

Chairman Jirik called the March 14, 2005 meeting of the Plan Commission to order at 7:30 p.m.

ROLL CALL:

PRESENT: Mr. Griesbaum, Mr. McCormick, Mr. Nicholaou, Mr. Quandt, Mrs. Rabatah, Chairman Jirik

ABSENT: Mr. Matejczyk, Mr. Waechtler

STAFF: Amanda G. Riordan, Senior Planner
Alice M. Dornan, Recording Secretary

FILE NO. PC-06-05 (Continued from March 7, 2005 meeting) A petition seeking 1) an Amendment to a Special Use for an addition to a school in the R-2, Single Family Residence Zoning District; and 2) a Variation to reduce the minimum required side yard. The Property is located at the northwest corner of the intersection of Maple Avenue, 55th Street and Dunham Road, commonly known as 1400 Maple Avenue, Downers Grove, IL (PIN Nos. 09-07-405-001, 09-07-402-033, 09-07-405-008, 09-07405-012, 09-07-405-011, 09-18-200-002); The Avery Coonley School, Petitioner/Owner

Chairman Jirik asked Staff to make its presentation.

Mrs. Riordan stated the petitioner is seeking approval of an Amendment to a Special Use by prior existence to allow the construction of a 15,000 square foot addition to an existing school facility, as well as a Side Yard Variation for a portion of the proposed addition with a setback of 17.2 feet as measured to the westerly side property line versus the minimum requirement of 20 feet as required per Code.

The subject property is located at the northwest corner of the intersection of Maple Avenue, 55th Street and Dunham Road and is occupied by the Avery Coonley School which was established on this property in 1929. Mrs. Riordan explained that as the use of the property for a school was established prior to the adoption of the current form of the Zoning Ordinance in April of 1965, it is recognized by the Ordinance as having a Special Use by prior existence. The proposed addition represents a change to the existing use and therefore requires approval as an amendment to the Special Use by prior existence.

Mrs. Riordan advised that the subject site is approximately 10.45 acres in area, and the school facilities include a 4,500 square foot gate house located at the southeastern portion of the site adjacent to the entry of the site at Maple Avenue and Dunham Road; the 89,300 square foot main school building located in the central portion of the site; outdoor recreational areas including ball courts, field areas, a pool and pool house; as well as various accessory structures and parking facilities.

Mrs. Riordan said the school campus facilities are concentrated in the southern half of the site, with the remainder of the site being occupied by wooded areas. The site is currently accessed by way of a driveway at Maple Avenue at the intersection at 55th Street and

Dunham Road. Mrs. Riordan noted the site also has street frontage on Turvey Road at the northern portion of the site; however, no vehicular access currently exists at that location, nor is any proposed as part of the proposed addition.

Mrs. Riordan explained the addition itself is approximately 15,000 square feet in area, and is proposed to be located to the immediate north of the main school building. The addition is intended to accommodate updated classrooms, new science laboratories, new conference and office spaces. No changes to access, parking or driveway facilities are proposed as part of the addition.

The addition itself would result in what Staff considers to be a nominal increase in the Floor Area Ratio for the entire subject site. The existing FAR is 0.20, and the proposed addition would result in an increase to 0.24, well within the maximum allowable threshold of 0.60.

Mrs. Riordan stated the maximum building height in the R-2 district is 35 feet, and is measured per Code from the average grade at the front of the structure to the midpoint between the eave and the peak. The existing school structure is 35 feet in height as measured at its southerly front elevation and due to the change in grade from south of the existing facility moving north through the existing building and through the proposed addition, the existing building will actually prevent the addition from being seen from its southerly elevation. It is the 35 foot height as measured from the south will dictate the minimum side yard setback requirements.

Mrs. Riordan continued that the Code prescribes a height to setback ratio, requiring additional setbacks for taller structures. A building height of 35 feet requires a side yard setback of 20 feet based upon the requirement of 5 feet of setback plus one additional foot of setback for every one foot in height over 20 feet. Mrs. Riordan noted that the petitioner is seeking a side yard Variation for the stairwell portion of the proposed addition which has a proposed setback of 17.2 feet as measured from the westerly property line versus the minimum requirement of 20 feet. The main portion of the addition would be conforming with respect to the minimum setback requirement, and it is only the stairwell portion of the addition that is the subject of the Variation. The Variation represents a difference of 2.8 feet, or a 14% Variation. Mrs. Riordan added that the existing school building is currently nonconforming with respect to its westerly side yard, and that the proposed addition would be set back further from the property line than the existing building.

With respect to the Public Works review, Mrs. Riordan explained that the Public Works Department has indicated that although they have found no significant engineering or stormwater management issues of note, a comprehensive stormwater management review will be required prior to the building permit review process and prior to any permits being issued for the construction of the addition.

Additionally, a wetlands determination was performed by the Petitioner's wetlands consultant, and although a wetland was identified on the far northerly portion of the site,

the proposed addition is outside of the required buffer zone and is not anticipated to impact the wetlands area.

With respect to the Traffic Division review, Mrs. Riordan stated there are no changes to traffic circulation proposed as part of the proposed addition. The petitioner's Traffic Consultant did submit a traffic evaluation which was found acceptable by the Village's Traffic Engineer.

Mrs. Riordan indicated the Fire Department has also reviewed the proposed plans, and they have identified no outstanding issues with either the Special Use or the Variation request.

Mrs. Riordan noted the Staff report outlined the standards for approval for both the Special Use and Variation requests, which the petitioner has also evaluated in their support documentation and will further review during their presentation.

Mrs. Riordan stated Staff recommends the Plan Commission consider forwarding a favorable recommendation regarding both the Special Use and the Variation request to the Village Council subject to the four conditions as outlined in the Staff report:

1. Compliance with all Public Works requirements and conditions outlined in their memorandum
2. Compliance with all Fire Prevention Division requirements and conditions as outlined in their memorandum;
3. The standard condition regarding any changes to the proposed plans; and
4. The standard condition regarding the Petitioner's obligation to maintain compliance with all applicable regulations.

For the record, Mrs. Riordan noted for there was a piece of correspondence from the DuPage County Forest Preserve District in the Plan Commission packets distributed Friday, March 11, 2005. Chairman Jirik advised Staff to make sure that correspondence is included with the other information transmitted to the Mayor and Village Council.

Chairman Jirik asked if there were any questions for Staff. There was no response from either the Plan Commission members or members of the audience.

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

James J. Russ, Jr., Weidel, Hudzik, Russ and Phillip, 4915 Main Street, Downers Grove, confirmed he had been sworn in. Mr. Russ stated he was here this evening on behalf of Avery Coonley School. Mr. Russ noted also present is Mr. Phillip Zarcone, who is a school board member and head of the building project, as well as representatives from FGM Architects and Engineers, who are the design and engineering company with regard to this proposed addition.

Mr. Russ advised the Plan Commission members that Mr. Thomas Kracht, the school's Headmaster, had passed away just Sunday evening. Mr. Russ noted that Mr. Kracht will

be sorely missed, as he was the motivating factor and the head cheerleader behind this proposed addition for the benefit of the children. Mr. Russ stated he was dedicating this evening's presentation to Mr. Kracht.

Mr. Russ explained the property is located at 1400 Maple Avenue where Dunham Road, Maple Avenue and 55th Street come together. The school was established as a private school in 1929 by Mrs. Queenie Fairie Coonley. The site is approximately 10.4 acres in size, or approximately 455,292 square feet, and is currently zoned R-2, Single Family. The school is a Special Use within the R-2 Zoning District. The property is surrounded to the north and south by R-2, Single Family, to the east by R-4, Single Family and to the west by DuPage County Forest Preserve land.

Mr. Russ stated they are seeking an amendment to their Special Use to allow for an approximately 15,000 square foot, three-story addition. Mr. Russ explained the addition will allow for expanded and additional classrooms, science labs, offices and work rooms, computer labs, an expanded commons area (meeting room/cafeteria area) and additional storage.

Mr. Russ stated the front yard setback requirement under the Village Ordinance taking into account the height of the building is 32.5 feet. He noted the front yard setback is actually measured off of the south end of the property. Mr. Russ stated they are providing a 420 foot front yard setback. The side yard on the east has a required 20 foot setback, and they are providing a 33 foot side yard setback. The required rear yard setback is 32.5 feet. Currently the rear yard setback is 585 feet from the northerly lot line. Mr. Russ noted with the proposed addition that will be reduced to a 530 foot setback.

Mr. Russ indicated the only Variation they are seeking is from the required 20 foot side yard setback on the west side of the property. The non-confirming setback on the current building is 15.4 feet. The staircase portion of the addition will be approximately 17.2 feet from the westerly side property line, and that is the sole Variation they are seeking in conjunction with this petition.

Mr. Russ stated the R-2 Single Family Zoning District allows for a FAR of 0.6; currently the property has a FAR of 0.20. The addition would raise the FAR to .24. Mr. Russ asked Mrs. Riordan to display the elevation drawings on the overhead screen. Mr. Russ indicated the elevations are going to be similar to what currently exists with regard to the existing building.

Mr. Russ noted Special Uses are authorized under Chapter 28 of the Zoning Ordinance, Section 1902, and are subject to the following four conditions:

- (a) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

Mr. Russ reiterated Avery Coonley has been at this location for 66 years. It has provided a significant service to the community of Downers Grove as well as surrounding communities and has contributed to the general welfare of the Village of Downers Grove.

- (b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.

Mr. Russ explained Avery Coonley School has been teaching the children good morals and has been a support in the community for the past 66 years. The school also conducts summer programs for children in our community as well as the surrounding communities. In many ways, the property values of the surrounding properties have been enhanced by the proximity of such a fine institution in our community.

- (c) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located or will comply with any variation(s) authorized pursuant to Section 28-1802.

Mr. Russ stated the sole Variation they are seeking is for the side yard setback. All other aspects of the Zoning Ordinance for the R-2 Single Family Zoning District will be met.

- (d) That it is one of the Special Uses specifically listed for the district in which it is located.

Mr. Russ stated a school in the R-2, Single Family Residential Zoning District is a Special Use provided for under the Ordinance.

With respect to the Variation being sought, Mr. Russ explained it is on the west side of the addition. There is an enclosed staircase which is approximately 12 feet in length. The staircase will encroach approximately 35 inches resulting in a 17.2 foot setback. Mr. Russ recalled his previous statement regarding the existing building's 15.4 foot setback. Mr. Russ explained they will be approximately two feet further into the school property away from the property line than what exists today. The encroachment faces the Forest Preserve and will not affect any residential neighbors surrounding this property.

Mr. Russ noted the Plan Commission is authorized to recommend approval of up to a 50% reduction in the required side yard. They are seeking a 2.8 foot reduction in that side yard, or a 14% reduction. Chapter 28 Section 1803(a) provides criteria to consider in recommending the variation: "A variation shall be permitted only if the Board finds that it is in harmony with the general provisions and interests of this Zoning Ordinance and that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Zoning Ordinance. In its consideration of the standards of practical difficulties or particular hardship, the Board shall require that:

- (1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;

Mr. Russ stated that provision does not really apply in this situation.

- (2) The plight of the owner is due to unique circumstances;

Mr. Russ indicated the existing gymnasium has less than a 20 foot side yard setback. The proposed stairwell portion of the addition is approximately 12 feet in length. In order to connect the building in a logical way to what already exists, it becomes logical to provide for the stairwell in the proposed location, thus the need to request a Variation.

- (3) The variation, if granted, will not alter the essential character of the locality.” Mr. Russ explained it will still be a school use in a residential area. The Variation will not directly affect any of the surrounding properties, it will be adjacent to the Forest Preserve property to the west, and they do not believe it will have any affect on the character of the area.

Mr. Russ indicated that the Plan Commission, in making the determination whether there are practical difficulties or particular hardships, can also consider the following facts:

- 1) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Mr. Russ noted the Variation concerns only a 12 foot enclosed staircase on the side of the property that faces the Forest Preserve District. It should have no effect on the surrounding properties or the values of the surrounding properties.

- 2) The proposed variation will not alter the land use characteristics of the district.

Mr. Russ said they are a Special Use in the R-2 Single Family Residential Zoning District and that is not going to change.

- 3) The granting of the variation requested will not confer on the owner any special privilege that is denied by the Zoning Ordinance or other lands or structures in the same district.

Mr. Russ stated the fact the building was constructed in 1929 makes it sort of unique. Mr. Russ did not believe the granting of the Variation would confer any special privilege to Avery Coonley School that other people would not be entitled to in the same situation. Mr. Russ noted all the various Village Departments have reviewed their plans and have found them to be in compliance with the Village Ordinances.

Mr. Russ advised that the Petitioner has also had meetings with the neighbors. When the tree survey was undertaken, trees were marked. There were some concerns expressed as to whether or not they would be tearing down all the marked trees. Those trees that had identification tags placed on them are not going to be cut down. Mr. Russ stated to the best of his knowledge there are no concerns that have gone unaddressed at this time.

Mr. Russ advised the addition will provide additional space for the existing student body. The enrollment will remain constant; they are not looking to increase the enrollment as a result of this addition. The proposed addition will allow for a full-day five-year-old kindergarten class. It will also provide for two half-day four-year-old kindergarten classes. They are unable to provide a full day kindergarten in the current facilities. This is not the only reason for the addition, but rather just an example of what they will be able to do with the additional space. It will also allow for updated labs and technology for the students in existing programs.

Mr. Russ noted Special Use in an R-2 district includes schools. The requested Variation is within the Plan Commission's authorization. Avery Coonley is committed to continuing to provide an excellent education to the children of our community as well as other communities. Mr. Russ concluded his presentation by asking that a positive recommendation be forwarded to the Village Council.

Chairman Jirik asked the Plan Commission members if they had any questions of the Petitioner.

Mr. Griesbaum thanked Mr. Russ and his clients for returning this evening and being patient with the Plan Commission last week and accepting the continuance due to the length of the previous petition. Mr. Griesbaum also expressed the Plan Commission's sympathy to the Avery Coonley School in the loss of the Head Master.

Mr. Griesbaum asked if there is an existing structure that is setback 15.4 feet and if so, will it be removed. Mr. Russ explained the existing structure is the gymnasium, and it will remain. Mr. Russ pointed out the gymnasium on the site plan displayed on the overhead screen, and identified the proposed addition in relation to the existing gymnasium.

Mrs. Rabatah recalled that Mr. Russ stated it was logical to construct the stairwell in the proposed location. She asked for an explanation as to why it is logical there as opposed to somewhere else. Mr. Russ suggested that the project architect could better answer that question.

Dean Manasses, FGM Architects & Engineers, 1211 W. 22nd Street, Oak Brook, IL noted he had been sworn in. He explained the student traffic line created on the south width the stairway and the corridor was designed so that all of the classrooms could face the beautiful scenery at the north end of the property, and they did not want to destroy that view from the classrooms. Mr. Manasses pointed out there is also a mechanical unit on the to the north of the existing building, so by wrapping the addition around this

mechanical area, they have actually provided a sound and a visual buffer from the classrooms as well. Mr. Manasses further advised the topography also made that a logical location because there is where less of the earth would be disturbed for exiting onto the grade at that location. Mr. Russ noted there is a floor plan in the Plan Commission packet.

Mr. Quandt asked if the stairwell is an emergency exit only, or is it a general purpose stairwell. Mr. Manassis replied the Code requires the provision of an emergency exit, and that this stairwell would not be a main artery for traffic. It has the two double doors coming out from the corridor which would exit out in the event of an emergency. There were no other questions from the Plan Commission members, and Chairman Jirik noted they reserve the right to ask questions later.

Chairman Jirik next asked if any member of the public had questions for the Petitioner or his experts. He explained after questions from the public are completed, the Plan Commission moves on to comments from any member of the public.

Gordon Goodman, 5834 Middaugh, Downers Grove stated he lives in the neighborhood of the school. Chairman Jirik asked him if he had been sworn in, and Dr. Goodman indicated he had not been sworn in. Chairman Jirik administered the oath.

Dr. Goodman stated the questions he has are about the Petitioner's submittal, and he was hoping to hear the comments of the Forest Preserve District for the record. The Recording Secretary noted the letter was not received until Friday. Copies of the letter were made and distributed to the audience.

Dr. Goodman stated his question concerns the trees on this site. He noted Mr. Russ' comments that a tree survey was done. He looked at one of the figures that was provided with the packet, and he did a rough count of the trees that seem to be within either the building footprint or where the contours of the land are going to be substantially altered. Dr. Goodman indicated there are five major trees that will be removed as part of this addition, and one major tree that looks like it is being preserved. He added that 13 lesser size trees were identified in the survey and will have to be removed from the project site. Dr. Goodman asked if his reading of 18 surveyed trees that are to be removed was correct. He also asked if the school has plans to replant some of these trees or plant substitute trees somewhere else on the school site.

Chairman Jirik pointed out these trees are a matter of private property and noted the Petitioner is under no obligation to answer these questions in any way. He added that any indication the Petitioner might give with regard to the school's willingness to replace a tree would not mean bind the school to such an action because the trees are unregulated.

Mr. Russ explained five of the larger trees will be taken down as a result of this proposed addition. Mr. Russ stated both he and the architect are not certain about the smaller trees referenced by Dr. Goodman. Mr. Russ explained there is no landscape plan right now, and added that there is a heavily wooded area on the site. He was not certain of the

benefit in planting more trees in that particular area. There is a courtyard area between the two buildings which will be developed into something which has not yet been determined.

Dr. Goodman responded perhaps his question about replanting or planting substitute trees was not clear. Dr. Goodman further explained his question dealt with the entire site not just the landscaping for this particular part of the project. Dr. Goodman noted this is a very large piece of land so there are some other opportunities the school might want to consider. Dr. Goodman concluded by stating he was trying to call that to the school's attention.

Mr. Russ stated there will be landscaping that will be done surrounding the building; however, he did not know if any definite plan had been determined as yet. Chairman Jirik asked if there was anyone else in the audience who had questions of the Petitioner. There was no response, and Chairman Jirik advised the public questioning period was now completed.

Chairman Jirik next moved to the public's comment, discussion, opinion or statements that any member of the public might wish to make. He asked if there was any member of the public who wished to speak at this time.

Gordon Goodman, 5834 Middaugh Avenue, Downers Grove, mentioned his son attended Avery Coonley School. They were very pleased with the relationship between the school and the community. Dr. Goodman stated this is a worthwhile improvement of the school's facilities. He expressed support for the petition and noted the requested Variation is very reasonable as is the requested expansion of the Special Use. Dr. Goodman indicated it is appropriate for a landowner of land with substantial amenities related to forestry to give attention to the issues he raised in his earlier questions. He encouraged the Petitioner to consider ways in which they can keep the overall wooded canopy of the campus relatively constant by restoring some of these major trees that are being removed. Dr. Goodman noted the newly planted trees would not grow immediately, but we have to plan for the future.

Dr. Goodman extended his sympathy for the loss of the school's head master. He suggested they might consider not only this building as a memorial but also the idea of having a campus that regenerates itself and planting some of these trees in his honor.

Chairman Jirik asked if there were others who had comments or statements with regard to this petition. There was no response from the audience, and Chairman Jirik closed the public comment portion of the Public Hearing.

Chairman Jirik next asked the Plan Commission members if they had questions of any member of the public. There were none.

Chairman Jirik stated the Petitioner has an opportunity to ask questions of any member of the public. The Petitioner responded they had no questions.

Chairman Jirik next asked if any member of the public who had previously spoken wished to make a summary statement. There was no response, and Chairman Jirik declared that portion of the Public Hearing complete.

Chairman Jirik asked the Petitioner if he had any closing statement to make. The Petitioner responded they had no closing statement.

Chairman Jirik stated the last step in the Public Hearing process is deliberation by the Plan Commission in preparation of a motion.

Mr. Griesbaum commented it looks like a great plan for the school and the community. Mr. Nicholaou agreed and noted he was ready to make a motion.

MOTION: WITH RESPECT TO FILE NO. PC-06-05, MR. NICHOLAOU MOVED THAT THE PLAN COMMISSION RECOMMEND THAT THE PETITIONER'S REQUESTED ACTION BE GRANTED BY THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

1. **COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED FEBRUARY 8, 2005;**
2. **COMPLIANCE WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JANUARY 24, 2005;**
3. **ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW OF THE SPECIAL USE; AND**
4. **IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.**

MR. GRIESBAUM SECONDED THE MOTION.

Chairman Jirik asked if there was any discussion regarding the motion. There was none.

ROLL CALL:

AYES: Mr. Nicholaou, Mr. Griesbaum, Mr. McCormick, Mr. Quandt, Mrs. Rabatah, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik explained this is a positive recommendation which will be forwarded to the Mayor and Council for final action. It will be scheduled for a Workshop session in late April. Notice of the Workshop will appear in the Village Corner section of The Sun

newspaper. The Workshop will be the next public dialog leading to final action by the Mayor and Council.

Chairman Jirik polled the Plan Commission members for the reasons for their votes. Mr. Nicholaou stated he made the motion in favor of the petition because the Avery Coonley School has been a marvelous addition to this community for many, many years, and has provided exceptional educational possibilities for gifted children in and outside of the community. Mr. Nicholaou expressed his opinion that the school has added an incredible amount of stature to the community and continues to do so.

Mr. Griesbaum echoed Mr. Nicholaou's comments and indicated he was looking forward to seeing the building addition upon completion.

Mr. McCormick agreed and added that the request for the Variation is very reasonable. It has a minimal impact on the adjacent property as it abuts a Forest Preserve. The requested Variation is less than two feet, and it is even less than the encroachment of the existing gymnasium.

Mr. Quandt concurred and thanked the Petitioner for presenting what will be a nice architectural addition to the building which will blend in well with the existing facility.

Mrs. Rabatah also concurred. She commented the school definitely provides a desirable service to the community.

Chairman Jirik added the petitioner's testimony provided a solid foundation relative to the standards of approval. There was compelling evidence regarding the standards for approval, so it made the assessment quite easy. Chairman Jirik pointed out the Variation is of less intensity and quite minor relative to the current existing structure. Chairman Jirik concluded this is a very positive development.

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FILE NO. PC-08-05 A petition seeking a Lot Split for property located on the southeast corner of Douglas Road and 41st Street, commonly known as 4103 and 4111 Douglas Road, Downers Grove, IL (PIN Nos. 09-05-214-001,-002); Kenneth J. Rathje, Agent; Bradford & Kent Properties, LLC, Owner

Chairman Jirik noted the Commission will follow the same process as in the previous petition and will incorporate it by reference so he will not read it again.

Mrs. Riordan explained the Petitioner in this case is seeking Lot Split approval for two parcels of land located at the southwest corner of the intersection of 41st Street and Douglas Road. The subject property is zoned R-2, Single Family Residence. The Petitioner is seeking to create one new lot by splitting off the easterly 100 feet of each of the two existing parcels. As no Exceptions from the minimum lot area, width or depth requirements are being requested, the Plan Commission is authorized to make the final determination with respect to the proposed Lot Split.

The subject property is currently comprised of two parcels of land with equal width and depth totaling 54,600 square feet or 1.25 acres. The existing parcels of equal dimension of 100 feet in width as measured north to south and 273 feet as measured east to west. The Petitioner is proposing to split off the easterly 100 feet of each of the two parcels to create one new parcel. The proposed new parcel would be 100 feet in width, 200 feet in depth and 20,000 square feet in area, well in excess of the minimum requirements of the underlying R-2 District of 80 feet in lot width, 140 feet in lot depth and 15,000 square feet in lot area. Mrs. Riordan explained there is an error in the Staff report. She typed 80 feet as the minimum requirement for width; it is, in fact, 85 feet. She apologized. She considers the proposed lot width of 100 feet to be well within excess of that minimum requirement.

With respect to Public Works related issues, Mrs. Riordan noted it had been recommended that prior to the recordation of the Lot Split, the Petitioner provide a Plat of Easement to provide standard drainage and utility easements along the side property lines and along the rear property lines of all three resulting parcels; five feet along the side property lines and ten feet along the rear property lines. Mrs. Riordan pointed out the Public Works report also indicated sidewalks will also be required to be provided as part of any future construction on any of the resulting parcels.

The petitioner submitted their wetlands consultant's a wetlands determination, which was reviewed by Public Works, and no wetlands have been identified on or adjacent to the subject property. Mrs. Riordan noted stormwater management permits will be required for any future construction on the resulting parcels.

The Water Division noted the petitioner will be required to extend water main service in an easterly direction from Douglas Road along the 41st Street right of way to serve the newly created parcel. This is a permit which is required prior to construction. She added that neither the Traffic nor the Forestry Divisions had any comments with respect to the proposed Lot Split.

Mrs. Riordan explained the Fire Prevention Division of the Fire Department reviewed the proposed Lot Split and had no comments or objections.

Mrs. Riordan concluded Staff recommends the Plan Commission consider granting the Petitioner's Requested Action, subject to the conditions outlined in the Staff Report:

1. Compliance with all Public Works requirements and conditions;
2. The standard condition regarding any changes to the proposed plans; and
3. The standard condition regarding the Petitioner's obligation to maintain compliance with all applicable regulations.

Chairman Jirik pointed out the Plan Commission occasionally acts as final authority on a petition, but it is far from common. He advised the Plan Commission members to keep that in mind when making a motion regarding this petition.

Chairman Jirik asked the Plan Commission members if they had any questions for Staff. There were no questions.

Chairman Jirik swore in anyone who wished to speak regarding File No. PC-08-05.

Mr. Kenneth Rathje, President of Rathje Planning Services, 412 Chicago Avenue, Downers Grove, stated he is acting as the agent for Bradford and Kent Properties LLC, the owners of the two subject properties, specifically, 4103 and 4111 Douglas Road. They are seeking approval of a Lot Split under Section 20-600 of the Subdivision Control Ordinance.

Mr. Rathje advised the two lots are configured on an east to west axis with a width of 100 feet and lot depth of 273 feet, each with an area of 27,300 square feet. Both of the lots are currently improved with single family residences. The northerly lot is improved with a single family residence, a block and frame garage, and there are two small out lots, a tree house, which is not shown on the survey, and a small shed. The southerly lot is improved with a single family residence and no garage. Mr. Rathje stated it is Bradford and Kent's intention to raze these existing structures.

Mr. Rathje explained the proposal is to divide the easterly 100 feet of the two lots in order to create a third lot. The resulting lots would have the following characteristics: The newly created easterly parcel would measure 100 feet in width from east to west, with a depth of 200 feet as measured from north to south and an area of 20,000 square feet. The remainder of the property commonly known as 4103 Douglas, which would be a corner lot, would measure 100 feet by 173 feet with an area of 17,300 square feet and the 4111 Douglas Road property, which would be an interior lot, would also measure 100 feet by 173 feet.

Mr. Rathje stated the subject property is zoned R-2, Single Family Residential. As Staff indicated, the minimum lot width in this zoning district is 85 feet, and the minimum required lot area is 15,000 square feet. Mr. Rathje noted under the Subdivision Control Ordinance Section 20-301(e)(2) for newly created lots there is a minimum lot depth of 140 feet. The resulting parcels would meet or exceed all of the dimensional and area requirements.

Mr. Rathje noted, as part of the Village's requirements, the Petitioners pursued clearance from the Illinois Department of Natural Resources, and they received a 'No Further Action' response from them. Applications were sent to the Kane-DuPage Soil and Water Conservation District and their report has been received. They hired Planning Resources to do a wetland determination. There were no wetlands on the property nor any near the property with respect to any considerations for transitional areas.

Mr. Rathje noted they have taken a very careful look at the proposed lots with relationship to other lots in the area, and these proposed lots are equal to or as large as the majority of the surrounding lots, although there are several lots to the south and one to the southwest that are larger. They believe the proposed lot sizes of 17,300 and 20,000 square feet will

support substantial homes which are consistent with the newer homes now being constructed in the surrounding area.

Mr. Rathje indicated all of the property surrounding the subject property is zoned R-2, Single Family Residential with the exception of the lot immediately to the east at the southwest corner of Fairview and 41st Street. That parcel carries a R-4, Single Family Residential Zoning District designation.

Mr. Rathje requested the Plan Commission give his clients a favorable consideration of their petition.

Chairman Jirik asked if the Plan Commission had any questions of the Petitioner. Mr. McCormick asked if the new lot will have a 41st Street address. Mr. McCormick also asked if the Petitioner had ever considered a Flag Lot or anything along those lines, and Mr. Rathje stated that the interior lot only has frontage on 41st Street and, therefore, can only take an address off of 41st Street. It would be in the 400 block and an odd number because it is on the south side of 41st Street.

As there were no further questions from the Plan Commission members, Chairman Jirik noted the Commission will move on to hearing from members of the public who have any questions. He noted the questions and commentary are separate.

James Provenzale, 4085 Douglas Road, Downers Grove, indicated he had been sworn in. He asked the Petitioner's agent if the front door of the corner house is going to be facing north because of the 41st Street address or will it be facing west. Mr. Provenzale stated he was curious because Mr. Rathje used the word "substantial" to describe the type of houses to be built. Mr. Provenzale noted the houses being built in that area are substantial. Mr. Provenzale pointed out he recently built a dwelling on the corner lot right across the street and his house still faces to the west. He is concerned about having a house with a front door facing the side of his house.

Mr. Rathje asked to which parcel was Mr. Provenzale referring. Mr. Provenzale stated the one on the corner. Mr. Rathje confirmed the house would be architecturally designed to face north.

Mr. Provenzale stated the amount of traffic in that area has increased substantially because there are a lot of people coming back into the neighborhood. He has been living on that corner for about six years, and he has noticed quite a bit more traffic circumventing Douglas Road because it is not a through street to Ogden Avenue. Vehicles come off of Fairview and turn onto Glendenning or Sterling. 41st Street has a history of problems, and Mr. Provenzale recalled several years ago a young lady was killed further down the street because of that type of traffic. He asked the Plan Commission if any consideration would be given to placing some type of traffic control device on that corner as currently there is none.

Gordon Goodman, 5834 Middaugh Avenue, Downers Grove noted he had also been sworn in on this issue. His first question relates to the Staff report and the issue that was mentioned of extending water service along 41st Street to the east of Douglas Road. On Page 2 of the Public Works report contained within the Staff report, Item 2 under Water Division comments says “a water main would have to be extended from Douglas Road East to Fairview”. Dr. Goodman stated that means this would not be a stub that ends in front of this lot. He asked does this require that the developer pay for a water main extension that reaches from Douglas Road to Fairview Avenue.

Mrs. Riordan responded she did not know the answer to the payment of the water main extension. The Water Division made no specification as to payment in their portion of the Public Works report.

Mr. Rathje stated the Petitioner will not have any problem extending the water main to the east lot line of the property but to go beyond that may cause a hardship because of the exceptional distances. Likewise, the length of the water main is relatively short and should not cause a problem with stubbing. Mr. Rathje emphasized Bradford and Kent will cooperate with whatever is required as part of the building permit process.

Dr. Goodman stated his next question concerned the setbacks of the garage-like structures he understands are toward the rear of the new lots. He asked whether they will require a variation or whether they are sufficiently west of the proposed new lot, so there will be no variation required.

Mr. Rathje stated the existing garage on the 4103 Douglas property is set back 186.29 feet west of the east line even with the division of the property of 100 feet that still leaves a separation of 86 feet. Mr. Rathje noted a garage may be located within the required 20 foot rear yard provided it does not occupy more than 40% of the area. The garage would be well outside of the 20 foot required rear yard. As he mentioned earlier in his presentation, the Petitioner’s intention is for all the structures to be razed. Mr. Rathje stressed the Petitioner would not be obligated to have them razed because there is adequate separation to meet all yard requirements from the west. The existing garage is currently non-conforming along the north, and the modification of the lot no way changes that non-conformity. At the closest point, the garage is about 3.75 to 4.14 feet south of the south right of way line of 41st Street. Mr. Rathje noted from the appearance of that structure this was a situation that existed when the property came into the Village in the early 1970’s. Most of the area to the northwest of Ogden and Fairview was annexed under several annexations, the largest one having taken place around 1973.

Chairman Jirik asked Mrs. Riordan if she concurred with that assessment. Mrs. Riordan responded affirmatively with the exception of the dimension of 189 feet. She believes that is the dimension to the house. The dimension to the detached garage from the easterly property line is 114.4 feet. Removing 100 feet for the proposed Lot, there still is an excess of 14 feet of side yard which is well beyond the minimum requirement of five feet. Mr. Rathje agreed.

Dr. Goodman noted a third question occurred to him concerning any easements for utility or drainage along the lot lines. He asked if that is part of this Lot Split process or would that be part of another subdivision or recording. Dr. Goodman noted in most of our community there are utility or drainage easements along the boundaries of lots. He pointed out there are none in this submittal.

Mrs. Riordan advised the Public Works Department has made a recommendation that the Plat of Easement be submitted prior to the recordation of the Lot Split. With respect to the question whether the garage would be located within the recommended easement, the answer would be no. The easement from the new easterly rear property line of the property at the corner would measure 10 feet in width, and there is 14 feet from the garage to the property line, so the garage will be four feet further to the west of the easement.

Mr. Rathje stated his client is aware of the request for the Plat of Easement, and they have already agreed to cause the easement to be prepared following the action of the Plan Commission. With that, the Public Works request will be satisfied.

As a matter of procedure, Mrs. Riordan explained when the final determination is made by the Plan Commission the Petitioner will receive a letter from the Planning & Community Development Department indicating lot split approval. She pointed out the letter would not be issued until such time as the Plat of Easement is submitted and accepted by the Public Works Department.

Chairman Jirik asked if the Easements would be in the tradition in terms of dimension and location. Mrs. Riordan agreed and noted they would be five feet on the side and ten feet on the rear of all three properties. Chairman asked for confirmation that the Petitioner is agreeable to that, and Mr. Rathje indicated the Petitioner is agreeable to that. Chairman Jirik asked if there were any other questions from the Public.

Mr. Provenzale, 4085 Douglas Road, Downers Grove, indicated he had another question specifically to the address and location of some of the buildings. The Staff report states 4103 and 4111 Douglas Road. Mr. Provenzale stated those are not 41st Street addresses. He asked why there is going to be a building with a front door facing north if it is not in fact addressed this way. Mr. Provenzale indicated he was also looking at how the house would be situated on the lot.

Mr. Rathje pointed out the existing 4103 Douglas Road property on the map displayed on the overhead screen. He also pointed out the location of the 4111 Douglas Road property. Mr. Rathje was not sure he understood Mr. Provenzale's question with respect to the third lot. Mr. Provenzale explained he was speaking about the southeast corner.

Mrs. Riordan stated she understood Mr. Provenzale's question to be the addresses as identified in the Staff report, which are the existing addresses of the subject properties in their current configuration. The Village will not issue an address for this property until a building permit application has been received for any new structure on the new parcel.

The lot does not exist today; therefore, it does not have a physical address, which is why there is no third address in the Staff Report.

Mr. Provenzale asked when the building permit application is submitted does it have to go through an approval process. Mrs. Riordan further explained an administrative review process is conducted by the Code Services Department prior to the issuance of a construction permit. Mr. Provenzale asked if the Plan Commission is the body that assists in that decision. Mrs. Riordan responded the Plan Commission is not part of that administrative review process. The question before the Plan Commission is the division of the property; not any future construction on any resulting parcel. Mr. Provenzale asked if the public can participate in that decision making process. Mrs. Riordan advised the public cannot participate in the approval or denial of a construction permit, as it is an administrative approval process much as any construction permit for any parcel within the Village limits.

Chairman Jirik further explained the nature of tonight's proceeding is to consider if the two existing lots should be split in a way that would then create a third lot. What would be built there or how it would be built is an administrative procedure as Mrs. Riordan explained. When the developer seeks a permit for a building, they are reviewed as compared to the requirements of the Village. As part of the administrative review, permits are reviewed and technical analysis completed to make sure the building permit is handled properly.

Chairman Jirik next asked if anyone in the audience had any comments or additional information regarding this petition.

Gordon Goodman, 5834 Middaugh Avenue, Downers Grove, states this looks like a very logical lot split to him. The dimensions of this configuration of two existing lots lend themselves very well to the proposed division. Dr. Goodman indicated he saw no problems with the topography of the lot according to the Staff report. Dr. Goodman noted the only issue he hears is the question of the possible orientation of the houses. As he understands the answers we have received tonight, the new lot will have an address on 41st Street that has not yet been issued and the house is most likely to face north. Dr. Goodman stated the question he was hearing being raised is the orientation of the house that might be built as a replacement house on the lot that currently has the 4103 Douglas Road address. The front yard setback would be determined from Douglas. Dr. Goodman noted in his neighborhood there are homes that have a front yard setback from one street on an orientation on a corner lot that faces the other street. Dr. Goodman stated he understood the answer to that question is an issue that would be decided administratively by the department that approves building plans. Dr. Goodman expressed his belief that the question is not relevant under this petition but suggested it is important to make a record how people feel about it because this is the last opportunity for public testimony on that. Dr. Goodman indicated he had no strong feeling one way or another. Dr. Goodman suggested the approval of the Lot Split incorporate the criteria Mrs. Riordan mentioned of the recording of the Lot Split not being authorized until a proper plat has

been submitted showing the required easements and approved by the Public Works Department.

Chairman Jirik asked Staff if the proposed 41st street had no choice but to face 41st Street. Mrs. Riordan agreed and noted it would not have any other frontage on any other public right of way. Chairman Jirik continued that the other non-corner lot does not seem to present a question. The corner lot itself seems to be the question, as to which street any future house would face.

Mrs. Riordan advised if the existing structure is in fact demolished, the Zoning Ordinance does not prescribe which street frontage is required to be the architectural front of the structure, if that is in fact the question. If the new structure were to orient onto Douglas Road as opposed to 41st Street, the address may, in fact, be reassigned at the building permit review phase to have that architectural front be the address of the property. This is done for emergency vehicle access; responding emergency personnel would prefer in all cases that the architectural front correlate to the address of the property, so that they know which residence they are responding to.

Chairman Jirik asked if there was any other public testimony or comment.

Robert Lang, 4079 Sterling Road, Downers Grove, stated he had been sworn in. Mr. Lang asked if there are any plans for sidewalks or setbacks for road improvements in this area. This is a big concern in that area of town. Mr. Lang indicated he has lived there for 40 years and the traffic flow on Sterling Road and 41st Street is a big problem. The streets are narrow and unimproved and the hills on Sterling Road are almost impassable for two cars. Mr. Lang noted the Village just installed blind hill signs in the area. Street repair is a big concern in the area as it has been neglected for years. Mr. Lang stated in his opinion these things should be approached along with the subdivision. Mr. Lang stated the current plat of the area shows large lots, 100 feet by 300 feet. People bought those lots for the expansiveness, and now because they do not have flag lots anymore, they are going to this type of subdivision. Mr. Lang acknowledged there are 50 foot wide lots even on Sterling Road. They were divided prior to being annexed into the Village of Downers Grove in 1968. Mr. Lang asked the Plan Commission to consider these concerns. Mr. Lang noted it is obvious that Bradford and Kent bought two homes, paid dearly for them at today's prices and now they are subdividing them into three lots. Mr. Lang indicated there is nothing wrong with being profitable, but the proposed Lot Split will create more traffic and be a bigger hazard to the surrounding community.

With respect to sidewalks, Mr. Rathje noted the Public Works Section in the Staff report stated a sidewalk must be provided. Mr. Rathje commented a sidewalk is required under Section 1914 of the Municipal Code. The developers are responsible either for paying for or providing sidewalks at the direction of the Public Works Department. Mr. Rathje stated the Petitioner understands that responsibility.

With respect to traffic, Chairman Jirik commented traffic is not something that would be addressed with smaller projects such as this. It is more of a regional or sub-regional

problem, but there are other venues within the Village that can review and assess the situation. Traffic engineers use a term “warrant” which is used to determine if the traffic meets a particular level, and then it “warrants” stop signs or other types of traffic control measures. Chairman Jirik suggested anyone present this evening with traffic concerns should talk to Mrs. Riordan after the meeting, and she will be able to provide other Village contacts where traffic issues can be addressed.

Chairman Jirik again asked if there were other comments from the public.

Mr. James Provenzale, 4085 Douglas Road, Downers Grove, stated he believes it is in the Planning Commission’s interest to address the traffic flow coming in and out of the 41st Street parcel and the amount of traffic traveling east and west on 41st Street and how it is planned because it is critical. There are already enough homes on 41st Street with driveways, adding one more over toward the corner will increase that even more so.

Gordon Goodman 5834 Middaugh Avenue, Downers Grove, commented about the orientation of the house. If a new house is constructed on the current lot with the address of 4103 Douglas, the dimensions of the lot seem to indicate the architectural front of the house should be on Douglas so that the lot depth is greater than 140 feet. If the house and the front of the lot were on 41st Street, it is his understanding the lot depth would only be 100 feet and a substantial variance would be needed in order to orient a house that way. Dr. Goodman indicated if he is misunderstanding the significance of the architectural frontage, he would like Staff to clarify that.

Mrs. Riordan reiterated the Zoning Ordinance does not prescribe the orientation of a structure when a lot fronts on two or more street frontages; however, there are front setback obligations on both street frontages. With respect to determining which remaining yard is the side yard and which is the rear yard for setback purposes, the rear yard setback requirement is required from the lot line that is opposite of the shorter street frontage; however, that does not necessarily mean that the rear of the home needs to face that yard. It is merely a setback obligation. Mrs. Riordan continued, stating that the yard opposite the longer street frontage is then the side yard requirement, but it is not necessarily the prescribed side of the structure. It is just a yard requirement.

Chairman Jirik asked if there were any other public comments. Hearing none, he closed the public participation portion of the Public Hearing.

Chairman Jirik asked the Plan Commission members if they had any questions of those members of the public who spoke earlier. There were no questions.

Chairman Jirik next asked the Petitioner if he had any questions of those members of the public who spoke earlier. Mr. Rathje indicated he had no questions.

Chairman Jirik advised the Petitioner he now has the opportunity to make a summary statement. Mr. Rathje indicated he did not wish to make a summary statement.

Chairman Jirik explained any members of the public who had spoken can provide a closing comment.

Mr. James Provenzale, 4085 Douglas Road, Downers Grove stated six years ago he purchased the home he is currently living in and is currently building one, so he can understand the desire for other people to move into this area and have newer homes because of what the offering is on the land. Mr. Provenzale indicated he plans to live in his house for quite a long time beyond seeing his children through college. His concern is that he will have a house facing his house during all of that time.

There were no other closing statements from other members of the public.

Chairman Jirik asked the Petitioner if he wanted to make a closing statement. Mr. Rathje indicated he would not be making a closing statement.

Chairman Jirik moved to the Plan Commission's deliberation regarding the petition.

Mr. Nicholaou commented he finds the Lot Split to be creative at best. When he looked at the overall land map, he saw some north-south pieces of property to the west, but consistently throughout the entire subdivision he found most of those lots to be of great width and great length. Mr. Nicholaou indicated he was not saying the proposed Lot Split was not within the legalities of splitting the parcel this way, but he did not believe it was consistent with other lots in the area. Mr. Nicholaou noted, although configuration is not the Plan Commission's purview, in his opinion it would be folly for the developer to face that home north. If he did so, it would reduce the size of the back yard and cut his marketability substantially. Mr. Nicholaou stated this area is undergoing tremendous construction. Mr. Nicholaou advised lately he has spent a lot of time in that subdivision for his own business reasons. He agreed there is a lot of traffic, and the Village needs to go in that subdivision and redo the roads, install sidewalks, etc. Mr. Nicholaou commented it will be a tremendous undertaking but we have only cracked the tip of the iceberg as to what is going on back there. Mr. Nicholaou acknowledged what the neighbor is saying; however, he has to fall back on the conversation the Plan Commission has had too many times about what our actual purview is. For the record, Mr. Nicholaou indicated he will probably vote for this, but he finds it to be a creative Lot Split rather than one he would probably prefer.

Mr. McCormick understands and appreciates the traffic comments made by Mr. Lang. He noted for the record that the traffic issue should be reviewed by Staff. We know as part of this project the developer is either going to construct sidewalks or pay the sidewalk donations. Mr. McCormick stated this is a case where it makes sense to construct sidewalks as opposed to a donation. Mrs. Riordan interjected that the sidewalk would have been required to actually be an Exception as part of the Lot Split had they requested such. The requirement is for construction of any sidewalks that are currently non-existent. Mr. McCormick asked if the developer could pay into the sidewalk fund in lieu of constructing a sidewalk. Ms. Riordan responded that a request to pay a fee in lieu

of a sidewalk would have had to been reviewed by Public Works as an Exception to this petition.

Mr. McCormick noted he would have had the same concern as Mr. Provenzale. Unfortunately, what is built on the lot is not within the Plan Commission's purview. The Commission is looking at a petition to take two lots and create a third lot. For the record, Mr. McCormick again emphasized this area needs to be looked at with regard to traffic issues.

Mr. Griesbaum noted there is one outstanding issue. Public Works is asking for the water main to go all the way to Fairview, and what he is hearing from the Petitioner is that it is planned to go to the east lot line of the new lot versus going all the way to Fairview Avenue. He asked the Petitioner for further clarification. Mr. Rathje read the Water Division's section of the Public Works comment which states the "Water Division has noted the Petitioner will be required to extend water main service from Douglas Road east along 41st Street to serve any future construction of the newly created parcel". Mr. Griesbaum referred to the Public Works Interoffice Correspondence where it says under the Water Division Review Comments "The water main would have to be extended from Douglas Road east to Fairview Avenue". Mr. Rathje noted that the Plan Commission had a little bit more information that he had.

Chairman Jirik asked Staff if the water main issue come up prior to a building permit being issued. Mrs. Riordan clarified prior to the issuance of a building permit the water service connection permit must be obtained. Chairman Jirik clarified nothing can be built without those who authored that comment being satisfied, and Mrs. Riordan agreed.

Mr. Nicholaou stated he wants to make sure the Village does not incur any expense whatsoever relative to water or anything else for this Lot Split. He asked if there was a way to protect that. Chairman Jirik stated there is a question of interpretation. The entity that has authority over the issuance of the permit is the one that is going to interpret the words, and Mrs. Riordan agreed. Chairman Jirik indicated he takes some comfort in that. He emphasized they cannot get a permit until the Department that take specific responsibility say "yes" or "no". Mr. Griesbaum commented he was glad this issue had been clarified.

Chairman Jirik stated when he assessed the look of the neighborhood he came up with a little different calculus. When he looked at the contiguous parcels that would be eligible for a similar kind of division, he found if you went west something like this has already been created. Northwest, north or northeast something similar has been created. The only place that something like this has not been created is east. Chairman Jirik calculated 80% of the lots have already been configured like the proposed Lot Split and 20% of the lots have not been configured in this matter. Chairman Jirik indicated he found it to be very consistent with the contiguous adjoining parcels that have already been split, perhaps not identically, with a parcel that has been rotated 90 degrees.

Mr. Nicholaou noted the entire area has a rural feeling. He acknowledged there are properties out there which are economically obsolete so they are being sold and demolished. The new structures being built are taking advantage of those long, deep lots. As a private citizen, Mr. Nicholaou expressed his opinion that it is a creative lot split, and he does not think it is consistent with what he has personally seen back there and the type of homes being constructed.

As there was no further discussion, Chairman Jirik reminded the Plan Commission members that the Plan Commission has final authority in this type of a petition. He called for a motion.

WITH RESPECT TO FILE NO. PC-08-05, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION GRANT THE PETITIONER'S REQUESTED ACTION SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED MARCH 3, 2005;**
- 2. ANY CHANGES TO THE CONDITIONS PRESENTED 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; AND**
- 3. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.**

Mr. QUANDT SECONDED THE MOTION.

Chairman Jirik asked if there was any question regarding the intent of the Motion. There was no response.

ROLL CALL:

AYE: Mr. Griesbaum, Mr. Quandt, Mr. McCormick, Mr. Nicholaou, Mrs. Rabatah, Chairman Jirik

NAY: None

Motion passed unanimously.

Chairman Jirik noted because this is a final action by the Plan Commission and no recommendation would be forwarded to the Village Council, the Plan Commission members will not be polled for the reasons for their vote.

Chairman Jirik advised the members the next meeting is Monday, April 4, 2005 at 7:30 p.m. here in the Council Chambers. There will also be a meeting on Wednesday, April 13, 2005 at 7:30 p.m. in the Council Chambers.

Chairman Jirik stated if it is the Commission's pleasure he would like to streamline the Public Hearing steps if it is the Commission's pleasure, publish same and then not read all the steps at every Public Hearing. Chairman Jirik indicated this would save the Plan Commission's time and would help communicate the procedure to those in attendance. He asked if there was any objection from the Plan Commission members.

Mr. McCormick asked if it would be possible for the members to review the proposed changes prior to implementation. Chairman Jirik further advised he will first review the Legal Department's proposed changes. Chairman Jirik indicated this would be a procedural matter, and the Plan Commission should entertain adopting the revised procedure.

Mr. Quandt stated he would like to see a brief description of the Plan Commission's role at the top of the revised procedure. He noted many residents come to a Public Hearing thinking the Plan Commission can make a lot of changes. Chairman Jirik stated if the statement was something to the effect that the Plan Commission is a fact-finding body wherein the Commission gathers evidence and makes a recommendation that would be good. Everyone was in agreement a universal statement would not work because of the variety of petitions heard by the Plan Commission, some of which are not done in a Public Hearing. Chairman Jirik suggested a more powerful message would be explaining the purpose of a Public Hearing.

Discussion next focused on how the Plan Commission always hears from the neighbors with regard to traffic, water and tree concerns. Chairman Jirik agreed the more we can communicate the Plan Commission's mission and focus, the more the Commission will be able to put attendees in tune with what the Plan Commission is doing at any given hearing.

Mr. McCormick recommended all the Plan Commission members read the Meijers' case. It goes back to the way our Commission previously conducted its meetings. Mr. McCormick recognized Dr. Goodman's attendance over the years and recalled the previous procedure enabled a resident to come forward, ask questions and make comments all at the same time. Now a resident has to come forward three to four times on the same petition. Mr. McCormick suggested going back to that process which would be more efficient and would streamline the hearing.

Chairman Jirik indicated he would try to determine to what extent the process can be streamlined. He stressed the final procedure should be part of the materials available to those residents attending the Plan Commission meeting.

Dr. Goodman responded he thought the procedure previously followed by the Plan Commission did allow ample scope for people to ask questions. Dr. Goodman recalled the Chairman telling the petitioner to keep track of the questions and respond to all of the questions at the same time. Dr. Goodman suggested adjusting the point at which the response is made, so it is information that is available to everyone before they make their final comments and the Chairman closes the public comment portion of the Public

Hearing, might well answer the requirements of the case. Dr. Goodman acknowledged he had not read the Meijers case, but common sense indicates if you make clear to the public that they have an opportunity to question the Petitioner and they will in turn be subject to questioning by the Commission and by the Petitioner, it can be done that way. Dr. Goodman pointed out the new eleven point procedure is a very defensive mechanism because you can check off each of the points and if anyone contests the decision, you can show that the steps were followed. Dr. Goodman agreed with Mr. McCormick that you could do that equally well in a more natural extension of the Plan Commission's previously successful procedure. Dr. Goodman encouraged customizing the current procedure with the advice of the Village's Legal Staff so that it matches our traditions as well as the current legal requirements.

MR. NICHOLAOU MOVED TO ADJOURN THE MEETING AND MR. GRIESBAUM SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 9:20 p.m.