Mr. Pasquinelli noted as President he has direction of the trust. Mr. Pasquinelli explained he is seeking a lot split of Tract One which is a 1.13 acre parcel zoned R-3, Single Family Residential, into two separate lots also zoned R-3. Mr. Pasquinelli noted he is not asking for any change in zoning. He is asking to change one very large R-3 lot into two large R-3 lots. If the lot split is granted, one lot would have a lot width of 75 feet with a median depth of 403.32 feet for a square footage of 30,250 ft. The remaining lot would have a lot width of 90 feet with a median depth of 179.32 feet for a square footage of 15,792 feet. Mr. Pasquinelli stated a 20.5-foot right of way would be dedicated to the Village of Downers Grove for the improvement of 35th Street west of Pomeroy Road. Mr. Pasquinelli noted the proposed lot dimensions have taken into account the street dedication. Mr. Pasquinelli stated this petition does not require any exceptions, nor does it require a residence to be razed or removed which might alter the character of the surrounding properties. Mr. Pasquinelli pointed out the prior use of this property was farmland. The zoning of the property immediately across the street is R-1, Single Family Residential, and the neighboring properties to the east are R-3, Single Family Residential with the exception of the Tollway right-of-way to the west.

Mr. Pasquinelli stated the property is heavily wooded with many trees with a ten-inch diameter or greater. There are also many trees 3 inches in diameter and greater that could also be saved to maintain the wooded character of the site after the residences are built.

Mr. Pasquinelli advised there are extraordinary development costs regarding this property. A small area of wetlands in the southwest corner of the property must be mitigated off site with an estimate cost of over \$17,000. Also a storm sewer must be installed across the entire front of the property and carried off site for a distance of over 162 feet. The estimated cost of the storm sewer installation is over \$15,000. Mr. Pasquinelli pointed out this work is necessary whether there are one or two lots. Mr. Pasquinelli stated the proposed lots exceed the required dimensions, and he requested approval of his Lot Split Petition.

Chairman Jirik thanked Mr. Pasquinelli and asked Staff for its presentation.

Mr. Sbiral, Current Development Planner, stated the petition is for lot split approval subject to Chapter 20 of the Subdivision Control Ordinance, Section 601 that covers Lot Splits. The property as shown on the displayed exhibit is just west of Pomeroy Road and just east of I-355/I-88. Mr. Sbiral pointed out a piece of Toll Authority right of way, which is shown as R-3, Single Family Residential zoning in error. The subject property and the property immediately to the east were rezoned to R-3, Single Family Residential from their annexation zoning of R-1, Single Family Residential in 1987. The current zoning map shows the properties on the south side of 35th Street as R-3 zoning. They are actually zoned R-1, Single Family Residential. In researching the background of this property, it was discovered that a mistake was made on the Zoning Map in 1991. With regard to bulk characteristics, Mr. Sbiral stated the lot is 1.13 acres in size. The resulting lots will have areas between 15,000 square feet and just over 30,000 square feet.

One of the lots will be 75 feet wide and the other lot will be 90 feet wide. The depths on both lots will be in excess of the 140-foot requirement at 177 and 405 feet. All bulk characteristics are either met or exceeded.

Mr. Sbiral recalled that this property was the subject of a subdivision proposal some years back. There was discussion at that time as well as subsequent to that time about fixing the crook in 35th Street and making the transition from 35th Street east of Pomeroy to 35th Street west of Pomeroy safer. Public Works has been in discussion with the owner of the property to the east of the subject property as well as with Mr. Pasquinelli regarding some additional right of way dedication to be able to make that curve more gentle in order to straighten out and improve 35th Street. Mr. Sbiral noted the 20.5 foot additional dedication is going to bring the 35th Street right of way in that area to a full 70-foot right of way, which is the Village's requirement for a local street.

With regard to stormwater management and wetlands, Mr. Sbiral stated there are a few delineated wetlands in the southwest corner of this property. Those wetlands are smaller than 1/10th of an acre in size and, therefore, can be filled subsequent to adequate payment into a DuPage County Wetland Mitigation Fund. Mr. Sbiral noted the petitioner has chosen to do this, and the wetland mitigation has been reviewed as part of the Public Works memo, which is attached to the Staff report.

With respect to the recommendation, the Staff Development Team has reviewed the petitioner's request and concurs to recommend that the Plan Commission consider an approval of the petitioner's requested action for the proposed lot split, subject to the following conditions:

1. Compliance with all Public Works requirements and conditions as outlined in their memorandum dated May 27, 2004 and compliance with all Fire Prevention Division requirements and conditions as outlined in their memorandum dated May 14, 2004 (Mr. Sbiral noted the Fire Prevention Division just had one requirement which was that a fire hydrant be located within 300 feet);
2. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information.
3. This recommendation is further conditioned that it is the Petitioner's obligation to maintain compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

Mr. Sbiral pointed out to the Plan Commission members that Conditions No. 2 and No. 3 had been reworked with the Legal Department since the last Plan Commission meeting to better reflect Village goals and revised language.

Chairman Jirik asked if there was anyone in the audience who wished to speak for or against this petition. He explained anyone wishing to speak should come to the podium and state their name and address for the record before making their statement.

Mrs. Carol Dobbie, 1611 35th Street, Downers Grove stated she lives directly across the street from the proposed lot split. Mrs. Dobbie distributed aerial photographs of the entire area. She noted 35th street is shown at the right-hand corner of the photograph. She also distributed photographs of existing houses in the area.

Mrs. Dobbie advised the Plan Commission members that she was also speaking on behalf of Dr. Elizabeth Orsay and Dr. Charles Orsay, 1609 35th Street, Downers Grove. Mrs. Dobbie indicated the Orsays were unable to be present this evening as they are in Germany at the present time. She acknowledged that a letter from them was included in the Plan Commission packet.

Mrs. Dobbie distributed a map of the area. She noted Mr. Pasquinelli characterized the proposed lots as very large and commented if the parcel is divided the resulting lots will be extremely small in comparison to all of the lots owned and lived on by those here this evening to protest the lot split. Mrs. Dobbie stated they believe the proposed lot split is not consistent with the trend of development in the area over the last 16 years. They believe it will dramatically alter the essential character of their locality, and it will have a negative impact on the value of their surrounding properties. Mrs. Dobbie referenced the map and pointed out the properties to the south comprise approximately eight and one half acres. The property to the north is a little over four acres of which 2.93 acres has an existing house on it. Mrs. Dobbie stated all of the existing homes are on large estate type lots. They average one and one-half acres and are setback 100 to 150 feet from 35th Street. Mrs. Dobbie noted the owners have invested substantially in creating a wooded, park-like area not unlike Denburn Woods. She again emphasized that they are concerned about the character of the area.

Speaking on behalf of the Orsays, Mrs. Dobbie noted they had a concern about the zoning. The Orsays indicated although they owned their property in 1987, they did not receive notice of the zoning change from R-1 nor was there a sign posted on the land when the zoning change was made. Mrs. Dobbie acknowledged that the residents on the south side of the street believed the north side of 35th Street was still R-1 zoning, the same as their properties.

Mrs. Dobbie stated when the Orsays built their house, which is on a little over two acres, they were required to build a large detention area to the south of their house. She noted it is not visible on the aerial photograph because of the trees.

Mrs. Dobbie stated her property, 1611 35th Street, is fairly flat and directly across the street from the proposed lot split. Whenever it rains hard, the 150 feet of woods in front of their home serves as a detention area. The water, several inches deep, stands there in their woods for sometimes a day or two. Mrs. Dobbie expressed the belief that water ought to be kept on land from which it originates. Moving it downstream is not a good plan as far as the entire Village is concerned. With all the flooding that has been going on all around the United States, this might be something that would be very important.

Mrs. Dobbie stated the Downers Grove Stormwater and Flood Plain Ordinance stated purposes include “preserving and enhancing existing wetlands” and “encouraging the use of stormwater storage in preference to stormwater conveyance”.

William Mueller, 1615 35th Street, Downers Grove stated he is opposed to the proposed lot split. He looked at a sketch which shows how the houses would be laid out, and his major concern is that by having such narrow lots the houses will be very much closer to the street than everybody else’s house. The woodsy look off of 35th Street will be lost. Mr. Mueller indicated Mr. Pasquinelli is talking about keeping the woods, but if you look at the way the houses would be situated on those lots, the wooded area would not be in front of the houses as they are on the south side of 35th Street. The trees would be behind the homes and not visible to the current residents across the street.

Mr. Mueller also brought up the issue of the rezoning of the property on the north side of 35th Street and stated he and his neighbors were never aware of this rezoning.

Michael Carr, 3460 Pomeroy, Downers Grove stated with the development of the lot behind his property (1610 35th Street), there are no longer any trees to block the view of the Tollway and the ramp. He noted the noise level from the Tollway is much higher as a result. Mr. Carr expressed concern regarding property values if this lot split is approved.

Chairman Jirik asked Staff for clarification regarding stormwater. Mr. Sbiral advised on-site detention is not required under the Village’s Stormwater Ordinance. Chairman Jirik next asked who reviews the stormwater issues, and Mr. Sbiral responded Jon Hall. Mr. Hall stated as part of the plan review, the proposed swales and slopes are reviewed. He explained that parcels less than three acres in size pay into a County fund in lieu of providing detention.

Chairman Jirik advised the audience that the Village of Downers Grove does not regulate trees on private property.

Eugene Cage, 1610 35th Street, Downers Grove stated the proposed lot split will not improve the existing neighborhood, and it will reduce property values. Mr. Cage indicated the Village had approached him about giving up some of his frontage in order for the Village to widen the right of way of 35th Street by seven feet. Mr. Cage stated he is no longer interested in doing that if this lot split is approved.

Renea Cage, 1610 35th Street, Downers Grove stated she and her husband strenuously object to the proposed lot split of the lot immediately west of their property. She agreed with previous testimony that the proposed lot split would change the property values of existing estate-like homes.

Mrs. Cage indicated she had spoken with Mr. Barber, Public Works Director at 4:00 p.m. today regarding two proposals for widening and straightening 35th Street west of Pomeroy. This has been discussed for several years. Mrs. Cage suggested that the Plan Commission should table this petition until they have all the facts.

Mrs. Cage went into the background of their property and the subject property. She stated that Mr. Lightbody of Trison Builders, who owned these parcels, advised them that he planned to construct a single home on the subject lot. She went on to explain the connection between Mr. Lightbody and Mr. Pasquinelli, the owner of the lot immediately west of their property. On March 3, 2003, Mr. Lightbody listed the property they now own on the MLS. Mrs. Cage stated although the property belonged to Mr. Pasquinelli at the time, Mr. Lightbody told them he owned the land. The tax database shows the transfer from Mr. Pasquinelli's bank to Mr. Lightbody (Trison Builders) effective May 20, 2003, two months later. Mrs. Cage expressed the opinion that Mr. Lightbody represented Mr. Pasquinelli. Mrs. Cage stated the subject property was listed on the MLS several times by Mr. Lightbody proposing different homes until May 25, 2004, less than one month ago. Mrs. Cage stated Mr. Lightbody's most recent listing proposed to build one single-family, 5,100 square foot house on the lot. She provided the listing sheet for the record. Mrs. Cage indicated Mr. Lightbody could not build a 5,100 square foot lot on a split lot and still maintain the Village's side setbacks.

Mrs. Cage expressed her belief that the rights and property values of the existing homeowners in the area should take precedence over that of a builder who does not live here and is simply looking to make a few more dollars on his vacant land while changing the landscape of the area and affecting property values of generations to come.

Mrs. Cage next asked what Mr. Pasquinelli is proposing to build on those lots. She stated a buyer is interested in this lot with the intent to build one house in which they would reside. Mrs. Cage advised the prospective buyer met with Mr. Pasquinelli in the interest of purchasing this lot.

Mrs. Cage asked if Mr. Pasquinelli planned to allow Trison Builders to build on the proposed lots. She then went into detail regarding outstanding issues with Trison Builders including failure to repair the street he damaged during the construction of their home, failure to complete lot clean-up on their land, failure to construct a driveway, failure to complete basic landscaping, failure to stain the front door and numerous outstanding interior items to complete. Mrs. Cage also informed the Commission that Mr. Lightbody did not pay all of his subcontractors for work completed on their home. Two mechanics' liens have been filed against them since they moved into their new home.

Mrs. Cage stated Trison Builders should not be allowed to begin any other projects in the Village of Downers Grove until he has completed their home at 1610 35th Street.

Mrs. Cage advised the Commission that Scott Lightbody of Trison Builders sold a section of the rear of their lot (north end) to a neighbor without their permission. In doing this he did not pursue a lot reconfiguration through the Village of Downers Grove, the Recorder of Deeds or the Tax Assessor's office. Mrs. Cage stated because the sale was illegal, Mr. Lightbody of Trison now owes their neighbors \$4,556 and has promised to repay their capital.

Chairman Jirik advised Mrs. Cage that the lot split is the only issue within the purview of the Plan Commission.

Ed Hrbak, 1511 35th Street, Downers Grove stated he was present this evening to support his neighbors. He also agrees that property values will be lowered if the proposed lot split is granted.

Pamela Meadows, 3500 Pomeroy, Downers Grove, stated she too was present this evening to support the neighbors. She asked that the Plan Commission deny the proposed lot split.

Christopher Dobbie, 1611 35th Street, Downers Grove, stated he and his neighbors and met with everyone from the Mayor on down. He stated everyone had sympathy for the neighbors' position. Mr. Dobbie acknowledged while the proposed lot split meets all of the bulk requirements; the Plan Commission has the authority to approve or not approve this petition. Mr. Dobbie read the following prepared remarks: "Mr. Jim Pasquinelli is petitioning the Planning Commission on June 21, 2004 to split the lot located on the north side of the west end of 35th Street. I wish to protest this action in the **strongest possible terms**. If such a split were approved it would dramatically alter the essential character of this locality. Further, it is inconsistent with the trend of development on the 12 acres that comprise the enclave at the end of 35th Street. Over the last 16 years a number of large estate type homes have been built on the seven lots that comprise the 12 acres. In fact, none of the homes built in the last 16 years would even fit on the lots being proposed. This action will undoubtedly have a negative effect on the value of the surrounding properties.

When this area was annexed into the Village all seven of the lots were zoned R-1. For some reason, in an action unknown to the residents, the two lots to the north of 35th Street were rezoned to R-3. Although the lots were never reconfigured to reflect this, they remain to this day de facto R-1 lots. Mrs. Pasquinelli, having sold off the larger 3 acre lot to the east for a large estate type home, now proposes to divide the smallest of the seven lots into two even smaller lots. Since the lot in question is surrounded on all sides by R-1 size lots this would result in a de facto spot zone. In addition the construction of two homes on this property will inevitably result in the destruction of a wetland.

All of the neighbors involved understand that Mr. Pasquinelli meets the minimum bulk requirements for the proposed split. But a developer meeting the bare minimum requirements should not be justification for inconsistent development, destroying the essential character of the area and running down our property values. All of the neighbors involved here are outraged at this proposal.

A final point that you should be aware of is that no Village zoning map printed in the last 16 years (including the current one) has correctly represented the zoning of the 12 acres at the end of 35th Street. I am attaching a letter from Keith Sbiral indicating that the correct zoning of the lots to the south of 35th Street is and has always been R-1. I am also attaching a map of the area.

Our objective is simple, one lot, one home.”

Chairman Jirik advised Mr. Dobbie that some of his comments were inappropriate to this hearing. Mr. Dobbie stressed that the following sections of the Code would not be met if this lot split were granted: general welfare, character and stability of the area, not consistent with the one acre or larger lots in the area, would dramatically alter the character of the neighborhood and would have a negative impact on the surrounding properties.

Mr. Dobbie acknowledged that Mr. & Mrs. Cage’s home added considerable value to the area. Mr. Dobbie stated Mr. Pasquinelli could sell one or two lots. He advised the Plan Commission not to consider interests of an outside developer over the interests of the residents of this community.

Chairman Jirik asked if there were any further questions or statements from members of the audience. Hearing none, he closed the public participation portion of the hearing.

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

Mr. Waechtler addressed his remarks to Mr. Dobbie. He informed Mr. Dobbie that the tone of his voice was intimidating towards the Plan Commission members. Mr. Waechtler emphasized that none of the petitions that are presented to the Plan Commission could ever be considered a slam-dunk for the developers. Mr. Waechtler noted he was offended by Mr. Dobbie’s tone, his remarks were very inappropriate and he felt Mr. Dobbie should extend an apology to the Plan Commission.

Mr. Sbiral stated land that is taken, as part of a Tollway or right of way dedication is not considered part of a land division that would be considered a previous lot split under the Plat Act. Chairman Jirik asked for confirmation that this was reviewed, and it was determined to be eligible for this type of petition. Mr. Sbiral stated this was reviewed, and the lot can be split under Chapter 20 of the Subdivision Control Ordinance, Section 20-600 Lot Splits.

Mr. Dobbie apologized to the Plan Commission members.

Mr. McCormick asked Mr. Hall if the detention pond was on Tollway property. Mr. Hall noted that water on the property flows north to south and a detention exists on Tollway property for purposes of Tollway detention. George Nicholaou asked Mr. Hall if there were wetlands at the southwest corner of the property.

Mr. Hall explained there are wetlands; however, they are small, and the County regulations state any wetlands under 1/10 of an acre can be filled.

Ronald Waechtler asked about detention on the back of the lot. Mr. Hall responded because of the natural contour of the property, detention on the rear of the lots would not be appropriate.

Mr. Stark asked if the lot involved in this proposed lot split was ever a part of 1610 35th Street. Mr. Sbiral explained originally there were two 10-acre tracts of land. He noted that the subject property has been reduced in size over the years due to the Tollway, but was never a part of 1610 35th Street.

With regard to the lots on Pomeroy, Mr. Stark asked how long have they been R-3, single family residential. Mr. Sbiral indicated he did not know how long the Pomeroy lots had been R-3, single family, but he suspected they were zoned R-3 at the time their subdivision was created. Mr. Sbiral further explained the 1987 notification for rezoning was specific only to the 1610 35th Street property and the subject property. He also noted that the property owners at the time of the rezoning were noticed by mail.

George Nicholaou pointed out Pomeroy is part of Innisbrook and would have been rezoned prior to the homes being built. Mrs. Reynolds and Mr. Stark both asked if all of those lots have been built upon, and Mr. Nicholau indicated they have been built out for a considerable length of time.

Mr. Griesbaum stated when the Plan Commission considers a lot split there is always discussion regarding the look, character and make-up of the area. He asked Staff to further define the area of the property that was considered when developing the Staff Report. Mr. Griesbaum asked if the Pomeroy Road area was included.

Mr. Sbiral responded there are a number of areas in the Village where different zoning districts abut each other. This type of situation where you have R-3, single family residential next to R-1, single family residential or R-2, single family residential is not rare. As Staff reviews a petition, they look at the Subdivision Ordinance as being fairly direct in its bulk requirements for a lot split. With regard to the character of a neighborhood, you are looking at a much different view of the Code and the Ordinance than specific standards that are listed. Staff does look at that in every case as part of the review process. Staff attempts to determine if an area or neighborhood makes sense. Mr. Sbiral recalled the Blanchard lot split where Staff looked at an area comprised of about one block in all directions. Mr. Sbiral noted in this case it is a little unclear because to the south there are larger lots with larger homes, directly to the east there is one property with a larger home and then much smaller properties on Pomeroy. Mr. Sbiral recalled previous petitions involving this property where there were six homes proposed, eight homes proposed, two homes proposed. The Staff Report concluded this proposed lot split met the character of R-3, Single-Family Residential zoning.

Ron Waechtler stated the character of a neighborhood is up to the discretion of the Plan Commission. He commented it is somewhat premature for Staff to make that decision. Mr. Waechtler recalled there have been some cases where the Plan Commission has made the decision that the proposed lot split does not fit the character of the neighborhood. Mr. Waechtler stated on the south side of 35th Street there are nine properties including a flag lot. Five of the properties exceed the 90-foot frontage of one of the petitioner's proposed lots and two of the nine properties exceed the 75-foot frontage of the

petitioner's proposed other lot. Mr. Waechtler stated in his opinion the predominance of larger properties reflects the character of the neighborhood.

Randy Stark stated from his own perspective he has heard enough answers from Staff and comments from members of the community. He said some of the information that has been provided to him has been enlightening and some of it has been irrelevant to the purview of the Plan Commission, as the Chairman has mentioned on several occasions. Mr. Stark noted the Plan Commission is here to decide whether or not they are going to split a piece of property. What the owner does with the trees on his property unfortunately is not within the Commission's purview. With respect to the flooding calculations, Mr. Stark noted the numbers have been met. The proposal as drafted would meet the essential requirements for the flooding and water issues on the property. Mr. Stark indicated he was not impressed by the idea presented this evening that the Commission is spot zoning. Notice was given; everything that Staff is telling us historically seems to bear out that the property owners were given information that this was R-3. Their argument that they were not given notice is not something the Plan Commission can address right now as the Commission is not conducting a hearing to determine whether or not they were given proper notice in 1987. Mr. Stark noted he is left with one issue; whether the proposed lot split reflects the trend of development in the area. He indicated Staff has gone through the calculations and made a recommendation that the proposal meets the fundamental criteria. Mr. Stark frankly stated he did not believe it does meet the trend of development for this little corner of Downers Grove. When you come to the end of 35th Street, you have the ability to have this large frontage presentation area to the street. He also noted the wooded nature of this community. Mr. Stark stated in his mind wringing every possible number of lots you can get out of this large piece of property is not to the characteristic of what has been developed and does not meet the trend of development.

Chairman Jirik asked if there was someone in the audience who feels qualified to answer his questions regarding impact on the neighboring land values. Chairman Jirik asked if anyone sought the opinion of a realtor or someone with credentials or qualifications to render a substantive opinion.

Mr. Cage advised his wife is a real estate broker and together they own multiple rental units. Mr. Cage stated he is also a homebuilder. They moved from a four-bedroom home in Westchester with less property value and invested dearly to move to Downers Grove. Immediately they saw the impact of their investment and the immediate gain for the future. Mr. Cage stated they come to the table with expertise and experience on the value of the land and what they invested in and what this split would do to negate their hard work effort.

Chairman Jirik asked for the thesis of the harm that causes the degradation. Mr. Cage responded if you drive on a clear, sunny day down 35th Street you see beautiful homes on smaller lots. When you cross Pomeroy and come to the dead-end of 35th Street, you see large lots with substantial sized homes deeply set back on their lots. You step into a different environment.

Chairman Jirik asked Mr. Cage or others how they quantitatively assess that difference. Mr. Dobbie stated Mr. Pasquinelli told him he proposes to build two \$600,000 homes. Chairman Jirik indicated Mr. Pasquinelli could speak to that.

Chairman Jirik reiterated he is trying to determine the thesis of harm and quantitatively how does it cause the harm. He again asked for someone to explain the thesis.

Mr. Dobbie stated the thesis of harm is that in the last 16 years million dollar plus homes have been built in the area, which is the trend. Another million-dollar home built on this tract or our objective of one home one lot enhances, maintains or adds to the value of the surrounding properties. Chairman Jirik asked what the basis was for the million dollars. Mr. Dobbie responded the thesis is based on a real estate rule of thumb of what this lot would probably sell for... Chairman Jirik asked Mr. Dobbie if he was suggested the existing homes are million dollar homes and again asked on what basis. Mr. Dobbie stated the basis is realtors who tell the property owners on 35th Street that their properties are worth a fortune. Mr. Dobbie stated the fact that Mr. Cage's home and the Orsay's home are each worth one million plus is not in question. There are three million dollar plus homes here that have been built in the last 16 years. Another million dollar home enhances the area, does not take the property values down and certainly the best type of lot, 160 feet of wooded frontage, would get a million dollar home on it. Mr. Dobbie continued, if you take two lesser value homes, simple math tells you that property values will decrease. Mr. Dobbie indicated the Plan Commission would be taking money out of the residents' pockets and giving it to Mr. Pasquinelli. Mr. Dobbie emphasized this is one of the reasons for their outrage. Mr. Dobbie concluded the thesis is to maintain or enhance the area rather than pull the area down.

Chairman Jirik asked Mr. Pasquinelli for his view on this issue.

Mr. Pasquinelli asked if this was time for his rebuttal. He noted the Commission has reached the deliberation stage without him being able to speak and respond to the outrageous statements made tonight. Chairman Jirik asked Mr. Pasquinelli for a statement regarding the impact on the land values, which seems to be a substantive question. Chairman Jirik noted most of the information he has heard thus far seems to be somewhat anecdotal and qualitative.

Mr. Pasquinelli stated he bought this parcel three years ago. When he asked the realtor what a fully improved lot would be worth he was told \$125,000 per lot. He took a big chance on buying this property. The Lee family had this property on the market for 15 years with no takers. Mr. Pasquinelli stated he came to this property because one of the homeowners through a mutual friend told him the property was available, and it would be nice if a respectable builder/developer would come and develop this property. Mr. Pasquinelli stated at that time his detractors wanted this beautiful wooded property developed because it was an eyesore. They said kids were partying on the property and fly-by dumping was always happening. He looked at this four acre parcel zoned R-3, single family residential and wanted to build a nice subdivision. He gave the neighboring homeowners sketches of what he planned to do on that property. Mr. Dobbie and his

wife welcomed him. They said finally somebody is going to develop this property. Mr. Dobbie mentioned to him if there could be some way that he could look at the fronts of the proposed homes rather than look at the sides of homes. Mr. Pasquinelli told him that if he moved the street over to the end of the property, he could face three houses to 35th Street and move the new street on the west end of the subject property going along the fence line of the Tollway with a cul de sac.

Mr. Pasquinelli told the Plan Commission he tried to develop all of this property. He had serious problems with a Site Specific Stormwater property on the neighboring property, 1610 35th Street. It holds water. Also there are wetlands back there which exceed 1/10 of an acre. Mr. Pasquinelli stated he had to stop his development plans because the detention pond would have been so huge for six homeowners that they could never afford to maintain it. Mr. Pasquinelli noted he had these two parcels and there was no enabling legislation for him to split Tract Two, Mr. Cage's property, which is to the east. Mr. Pasquinelli stated he sold Tract Two to a builder.

Mr. Pasquinelli next addressed Mrs. Cage's statement that there was some connection between Trison Builders and himself. Mr. Pasquinelli stated there is no connection. Trison knew he was trying to sell that parcel of property, and he sold the property to Trison. Mr. Pasquinelli noted Trison Builders is a small builder and explained typically small builders think if they can buy a parcel of property, they list it as theirs. Mr. Lightbody put the parcel in the MLS without his knowledge. Mr. Pasquinelli advised the Plan Commission that he personally explained this to Mr. & Mrs. Cage on the site. Mr. Pasquinelli stated obviously they do not believe him, and he does not know why. Chairman Jirik stated this line of discussion is not material and asked Mr. Pasquinelli to move on with his rebuttal.

Mr. Pasquinelli disagreed stating comments have been made as to his reputation and that he has some devious connection to Trison Builders, which he does not have.

With regard to stormwater drainage, Mr. Pasquinelli stated his engineer told him he has to put a storm sewer outlet on the eastern end of his property to collect the water from Mr. Cage's property. Whether one or two lots are developed, Mr. Pasquinelli indicated he would have to bear this expense.

With regard to drainage, Mr. Pasquinelli stated the ditches across 35th Street have not been maintained. He pointed out one of the neighbors who is present here this evening has a big pile of debris right where the ditch is supposed to be. Mr. Pasquinelli questioned how water could go away if there is no ditch. To the west of that property, there is a ditch that takes away the water because it is maintained. Mr. Pasquinelli commented there is not a stormwater problem there. The wetlands problem is very minor at that location. Mr. Pasquinelli recalled at the beginning when he was exploring the possibility of doing a subdivision on both of those tracts he hired a wetlands expert who said there were no wetlands on these tracts. The DuPage County Soil and Conservation agency says that does not show up on any of their maps, but that is not the question tonight. Mr. Pasquinelli stated off-site mitigation means that because this is such a small

area the environment would be better served by paying into a wetland bank in order to maintain the larger wetland area rather than trying to maintain a wetland area that is less than 1/10th of an acre. Mr. Pasquinelli explained that is the reason he is mitigating off site.

With regard to setbacks, Mr. Pasquinelli noted the front yard setback in a R-1 zoning district is 40 feet. If people decide to place their houses 100 feet back from their front property line that is their business. Mr. Pasquinelli stated the homes on the south side of 35th Street could be up to 40 feet from the front lot line. Mr. Pasquinelli stated whether there is one lot or two lots on Tract One, each lot will have a 30-foot front yard setback.

Mr. Pasquinelli noted there is a curve in the street in front of the neighbor's property to the east. Mr. Pasquinelli stated those property owners state their home is set back further. He believes it is in line with the property on the corner of Pomeroy and 35th Street. Mr. Pasquinelli indicated the houses he would build on the proposed lots would only be 20 feet in front of the Cage's house. Mr. Pasquinelli stated he only showed them a sketch. He did not shoot any dimensions.

With regard to the size of the proposed houses, Mr. Pasquinelli stated he tried to make the houses uniform, and he certainly did not try to be detrimental to anybody.

Mr. Pasquinelli recalled that he would have liked to split Tract Two, but was not able to do so because at the time there wasn't the legislation that was just passed in January 2004 that permitted a split of a lot that had wetlands of less than 1/10th of an acre.

Mr. Pasquinelli stated this property of four acres zoned R-3 was supposed to have been subdivided with a nice cul de sac like the rest of the surrounding community. Mr. Pasquinelli noted out of 16 properties within 250 feet of the proposed lot split, five of the lots are zoned R-1, and one of those five lots is a flag lot which only has a 35 foot frontage. That frontage is not on 35th Street.

With regard to the character of the neighborhood, Mr. Pasquinelli stated if you look at the exhibits provided by Staff, you would see the north side of 35th Street east of Pomeroy is all zoned R-3. Those lots are 81 by 130 feet and just make the 10,500 square foot minimum with the exception of the corner lots.

With regard to size, Mr. Pasquinelli stated the smallest existing R-1 lot is 15,700 square feet. An R-2 lot has a minimum area requirement of 15,000 square feet, which is not much of a variation from the R-1 lot. Mr. Pasquinelli stated his proposed lot two has 30,000 square feet; the Zoning Ordinance only requires 20,000 square feet for a R-1 zoning lot and 10,500 square feet for R-3 lots. Mr. Pasquinelli emphasized that his proposed lots are much larger than the R-3 zoning requirements. The character on the north side of 35th Street is smaller lots. The Cage's house has a detached garage so from the street it almost looks like there are two houses there.

Mr. Pasquinelli stated in his career he built in the City of Chicago on 25-foot lots. He built 20-foot wide houses, 20 by 52. Mr. Pasquinelli noted the Cage's garage is 20 feet wide. In Chicago, that could be another house.

Chairman Jirik asked Mr. Pasquinelli for his opinion on 1) the impact of neighboring land values and 2) character of the area.

Mr. Pasquinelli stated from the street the Cage's property looks like it has two houses on it. Mr. Pasquinelli stated his thesis is that the character on the north side of 35th Street would not be altered. Mr. Pasquinelli expressed the belief that in the last year or so there was a nice house with a three-car garage on Pomeroy that sold for \$340,000. Mr. Pasquinelli stated in his opinion that was a low price.

Mr. Pasquinelli recalled that he explained to one of the neighbors when a builder builds a house like Mr. Cage's, which was a spec house, he does not intend to sell that house for \$850-900,000, whatever the final price was. As he put the foundation in, he found a buyer. The buyer decided to significantly upgrade the house. Some of the significant features are brickwork from the foundation all the way to the eave line and a detached garage was added. Mr. Pasquinelli stated he also explained to one of the neighbors that with today's market starter houses with \$100,000 worth of upgrades inside the house, which do not show from the curb, become starter castles. Mr. Pasquinelli commented if you own a home and want to remodel your kitchen, if you can get by with \$25-30,000 you are doing good. Mr. Pasquinelli stated when he told the neighbor that the homes he would build would probably sell for \$600,000 that would be a starting price. Mr. Pasquinelli commented within the 250-foot radius of the proposed lot split, there are very few houses that are \$600,000. Mr. Pasquinelli advised if the residents think they have houses worth that, they should put them on the market. Today's houses sell at a higher price because they are better housing stock. He noted some of the bells and whistles people are willing to pay for today are nine foot basement ceilings, minimum nine foot first floor heights, two story foyers and two story family rooms, which are almost standard in today's market. Mr. Pasquinelli stated the existing housing stock in the neighborhood does not have those features. Even the better-priced houses, with the exception of the latest house built next door and the two homes he plans to build, will have the same character. Mr. Pasquinelli recalled picking up Trison Builders' brochure showing the proposed house to be 59 feet wide. That is what the Cages bought. Mr. Pasquinelli commented his proposed houses would probably be 52 feet wide, which is not much of a deviation. The proposed houses will probably be 3,500 square feet not including the basements.

Mr. Pasquinelli stated this is an opportunity for another homeowner to come to Downers Grove, enjoy its benefits and have a lot, which exceeds the zoning requirements. Most of the surrounding houses within a 150-foot perimeter are not up to the size of the lots on the north side of 35th Street.

Mr. Griesbaum asked Mr. Pasquinelli how many homes he has built in Downers Grove. Mr. Pasquinelli responded he has built over 200 homes in Downers Grove. On the south end of Downers Grove, he built in Valley View Estates Subdivision at 69th and Robey and he built the Concord Square Unit Two Subdivision at 71st and Dunham Road. Mr. Pasquinelli noted over the years he has talked to some of his customers, and they have all prospered very well. He stated, however, the marketplace always dictates the prices of the houses.

Mr. Waechtler asked Mr. Pasquinelli if it would be a financial burden to build one home on this property or would he come out ahead financially. Mr. Pasquinelli responded after what he has been through probably not. Mr. Pasquinelli stated the neighbors are wrong in thinking one house on that parcel will command a higher price. The basic imprint on the ground of the property to the east was not going to be that high of a priced house. The buyers came along and decided they liked it and put substantial upgrades into the house. Mr. Pasquinelli expressed the opinion that will probably also happen to these two lots but it may not happen either.

Chairman Jirik noted jurisdictionally, the Plan Commission is a bit stretched except for the character of the neighborhood question, which may or may not be impacted by the addition of a line dividing the property. Such a division could be inferred to have an effect on the character of the neighborhood. If there was a discontinuity in the character, the question is could that cause some effects. Chairman Jirik noted he tried to probe for quantification and expert opinion on both sides. Chairman Jirik advised the Plan Commission members that each of them would have to make their own decision after having heard the testimony.

Chairman Jirik stated the Commission members could return to dialog if they so choose.

Mr. Nicholaou stated he has been in the real estate business a long time, and he does not see property values being altered one percent. He noted this is a very difficult parcel. Mr. Nicholaou advised the applicant has had an enviable reputation in the realtor community for a number of years. Mr. Nicholaou stated from his perspective the character of the neighborhood was altered when the home at 1610 35th Street was built. Mr. Nicholaou recalled that property hit the marketplace around the high \$800,000's, and a number of realtors scratched their heads because it was a difficult parcel. Mr. Nicholaou stated he would continue to listen to the rest of the Plan Commission members before reaching a final decision. He noted some of the issues that have been brought up this evening are clouds as far as he is concerned. They are not applicable to the decision-making process. While the neighbors have good intentions, in his opinion, property values are not going to be negatively affected at all. Mr. Nicholaou stated if Mr. Pasquinelli wants to build two houses on two lots back there, hats off to him because that is probably one of the most difficult parcels in all of Downers Grove. He commented in Hinsdale they discovered if you lived next to Route 83 it was quieter than if you lived three streets over on Adams because the baffling along Route 83 raises the noise and throws it over two blocks. It is not always the case that it is noisier next to an

expressway. Mr. Nicholaou advised he would have another comment to make after he hears comments from the rest of the Plan Commission members.

Mr. Kahlke stated he drove back there and in his view splitting that lot would not be in character with the neighborhood. Mr. Kahlke noted the new house at 1610 35th Street enhances the character of that small neighborhood.

Mr. Waechtler stated as he drove west on 35th Street and crossed Pomeroy Road he felt like he was in an entirely different neighborhood. The whole landscape and the character of the neighborhood changed. Mr. Waechtler recalled earlier someone in the audience equated the area to Denburn Woods. Mr. Waechtler stated the area was not equal to Denburn Woods, but the landscaping, trees and foliage, with homes set back deep on the lots created a very special kind of area in his mind.

Mrs. Reynolds commented if the Plan Commission denies this lot split that does not mean this land will remain as it currently is with lots of large trees on it. There will be one gigantic house in there. She asked the members if that is what the Plan Commission wants. Mrs. Reynolds pointed out such a house would not be set way back on the lot. There will be a 30-foot frontage. Mrs. Reynolds expressed the opinion that the proposed lots exceed the area requirements for a R-3, single-family zoning district. Mrs. Reynolds commented that she did not see this proposed lot split as being detrimental to the neighborhood even considering the home at 1610 35th Street.

With respect to the reference to Denburn Woods, Mr. McCormick pointed out there are a number of different sized homes within Denburn Woods. There are some homes there in the range of 1.5 to 2 million dollars and there are some more modest homes that are selling for \$600-700,000. Mr. McCormick pointed out realistically the Commission should not be talking about homes. The petition is for a lot split. Mr. McCormick recalled Chairman Jirik's statement that all the Plan Commission is doing is drawing a line down a piece of property. Mr. McCormick stated he was not personally convinced that such a line would be a detriment to this area.

Mr. Waechtler asked to clarify his earlier reference to Denburn Woods. Mr. Waechtler recalled the Plan Commission has always made decisions on the character of the neighborhood based on the size of the lots, the frontage of those lots. Mr. Waechtler recalled that he had indicated five of the lots in this area had more than the 90 foot frontage of one of the petitioner's proposed lots, two were more than the proposed 75 foot wide lot; of the total nine lots, seven exceeded the lot widths of the proposed lots. Mr. Waechtler stated the Commission has to focus on what on the frontage as they have done in the past, not necessarily cost of the homes or how many trees. Mr. Waechtler also pointed out in Denburn Woods those \$600-700,000 homes are 30 years old not brand new homes. It costs a lot more to build a home today.

Mrs. Reynolds pointed out that Mr. Waechtler is just looking at one spot here. She suggested that Mr. Waechtler should look at the lots on Pomeroy. Mr. Waechtler responded that he had excluded Pomeroy in his previous comments because it was a

north-south street, and it was a different area. Mrs. Reynolds stated nevertheless it is part of the neighborhood. Chairman Jirik commended the Plan Commission members for the dignity they display in expressing disparate opinions.

Chairman Jirik asked how do we define the neighborhood. Mr. Jirik suggested a neighborhood is an intensely personal thing that is formed by people. Mr. Jirik stated when he looked at the area mathematically; he could see that the lots along Pomeroy were very small. Chairman Jirik stated the people he heard tonight convinced him that while very, very small, there is a distinct little neighborhood. They are together; there is a spirit, there is a feeling. He noted so many people in America today strive for this thing called a neighborhood. Based on this evening's testimony, Chairman Jirik stated in his mind this neighborhood does not extend out onto Pomeroy. He asked if he looks at that area as a neighborhood, then what is its character. The 90-foot wide lot arguably makes it; the 75-foot wide lot is the one that seems to be short in terms of the character of this entity that we call a neighborhood. Chairman Jirik concluded the two issues are character and the impact on the neighborhood question. Chairman Jirik expressed disappointment on that question. In his opinion, everything talked about was subjective and unsubstantiated on all fronts. Chairman Jirik noted he went out of his way to obtain testimony in this regard, which would have helped him formulate a decision. Based on the testimony given, he was unable to base his decision on that question.

Mr. Griesbaum commented this is very, very difficult petition, but in looking at 35th Street, it really does change in character as you cross Pomeroy Road going west on 35th Street. From a technical perspective, drawing the line is there; however, it is the whole look and feel of that neighborhood, that character. Mr. Griesbaum expressed his opinion that it would change the character of the neighborhood.

Mr. Nicholaou suggested that the Plan Commission members keep one thing clearly in mind. The west side of 35th Street from Saratoga to the Tollway has been a different area. Innisbrook was built in there years ago. The houses on the south side of 35th Street west of Pomeroy are very, very different than the rest of the neighborhood. These parcels but up to Orchard Brook, and they are different from that subdivision. It is an enclave unto itself. Mr. Nicholaou recalled since he was appointed to the Plan Commission, we have looked at the lots and if they meet the Ordinance the lot split was granted. Mr. Nicholaou also recalled the issue of cul-de-sacs on Fairview Avenue where the Village Council overrode the Plan Commission's recommendation. Mr. Nicholaou pointed out a lot of what he heard tonight has no impact at all on his decision-making process. Property values are not one of the factors he will consider in making his decision. Mr. Nicholaou also agreed that this was a tough petition.

Mr. Griesbaum asked Mr. Nicholaou if he agreed that the property values for these two lots with the type of homes that will be built on them would be in the \$800,000 range. Mr. Nicholaou responded the fact that a developer of repute would go back into this area and build two homes is a marvel to him. Normally, it would be a small builder who would take on some of these parcels. Mr. Nicholaou expressed the opinion that two homes built on these two lots will not hurt the property values of the surrounding

properties. Mr. Nicholaou stated the more each Plan Commission member shares his thought processes in arriving at a decision, the more helpful that type of discussion is for all of the members.

Chairman Jirik asked if there were any other discussion or questions. He advised the Plan Commission members that in the case there can only be one of two motions; approve or deny. Hearing none he called for a motion.

WITH RESPECT TO FILE NO. PC-09-04, PETITION SEEKING A LOT SPLIT OF PROPERTY LOCATED ON THE NORTH SIDE OF 35TH STREET, APPROXIMATELY 295 FEET WEST OF POMEROY ROAD, DOWNERS GROVE, ILLINOIS P.I.N. 06-31-201-033, REGENT LAND COMPANY JAMES R. PASQUINELLI, PRESIDENT, STANDARD BANK AND TRUST, OWNER, MR. STARK MOVED TO DENY THE PETITION. MR. KAHLKE SECONDED THE MOTION.

Chairman Jirik asked if there was any discussion regarding the motion. There was none. Chairman Jirik asked Mr. Nicholaou if he still wanted to ask Mrs. Reynolds for her opinion of the proposed lot split. Mr. Nicholaou agreed that he did want to hear her opinion. Mrs. Reynolds stated she did not feel it would be a detriment to the neighborhood.

Chairman Jirik further explained to the Plan Commission members that a yes vote is to deny the lot split and a nay vote is to approve the lot split.

ROLL CALL:

AYE: Mr. Stark, Mr. Kahlke, Mr. Griesbaum, Mr. Waechtler, Chairman Jirik

NAY: Mr. McCormick, Mr. Nicholaou, Mrs. Reynolds

Motion to deny passed 5:3.

Chairman Jirik advised those present that there is no further activity regarding this petition.

PUBLIC HEARING: FILE NO. PC-10-04 – Petition seeking a lot split with variations – Property located on the west side of Main Street, approximately 175 feet south of 55th Street, commonly known as 5512 Main Street, Downers Grove, IL (PIN 09-17-101-030); Susan Estall, Petitioner, Susan & Martin Estell, Petitioners

Mr. Kahlke recused himself from this petition, as his family and Mrs. Estell's family have been personal friends for many, many years.

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

Mrs. Susan Estall, 5512 Main Street, Downers Grove suggested for future meetings that if someone wants to request a continuance to allow that person's petition to move to the top of the agenda. Mrs. Estall stated she was under the impression that she would be able to do that this evening. Had she known differently, she would have made child care arrangements.

Mrs. Estall stated she is asking for a continuance. Things have changed with regard to the house at 806 Maple Avenue. It has been saved and will remain at its present location on Maple Avenue.

Chairman Jirik thanked Mrs. Estall for her patience this evening. As Chairman, he looks for an extremely compelling reason to change the order of the agenda. When a petition is complete, it is placed on an agenda.

Chairman Jirik asked Mrs. Estall if her request for a continuance was to date certain and if so, that would be August 16, 2004. Mrs. Estall indicated she wanted to keep her options open in the event something does fall through with regard to the property at 806 Maple Avenue. Mrs. Estall advised the developer has purchased the Lyman house and he and his family will live there. Mrs. Estall noted having the house remain in its original location is the best option.

Chairman Jirik stated to save considerable effort and to speed things, the Commission has now convened the public hearing which begins the process. The Commission can continue the petition, but it has to be continued to a specific date. If we continue it to July, there is a regularly scheduled meeting. If you agree to continue it to August and then you want the petition placed on July agenda, that could not be done. Chairman Jirik suggested to her that she might want to continue to the July date and if there is still uncertainty, advise the Plan Commission of that. Chairman Jirik indicated such action would be up to the vote of the majority of the Plan Commission members. Mrs. Estall agreed to ask that the petition be continued to the regular July meeting.

Chairman Jirik asked Mr. Skach if he had any comments. Mr. Skach advised there are several outstanding issues still to be resolved which might affect the ability to place this petition on the July agenda, which already has four petitions on it. In light of that, a more realistic timeframe would be August. Chairman Jirik asked Mr. Skach what he would recommend. Mr. Skach stated it was outside of his discretion. It is what the petitioner is requesting. Mrs. Estall expressed concern that if something falls through with the lot split petition for 801 Maple Avenue, the developer will want her to move the house as soon as possible. Mrs. Estall stated waiting two months could create a problem. Mrs. Estall noted she did not want to come here in July and stay until 11 p.m.

Chairman Jirik suggested that it be continued to a date certain, July 16, 2004 and be the number one petition on that agenda. Chairman Jirik noted this Commission, if it were to entertain such a motion, is well appraised that in all likelihood if this were still active would necessitate another continuation until August, but we would merely be preserving the flexibility of something is needed.

**WITH RESPECT TO FILE NO. PC-10-4 - LOT SPLIT, MR. GRIESBAUM
MOVED TO CONTINUE THE PETITION TO DATE CERTAIN, JULY 16, 2004.
MR. NICHOLAOU SECONDED THE MOTION.**

Chairman Jirik asked if there were any questions or discussion regarding the motion. Mrs. Estall expressed the hope that the Plan Commission is happy that this historical house has been saved. She noted she worked really hard this past month, and she expressed the hope that the house has been saved for future generations. Chairman Jirik called for the roll.

ROLL CALL:

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

NAY: None

RECUSED: Mr. Kahlke

The motion passed unanimously.

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

The meeting adjourned at 11:10 p.m.

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