

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, SEPTEMBER 12, 2005, 7:30 P.M.

Chairman Jirik called the September 12, 2005 meeting of the Plan Commission to order at 7:30 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Griesbaum, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mr. Quandt, Mr. Webster

ABSENT: Mrs. Rabatah, Mr. Waechtler

STAFF

PRESENT: Keith Sbiral, Director of Planning; Lori Sommers, Planner; and Alice Dornan, Recording Secretary

AUGUST 1, 2005 MINUTES. MINUTES WERE APPROVED ON MOTION BY COMMISSIONER GRIESBAUM, SECONDED BY COMMISSIONER NICHOLAOU. MOTION PASSED BY VOICE VOTE OF 7-0.

The Chairman asked those in the audience wishing to speak to sign in. He explained the process of the meeting, noting the next regular Plan Commission meeting is scheduled for October 3, 2005.

FILE NO. PC-23-05 – Petition seeking 1) approval of a Special Use for a drive-up banking facility for a proposed bank; 2) variations from the Code relative to required setbacks. Property located at the southwest corner of Fairview and Ogden Avenues, commonly known as 401 Ogden Avenue (PIN 09-05-415-029), 405 Ogden Avenue (PIN 09-05-415-013, -012) and 413 Ogden Avenue, Downers Grove, IL (PIN 09-05-415-011); R. Tony Burgoyne (GPD Group), Petitioner; Sherwood Blitstein, current owner; and National City Bank of the Midwest, future owner

Chairman Jirik swore in those who would be speaking on behalf of File No. PC-23-05.

Mrs. Lori Sommers, Planner, introduced Ms. Ann Lazarz, Vice President National City Bank, Tony Burgoyne with the GPD Group (petitioner), and current owner Sherwood Blutstein. The property is comprised of 401 Ogden, 405 Ogden and 413 Ogden Avenue and is zoned and will continue to be zoned B-3 General Services and Highway Business. The petitioner is requesting approval of a specialuse for the proposed bank per Chapter 28, Sect. 28.609 as well as approval of a variation of Chapter 28, Sect. 2818.02(c) to reduce the required parking setback to allow a 38-foot setback versus the minimum requirement of 50 feet.

The proposed two-story brick building will have three drive-through lanes. Operating hours for the interior lobby will be 9:00 a.m. to 7:00 p.m., and the drive-through hours will be 8:00 a.m. to 7:00 p.m. Commercial zoning surrounds the site except for the southern portion, which is zoned residential. The plan is consistent with the Future Land Use Plan (“FLUP”). The three buildings located on the site will be demolished in order to construct the bank on a 30,353.84 square foot site. Approximately 169 feet of frontage exists along Ogden Avenue and approximately 115 feet along Fairview Avenue. One curb cut is proposed along Ogden Avenue, with the petitioner working with the property owner to the west to consolidate his curb cut.

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Proposed gross floor area of the building is 7,560 sq. feet with a floor area ratio of .25 which is within the maximum requirement for the district. Overall height of the building is proposed to be 33 feet, 8 inches and is within the maximum height of 60 feet. Approximately 19% of the total site will be landscaped. A public sidewalk is proposed along both Ogden Avenue and Fairview Avenue.

Publics Works, Engineering and the Traffic Departments have reviewed the petition, as well as Forestry & Landscaping and the Fire Department, with no negative issues raised. The Engineering Department has recommended additional sidewalk construction detail modifications be made, but this will be addressed prior to permitting. Parking will include 23 spaces including one additional handicap space. The proposal meets the parking requirement with four additional parking spaces. The sign package, which complies with the Village's new Sign Ordinance, will be reviewed at the time of permitting.

Mrs. Sommers explained how the petitioner's proposal complies with the Ogden Avenue Master Plan. To date, she has not heard comments from the neighbors. Standards for approval and staff's recommendation are noted in the report. Staff believes the requested action is consistent with the FLUP, the Zoning Ordinance, the Village's Ogden Avenue Master Plan, Ogden Avenue Implementation Plan and the planning documents of the Village. Staff recommends that the Plan Commission forward a favorable recommendation and Findings of Fact to the Village Council subject to the eight (8) conditions listed in its September 6, 2005 staff report.

Chairman Jirik opened up the meeting to Commissioner comments/questions.

Mr. Nicholaou confirmed what business is to the west and the zoning setback requirements as explained in Chapter 2818-02(c).

Chairman Jirik asked for the petitioner's presentation.

Mr. Tom Sisul, on behalf of Mr. Tim McJoynt, the attorney for National City Bank (the "Bank") who was not present, introduced Mr. Tony Burgoyne.

Mr. Burgoyne, Project Engineer for GPD Group, 520 S. Main Street, Suite 2531, Akron, Ohio 44313, on behalf of the Bank and the owners of the development from Mosaic Properties, thanked staff for its presentation and thanked the Commission the opportunity to speak. Mr. Burgoyne presented a color rendering of the bank and explained the petitioner plans to construct a two-story, 7,650 sq. foot bank, 33 feet 8 inches in height, which will include a three-brick blend of tan-colored masonry. The southwest corner of the Bank will be the highlight of the building and include a glass curtain wall constructed out of pre-cast panels. The roof will include brown asphalt shingles to match the brick. Site circulation will include a shared access off Ogden Avenue to eliminate the many curb cuts along Ogden Avenue. The drive-through contains three lanes with the first lane designated for ATM traffic only. The outer two lanes will be for customer/patron tele-transactions. The Bank is proposing to construct a six-foot, white vinyl privacy fence on the south boundary to shield lighting. The proposed landscaping for the site is ample and will include perennial shrubs, trees, etc. to soften the corner. Any utilities will be roof mounted and screened or shielded by landscaping. If ground-mounted utilities are necessary, a proposed structure on the west side of the building will be proposed. The site will be ADA accessible and include an internal elevator system.

Chairman Jirik opened up the meeting to Commissioner questions/comments to the petitioner. Per Mr. Nicholaou's questions, Mr. Burgoyne explained how a patron would access the site if traveling westbound and explained how a patron would leave the bank using the Fairview exit.

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Mr. Matejczyk inquired whether the left-hand turn lane heading east on Ogden Avenue at Fairview backed up to the site's Ogden Avenue entrance whereby patrons would be required to navigate across that turn lane in order to travel east on Ogden Avenue. Mr. Burgoyne could not confirm the distance. However, the property owner of 415 Ogden Avenue confirmed the left-turn lane existed at that point and starts about 10 feet before the Bank's proposed shared access. A patron would have to cross that lane.

Chairman Jirik opened up the meeting to the public.

Mr. Ken Gould, 408 Lake Avenue, walked through staff's report in detail but mainly expressed his concerns about the car headlights coming into his home at night due to the elevation of his home, cars having to cross five lanes, the merging of two lanes into one lane on Fairview heading south. While he supported the construction of the Bank, he indicated more "honesty" needs to be addressed. Other concerns included the site's lighting, water run-off, and the fact that 22 parking spaces were counted on the plans, and 10 employees would be taking up those spaces leaving only 12 spaces for patrons. Mr. Gould indicated staff received no negative comments from the neighbors because the information was not received until one week ago and the only information available was at the library. Not enough lead time was given to the residents. Another concern raised by Mr. Gould had to do with the sod, vinyl fence proposed for the south property line and the fact that existing mature trees would be replaced with younger trees. He suggested the fire hydrant at Ogden and Fairview be protected since it has been struck by trucks on several occasions. Regarding the letter from National City Bank referring to a site plan, it was not included in the letter. Lastly, he stated no neighborhood survey of the Lake Avenue neighbors was taken by the attorney for the project as stated in the planning documents. Mr. Gould invited the Commissioners, the petitioner, and the public to his house to view the site from his perspective.

Planning Director Sbiral explained the standard public notice procedures were followed 15 days prior to the public hearing. After reviewing the parking plan, Mr. Sbiral confirmed 23 parking spaces existed and resulted in a net excess of four spaces. Regarding the stormwater requirements and pre-developed property, he explained the stormwater standards did change within the past year, which was why the requirements were different than for the CVS store back in 1999. As to the landscaping requirements, sod counts as green space.

Mr. Burgoyne indicated a letter was mailed as a courtesy to the neighbors, and if the neighbors contacted him, he offered to send full-scale plans to them. Regarding the Ogden Avenue access, the petitioner's first proposal did include a right in/right out access. However after working with staff, it was determined that instead of having an additional curb cut, the petitioner sought a shared access to eliminate the additional curb cut. Regarding the Fairview access, the drive-through follows a first-come/first-serve basis, and Mr. Burgoyne estimated one car to exit the site from the drive-through onto Fairview. He was not expecting to increase the amount of traffic on Fairview. Regarding the merging of two lanes into one lane heading toward Lake Street, Mr. Burgoyne indicated public safety is a concern of the Bank, but what occurs southbound on Fairview cannot be addressed by the Bank but could be addressed by the Village Council.

As to the site's lighting, Mr. Burgoyne explained the lighting would be tall and down-directed. Precautions will be taken to shield the lights on the fixture, and light will not spill across the Bank's property line. On the south property line, no tall lights are being proposed. As to the six-foot vinyl fence, the petitioner is trying to stay within Village Code but would be more than willing to increase its height and work with Village staff and the neighbors to address that issue. As to the headlight issue,

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Mr. Burgoyne explained if a residence is elevated above the centerline of Ogden Avenue, the three-foot headlamp of a car should not impact that residence.

As to the stormwater runoff, currently three buildings exist on the site and include impervious surface. The petitioner is proposing one building with additional green space plus a stormwater management system to capture surface water and deposit it into the public stormwater system. The fire hydrant issue is the responsibility of either the Village or IDOT. Lastly, regarding foot traffic, the petitioner is seeking to attract patrons, which is why sidewalks and ADA access were being proposed.

As a side note, Mr. Sbiral announced the Village does have full-scale plans available for review but asked those interested to contact staff to review them.

Mr. Joe Scheibenreif, 430 Lake Street, Downers Grove, expressed concern about the hazards of those customers exiting at Fairview who want to head northbound. A left turn at either Fairview or Ogden will create hazards and T-bone accidents.

Ms. Linda Clevenger, 438 Lake Avenue, Downers Grove, noted banks are good neighbors versus other uses. However, she expressed concern about the traffic since Fairview already contains heavy traffic from Lester School. She suggested having an entrance only on Fairview and two exits out to Ogden. An 8-foot fence would be ideal. She reiterated some of the issues raised, calling attention to the fact that the stormwater requirements have become stricter.

Mr. James Berg, 418 Lake Avenue, Downers Grove, confirmed a west wall near the Elegant Peddler would not be constructed. He also expressed concern about seeing the cars entering and leaving the bank. He supported the bank but believed a wall should be installed on the west side.

Mr. Bill Whalen, 425 Lake Avenue, Downers Grove, called attention to the number of Lake Street residents present in the room. He expressed concern about traffic safety and the heavy traffic at the intersection of Fairview and Ogden. He did not know whether the petitioner meant one car exiting onto Fairview per minute or per hour and suggested if it was one car per hour, eliminate the Fairview exit. He noted with the increase in businesses east of Fairview, more traffic was trying to avoid the congestion by traveling down Lake Avenue, which is a dead-end street. He had concern about the safety of the children on the block. He also confirmed that no survey was taken of the neighbors. He had concern about noise pollution from the added in-ground sprinkler system.

Mr. Whalen suggested the Ogden Avenue access have an eastbound exit only and a southbound only exit for Fairview. He suggested changing the direction of the drive-through from east to west so that the lights on the site at night would reflect on the businesses west of the Bank and not on the residents to the south. Should the petition be approved, he recommended changing the dead-end signage on Lake Avenue and the addition of speed bumps.

Chairman Jirik asked Mr. Gould his thoughts on increasing the privacy fence by two feet, wherein Mr. Gould suggested a pre-stressed concrete sound wall or something with structure to it other than flatness. Currently, he has a six-foot fence on his property, and it does nothing. An eight-foot fence would improve the situation.

Mr. Nicholaou recalled a discussion that took place regarding the Mid-America Bank petition and recalled this Commission recommended a six-foot fence with an elevated berm. Mr. Burgoyne stated the Bank would consider the fence height but called attention to the fact that only five feet of landscaping area existed. The proposed vinyl fence would be maintenance-free and contain no gaps.

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As to reversing the drive-through in order to have the lighting on the business side, Mr. Burgoyne explained after reviewing the circulation of the site, the proposal before the Commission was the best for the area, and the Bank preferred to have vehicles stacked behind the building. Rotating the building would significantly decrease the on-site parking and setback restrictions would become an issue.

Returning to the fence issue, Chairman Jirik confirmed with Mr. Burgoyne that a two-foot berm with a six-foot fence was unreasonable. Mr. Burgoyne stated the vinyl fencing would reflect sound away from the residents.

Chairman Jirik confirmed with Mr. Burgoyne on how the general flow of traffic was determined for the site. Mr. Burgoyne explained how the plan was determined, noting that staff comments were taken into consideration. Chairman Jirik asked whether confirmation existed as to whether more traffic would come from Ogden Avenue versus Fairview Avenue or vice versa. Mr. Burgoyne stated no formal traffic study was done nor was one required. He could not confirm where the main point of traffic would come from. Personally, he believed certain turning movements from Ogden and Fairview were easier than others.

Mr. Griesbaum confirmed with Mr. Burgoyne that the ATM was a 24-hour drive-through.

Mr. Webster asked about the jurisdiction of Fairview Avenue to which staff confirmed Fairview was the Village's jurisdiction. Mr. Webster believed it was a developmental strategy to leave the accesses that were already there, wherein Mr. Sbiral stated the goal of the Ogden Avenue Master Plan and Implementation Plan was to reduce the number of access points, which this plan does. Mr. Webster asked whether IDOT was required to review the project, wherein Mr. Sbiral said IDOT would be reviewing the permitting aspect of the project. Regarding no traffic study being required, Mr. Sbiral explained the traffic letter that was submitted was deemed sufficient by the Village's traffic engineer. Mr. Webster believed to limit the development to a right-in/right-out on Ogden Avenue was not the Village's jurisdiction. Mr. Sbiral explained staff was working with IDOT relative to the curb cuts as well as with the Village's Ogden Avenue Master Plan, and the proposed access provides the best alternative for reducing curb cuts and gives the best overall plan. Mr. Webster then pointed out the restrictions that come with a right-in/right-out access and the fact that development becomes less attractive to a developer with such a restriction.

Mr. Burgoyne did not have any questions of the public and closed by thanking the Village staff, the Commissioners, and the community. He believes the petitioner developed the best concept for the parcel and will be setting precedence for a high quality building. He offered to answer any other questions and provide his business cards to the any members of the public requesting it.

Mr. Nicholaou, in reviewing his photographs on the overhead projector, recalled that a number of discussions took place by five members of this Plan Commission regarding the "gateways" into the Village of Downers Grove. He discussed the traffic challenges at Ogden and Fairview and reviewed the photos of where the Ogden shared access was proposed. He reviewed the Fairview exit, calling attention to the fact that where Fairview merges from three lanes down to two lanes, the Village has to recognize that Lester School sits in one of the largest landmasses in the Village and cars will race to merge no matter what time of day.

For the record, Mr. Nicholaou indicated whether it fell within the purview of the Village or IDOT, he was not satisfied with the egresses to the Bank's site, and the site is developable with modified egresses. Because the Village favored curb cuts on Ogden Avenue and because many Plan Commissioners spent hours discussing the elimination of curb cuts, the Village should not eliminate them due to aesthetic

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purposes. By eliminating them, a safety problem, which already existed on the corner, would be increased. Mr. Nicholaou suggested the Plan Commission make a recommendation to the Village Council that even though it may not be in this Commission's purview, the Plan Commission did discuss the matter and considered it an important item.

Per Chairman Jirik's question on how Mr. Nicholaou would revise the proposal, Mr. Nicholaou stated he specifically questioned the petitioner if it was feasible to revise the driveway to egress onto Ogden Avenue, noting in the future the Fairview section would have to be dealt with and should be addressed now. Mr. Nicholaou further discussed the purpose of creating the gateways was to capture revenue; however, banks and real estate offices did not provide revenue but instead provided "services", and he believed in order to have a service-oriented entity on the corner, he disagreed with the petitioner that the plan could not work. Mr. Nicholaou stated he did not want to see a left-hand turn going across five lanes of Ogden Avenue or four lanes of Fairview Avenue.

Mr. Matejczyk expressed concern that the Village's Traffic Division made no comments on the development since the issues being raised are major.

Mr. Sbiral reiterated staff did work several months with the petitioner in reviewing its plans in order to arrive at a best plan. Many of the items being raised were not required of staff to go beyond what was required. Many were suggestions of staff. Regarding the traffic specifically, Mr. Sbiral felt staff did a very good job. For the record, Mr. Sbiral did not want anyone going away with the misconception that anything was missed. Staff thoroughly covered all aspects that were allowed by the Ordinance.

Mr. Griesbaum concurred traffic was an issue and noted whenever any traffic issue was raised usually a traffic analysis was provided, and this presentation did not include such a study.

Mr. Matejczyk conveyed while more curb cuts would be eliminated, he surmised more traffic would be exiting out of the Bank as a result of the development. He conveyed the difficulties to be expected when using either exit and stated it is a difficult situation.

Conversation followed that the traffic issue would be raised with any type of development created on the site and what other type of use would generate less traffic.

Personally, Chairman Jirik favored seeing a formal traffic study done by the developer to clearly illustrate the issue. Mr. Sbiral indicated a staff traffic engineer performed a traffic analysis, which was represented in staff's report. If another traffic study were required, it would be an independent consultant. Mr. Nicholaou concurred the Village Council strongly consider the Fairview access becoming a right-hand turn only.

Mr. Webster favored the right-in and right-outs but believed it was up to a traffic consultant to review the impact of such measures and leaving it up to the Village Council to make its determination.

WITH RESPECT TO FILE NO. PC 23-05, MR. GRIESBAUM RECOMMENDED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION FINDING OF FACT TO THE VILLAGE COUNCIL WITH RESPECT TO THE PETITIONER'S REQUESTED ACTIONS, SUBJECT TO:

1) STAFF'S EIGHT (8) CONDITIONS LISTED IN ITS SEPTEMBER 6, 2005 REPORT;

2) PERFORMING A FORMAL INDEPENDENT TRAFFIC STUDY WITH DETAILED INFORMATION TO INCLUDE TRAFFIC FLOW, ANTICIPATED TRAFFIC FLOW, AND SAFETY CONSIDERATION FOR INGRESSING AND EGRESSING VEHICLES; AND

3) ADDING A BERM OR FENCE ALONG THE SOUTH AND WEST (THE LOWER 1/3) PROPERTY LINES TO ACHIEVE A FENCE HEIGHT NOT TO EXCEED 8 FEET, FOR INPUT TO THE VILLAGE COUNCIL. THE MOTION WAS SECONDED BY MR. NICHOLAOU.

ROLL CALL:

AYE: MR. GRIESBAUM, MR. NICHOLAOU, MR. MATEJCZYK, MR. McCORMICK, MR. QUANDT, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED UNANIMOUSLY.

FILE NO. PC-24-05 - Petition seeking approval of a Lot Split to include lot width exceptions. Property located on the west side of Main Street, approximately 435 feet south of 55th Street, commonly known as 5532 Main Street, Downers Grove, IL (PIN 09-17-101-032); James F. Russ, Jr., Attorney/Petitioner; William Haider, Owner.

Chairman Jirik indicated the representative of the petitioner has requested that the Plan Commission continue this agenda item to a date certain (October 3, 2005, 7:30 p.m.) due to another commitment.

A resident stated the Plan Commission should have made the public aware earlier wherein the Chairman indicated it was just announced by the representative. For the record, the same resident stated the petitioner has made many attempts to delay this matter with the residents.

WITH RESPECT TO FILE NO. PC 24-05, COMMISSIONER McCORMICK MADE A MOTION TO CONTINUE THE PETITION TO OCTOBER 3, 2005 AND COMMISSIONER QUANDT SECONDED THE MOTION.

ROLL CALL:

AYE: MR. GRIESBAUM, MR. NICHOLAOU, MR. MATEJCZYK, MR. McCORMICK, MR. QUANDT, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED UNANIMOUSLY.

(The commissioners recessed at 9:40 p.m. and reconvened at 9:50 p.m.)

FILE NO. PC-25-05 – Petition seeking approval of the Final Plat of Nelson Meadows Subdivision with exceptions from Code. Property located on the east side of Brookbank Road, north of Jefferson Avenue and west of Carpenter Street, commonly known as 5737 Brookbank Road, Downers Grove, IL (PIN 09-17-108-015); Joel Andersen Homes, Ltd., Petitioner; Joel Andersen, Owner.

Chairman Jirik swore in those who would be speaking on behalf of File No. PC 25-05.

APPROVED

Mr. Sbiral, Planning Director, reviewed the staff report in detail, discussing the 4.8-acre site located on the east side of Brookbank Road, north of Jefferson, with a property address of 5737 Brookbank Road. The land is zoned R-3, Single Family Residence, and the application has been filed in accordance with all applicable procedures and public notice requirements. The requested action includes 1) the approval of a final plat of subdivision per Chapter 20 of the Village Subdivision Ordinance for an 11 lot residential subdivision, and 2) certain exception requirements from Chapter 20, Subdivision Ordinance, including a) to allow right-of-way widths of less than the required seventy (70) feet on the following roads: Jefferson Avenue, Brookbank Road, Carpenter Street and the proposed Nelson Court; b) an exception requirement from Chapter 20, Subdivision Ordinance, *Required Public Improvements*, to not provide sidewalks over portions of lots 8, 9, 10, and 11 along the west side of Carpenter Street; c) an exception from Chapter 20, *Required Public Improvements*, to not provide street lights along Carpenter Street and d) an exception from Chapter 20, *Required Public Improvements*, to not widen the pavement or provide curb and gutter along Carpenter Street.

The size of the site is 330 feet by 632 feet, is surrounded by R3 zoning with single-family residences (0 to 6 dwelling per acre), and is consistent with the FLUP designation. The proposal will constitute 2.3 dwelling units per acre. Reviewing the plan on the overhead projector, Mr. Sbiral noted the site has a gentle slope beginning at the center of the site and flows down to the southeast and southwest corners. A single-family residence on the property was recently demolished. The site sits within a flood plain located at the very southeast corner of the property. A small portion of the 500-year flood plain exists at the southwest corner of the site.

With regard to the Final Plat of Subdivision, all lots will contain a single-family residence with Lot 8 including a residence and an adjacent stormwater detention pond covered by a permanent drainage and detention easements. The cul-de-sac portion of Nelson Court will extend north from Jefferson Avenue. The petitioner is requesting a right-of-way width exception. No lot depth dimensions are required for either width, area or depth; however, if the right-of-way exceptions are not granted, Lots 1, 2, 3, 5, 6, 7, 9, 10 and 11 would not meet the minimum depth requirements. Staff found the statement to be somewhat deceiving in that if the rights-of-ways were not granted, the geography would have to be modified.

All properties will meet the Village's bulk requirements and will range in size from 10,500 sq. feet to 33,400 sq. feet. The lots meet or exceed the lot width requirement of 75 feet in the R-3 zoning district with lots widths ranging from 75 feet to 159 feet. All lots will meet or exceed the lot depth requirement of 140 feet, ranging from 140 feet to 267 feet. Mr. Sbiral noted two errors in Table 2 of his report as it relates to Lots 1 and 2, noting the lot width should reflect "78 feet" and not "75 feet". In reviewing his report, Mr. Sbiral discussed in detail the right-of-ways and streets the petitioner was proposing and dedicating. Staff does not support the right-of-way exception for the Jefferson Avenue portion and believes the petitioner should dedicate 35 feet to the Jefferson Avenue right-of-way since 35 feet has been dedicated previously to the south half of the right-of-way.

Proposed sidewalks were also reviewed with Mr. Sbiral explaining no sidewalks were proposed on the east side of the development adjacent to Carpenter Street. This was identified as an exception from the public improvements requirement to be considered by the Plan Commission and Village Council. Also, staff was of the belief that installing a partial sidewalk on the west side of Carpenter Street was not practical or desirable since there was an existing sidewalk on the east side of Carpenter. Staff requested the petitioner provide a fee-in-lieu sidewalk for the Village's sidewalk program.

Rather than connecting Jefferson Street straight through to Carpenter Street, staff has suggested installing a five-foot wide pedestrian path (crush limestone or paved) from the Jefferson Avenue right-

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of-way to Carpenter Street on the south property line. Staff believes the path will provide a pedestrian connection between the new development, an existing neighborhood and provide a walkway for the schoolchildren.

The petitioner is proposing to install four street lights: two lights on the Nelson Court right-of-way, one on the east side of Brookbank Road, and one on the north side of Jefferson Avenue. An exception is required for not providing lighting on the west side of Carpenter. Staff is requiring that a photometric plan be submitted prior to approval.

The petitioner and staff are continuing to finalize stormwater and detention plans. The Village is concerned about the location of the detention area on Lot 8. Staff recommends the petitioner redesign the subdivision to be a 10-home development with a separate detention outlot to address the concerns. There is concern that the detention could become the responsibility of the Village at some future point because the Village is responsible for the quality of water exiting the stormwater system. Staff recommends that the petitioner create a homeowner's association in order to ensure that private maintenance of the detention takes place. Those documents will be required for submittal prior to approval of the subdivision. Should the Plan Commission agree with the above recommendation, the buildable area of Lot 8 then becomes 54 feet by 102 feet, which is not a standard lot per Village Code. Therefore, staff is of the opinion that the loss of one home to accommodate the detention is appropriate, and therefore, recommends the right-of-way exceptions for Brookbank, Carpenter, and Nelson Court.

Mr. Sbiral continued to discuss that the Traffic Division did review the proposed plans and found the study to be acceptable with no further comments. Forestry & Landscaping reviewed the proposal and indicated 36 new parkways trees would be necessary for the subdivision. Some of the trees located in the Brookbank right-of-way are in poor condition. The Forestry Division considered saving the trees; however, most likely the trees will have to be removed due to their condition and proximity to the road. Of particular note, a number of Black Walnut trees exist to the south of the eastern portions of the proposed site and are on an adjacent property owner's site. Staff is requesting that the petitioner avoid disturbing the root system of these trees by moving a proposed eight-inch water main away from the root zones.

The Fire Department reviewed the plan and provided its comments as to design.

Mr. Sbiral further discussed the collaborative efforts taken by the developer, the neighbors, and staff on this project. On July 28, 2005, a neighborhood meeting was held which provided positive comments from the neighbors. Included in Staff's report are the neighborhood comments received, as well as some of staff's input on the issues raised at that meeting. Mr. Sbiral confirmed for the Record that he received an e-mail from Ms. Alice Strelau, 5611 Brookbank Road, which discusses the gravel path used by the children along the west side of the Nelson Meadow property and it being a safe path. Ms. Strelau inquired whether there would be a sidewalk between Blanchard and the new extension of Brookbank to which Mr. Sbiral states there would be no sidewalk at that location. Instead, that portion will go into the Village's sidewalk matrix and be improved sometime in the future. Also enclosed in the Commissioners' packets were two letters; one from the Jefferson Avenue neighbors and one from Mr. Michael Crowley, a resident.

Mr. Sbiral advised school and park donations totaled \$40,696.69 based on the subtraction of the existing home that was on the site and what was proposed to be constructed.

Since Mr. Sbiral believed the Standards of Approval for Exceptions would become the central issue of discussion, he read through the standards, noting that the exceptions recommended by the Plan

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Commission shall be recommended only if the Commission finds there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provision of the Chapter. In that consideration, the Commission may consider, but is not limited to the following:

- 1) the extent to which the proposed exception impacts on the value or reasonable use of surrounding properties;
- 2) whether the exception is consistent with the trend of development in the area and the surrounding uses;
- 3) the characteristics of the property which support or mitigate against the granting of the exception;
- 4) whether the exception is in conformance with the general plan and spirit of this Chapter, and
- 5) whether the exception will alter, or be consistent with, the essential character of the locality.

In discussing the petitioner's right-of-way width and improvement exceptions, staff is recommending that the Brookbank right-of-way exception be granted, the Nelson Court segment of the exception be granted and the Carpenter Street portion of the exception be granted. Regarding the Jefferson right-of-way, staff recommends the right-of-way be dedicated to match the right-of-way that was already dedicated to the south and recommends denial of the exception. Regarding lighting on the property, staff is recommending photometric plans be completed and meet Village Code. With respect to the sidewalk along Carpenter Street and other improvements, staff recommends approval.

Mr. Sbiral reviewed staff's recommendations but stated the Plan Commission may want to review again any changes the petitioner makes. Should the Plan Commission choose to make a recommendation to the Village Council, staff recommends including the five conditions listed in its September 7, 2005 staff report.

Chairman Jirik opened up the discussion to the Commissioners.

Mr. Nicholaou noted since all of the streets were 66 feet, was there any consideration to have Jefferson Street as 31 feet rather than 35 feet in order to keep 66 feet consistent all the way around, wherein Mr. Sbiral explained the reason was not due to the street becoming wider; instead, the street would remain consistent with the area. The reason for providing the additional parkway was to provide the green space buffer and to move the homes back slightly.

Mr. Matejczyk confirmed that staff was seeking to eliminate Lot 8, and the retention area was to remain where it was located on the survey. Mr. Sbiral indicated more information would be provided but essentially the stormwater pond would need to be redesigned to incorporate the other portions of the existing Lot 8 in order to move the infrastructure to the north. In pointing out the location of the walkway, Mr. Sbiral explained 66 inches was necessary around the water main, and the water main could be located under or adjacent to the walking path easement.

Mr. James F. Russ, 4915 Main Street Downers Grove, Attorney for the petitioner, introduced property owner, Mr. Joel Andersen with Joel Andersen Homes; Mr. Ken Rathje of Rathje Planning Services; and engineer Mr. Brad Hartjes with C.M. LaVoie. Mr. Russ clarified that the proposal was an 11-lot subdivision and not a 12-lot subdivision.

Mr. Ken Rathje of Rathje Planning Services, 412 Chicago Avenue, Downers Grove explained the location and measurements of the site and the requirements the proposal met under the Subdivision Control Ordinance. He walked through the steps of how this development team arrived at the proposed

development plan and discussed the topography of the land, noting the flood plain in areas located in the southeast and southwest areas of the site.

In reviewing the engineering and design of the stormwater area, Mr. Rathje explained consideration was given to a lot being developed with a stormwater detention easement area. However, as noted in Resolution 98-57 of the Village's Stormwater Control Policy, Mr. Rathje stated that the "maintenance of stormwater structures will be the responsibility of the Drainage Division of the Public Works Department", as found under Section II(a)2 of the policy and which policy discusses the surface maintenance, which includes the turf and any non-drainage structure that may exist on the property, to be maintained by the property owner. Under Section III.A.7 of the policy it also stated, "stormwater retention and detention facilities shall be discouraged on developable residential lots which are less than one-third acre in area and less than 150 feet in depth." Per Mr. Rathje, the Drainage Ordinance also tracked similarly to the Stormwater policy, citing Sect. 26-94, *Long Term Maintenance*, "Subdivision site run-off areas and stormwater facilities not located in dedicated right-of-ways, shall be granted or dedicated to and accepted by a public entity", which basically translated in to providing a stormwater detention easement area, which was being proposed by the petitioner as part of this subdivision, "or, shall be conveyed by plat as undivided equal interests to each lot in the subdivision, or to dedicated entities approved by the Administrator."

As to staff's concern about a potential maintenance problem, Mr. Rathje conveyed he investigated a number of subdivisions which had similar, privately-owned stormwater detention facilities covered with an easement within the Village of Downers Grove: St. James Court, Hillcrest Hollow, Hillcrest Ridge, and Plymouth Place. He also researched the Southwest Neighborhood Plan adopted in 1979, which made special notation about the subject property and how it was to be developed, as well as the minutes from the May 8, 1979 Plan Commission meeting and how the commission took a different approach to the Neighborhood Plan which basically left the "street system up to the developers."

A detailed review of the lots and their location within the subdivision followed, as well as the roadway improvements proposed. No street light was being proposed because one already existed and most of the older intersections in the Village had intersection lighting. Mr. Rathje noted one issue which was included in the petitioner's letter but not included in staff's memo, was the request that roll curbs be permitted in the bulb of the cul-de-sac for uniformity purposes.

Park and school donations were confirmed.

Mr. Rathje advised the petitioner was open to installing a gravel pathway south of the stormwater detention area but would include a pipe railing for pedestrian safety. Also, an easement will be provided to the Village to allow for pedestrian movement over the property.

Regarding the trees on the neighboring lot, the developer will be working with the Village's Forester to approach the installation of watermains between Jefferson and Carpenter in a way that will minimize any type of root impact. The owner has been discussing the idea of installing a chain-link fence versus the plastic fences prior to the commencement of work to ensure that the area will remain fenced. A photometric plan will be provided for the Jefferson and Brookbank area as requested. As to the elimination of side and rear yard setbacks on the plan, Mr. Rathje explained they were inadvertently shown on the final plat.

Full improvements are expected to be made to the north side of Jefferson, including a 33-foot dedication; Nelson Court will include a 66 ft. right-of-way for the straight section and the 120 ft. diameter of the bulb. In terms of the exceptions being considered and meeting the five standards of

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hardships under the Subdivision Control Ordinance, Mr. Rathje addressed the exceptions point by point, believing that the public improvement exceptions being sought met the requirements of the five hardship standards.

Lastly, Mr. Rathje explained removing Lot 8 was not beneficial because adequate space was available to build on the site. His reasons followed. In addition, Christopher Burke & Associates reviewed the proposal, found the engineering design to be acceptable, and recommended it be adopted and approved by the Village of Downers Grove.

Mr. Brad Hartjes, a civil engineer with C.M. LaVoie & Associates, was introduced and reiterated the review of this proposal has been very comprehensive. A summary followed on how the stormwater was being managed on the site. High and low points of the site of the site were pointed out. A floodplain does encroach onto the site by eight feet but because the petitioner is staying outside of the floodplain limits, there will be no impact to that floodplain. Culverts were pointed out. The detention pond will be located at the low point of the site with the water to be collected through a number of pipes and routed into the detention pond, which will then be rerouted to a restrictor structure and then discharge into the Carpenter Street ditch, out to the culvert, and into the St. Joseph's Creek. The pond has been sized to capture the water from the 4.8-acre site with an appropriate release rate. Approximately one-third of the site flows to the southwest area and into the Jefferson Avenue storm sewer system. Other flow details followed.

It was pointed out by Mr. Hartjes that the Federal Emergency Management Agency ("FEMA") has guidelines that must be followed when constructing structures adjacent to any special management or flood plain, etc. Mr. Hartjes explained the steps that would be taken to develop Lot 8, including the soil borings and seepage calculations to take place after mass grading of the lot in order to meet FEMA's guidelines. Everything upstream from the site, which flowed onto the site, was being accepted but routed through the site's stormwater system.

Chairman Jirik opened up the meeting to the Commissioners. No questions followed.

Because Mr. McCormick felt public participation was a very important part of the hearing and given the late hour, he recommended continuing the hearing to a date certain.

WITH RESPECT TO FILE NO. PC 25-05 COMMISSIONER McCORMICK MADE A MOTION TO CONTINUE THE PETITION TO OCTOBER 3, 2005. COMMISSIONER NICHOLAOU SECONDED THE MOTION.

ROLL CALL:

AYE: MR. McCORMICK, MR. NICHOLAOU, MR. GRIESBAUM, MR. MATEJCZYK, MR. QUANT, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED UNANIMOUSLY.

Chairman Jirik indicated this matter would be placed as the second agenda item on the October 3, 2005 agenda and would open up with the Public Comments portion of the meeting. Mr. Sbiral asked the public to contact staff planner Jeff O'Brien at Village Hall with any questions or comments.

OTHER BUSINESS

Mr. Sbiral stated a special meeting is scheduled for September 26, 2005 to discuss residential regulations and its amendments. The meeting will be televised. He confirmed the October 3, 2005 meeting would include the two prior matters, which were continued tonight in addition to three other matters, which have been noticed. A special meeting in October may be in order, but Mr. Sbiral will put a recommendation together for the Plan Commissioners as it relates to the agenda. Further agreement followed that some of the items should be moved into a special meeting. Mr. Sbiral also added some misconceptions may have come to light on the Nelson Meadows petition, and he would like to clarify them earlier rather than later. The Chairman asked Mrs. Dornan to poll the Commissioners for available dates.

The meeting was adjourned at 11:20 p.m. on motion by Mr. Nicholaou, seconded by Mr. Griesbaum. Motion carried unanimously.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by tape)