

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
AUGUST 2, 2011 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---|--|--|
| Final Plat of Subdivision - 336 Ogden Avenue | <ul style="list-style-type: none"> ✓ Resolution Ordinance Motion Discussion Only | Tom Dabareiner, AICP Community Development Director |

SYNOPSIS

A resolution for a Final Plat of Subdivision has been prepared to consolidate four existing lots into one lot for the property located at 336 Ogden Avenue.

STRATEGIC PLAN ALIGNMENT

The goals for 2011 to 2018 include *Strong, Diverse Local Economy*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the August 9, 2011 active agenda per the Plan Commission’s recommendation.

BACKGROUND

The 30,496 square foot property, commonly known as 336 Ogden Avenue is zoned B-3 General Services and Highway Business and is 175 feet wide by 175 feet deep. The property consists of three 50-foot wide by 175-foot deep lots and one 25-foot wide by 175-foot deep lot. Currently, the site is vacant.

The petitioner is proposing to consolidate the four lots into one to allow the construction of a new multi-tenant commercial building on the property. The consolidation of the four lots into a single lot will permit the property owner to construct the proposed new commercial building, which is under review by Community Development staff.

The petitioner has not requested any exceptions from the Subdivision Ordinance. The petitioner is proposing to construct new sidewalks and is dedicating pedestrian and access easements over all proposed sidewalks. The petitioner is also providing a stormwater management easement over the new stormwater facilities and a ten-foot wide utility easement along the north property line. The proposed lot will meet all minimum lot dimension requirements per Section 20.301(f) of the Subdivision Ordinance for the B-3 General Services and Highway Business district as specified in the table below:

| 336 Ogden Avenue | Lot Width | | Lot Depth | | Lot Area | |
|-------------------------|------------------|-------------------------|------------------|-------------------------|-----------------|----------------|
| | Required | Proposed | Required | Proposed | Required | Proposed |
| Lot 1 | 50 feet | 175 feet (No change) | 140 feet | 175 feet (No change) | 10,500 sq. ft. | 30,496 sq. ft. |

The Plan Commission considered the petition at their July 11, 2011 meeting. No public comments were received at the hearing. The Plan Commission found that the request met the standards listed in Section 20.301(f) of the Subdivision Ordinance. Based on their findings, the Plan Commission recommended unanimous approval of the Final Plat of Subdivision. Staff concurs.

ATTACHMENTS

Aerial Map

Resolution

Staff Report with attachments dated July 11, 2011

Minutes of the Plan Commission Hearing dated July 11, 2011

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF CONSOLIDATION
FOR 336 OGDEN AVENUE**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of the final Plat of Consolidation to consolidate four lots into one lot for the 336 Ogden Development, 336 Ogden Avenue, located at the northeast corner of Fairview and Ogden Avenues, Downers Grove, Illinois, legally described as follows:

Lots 14, 13, 12 and the west 25.00 feet of Lot 11 (except the north 25.00 feet of each said lots) in Block 2 in Arthur T. McIntosh and Company's Third Ogden Avenue Subdivision, being a subdivision in the southwest ¼ of the northwest ¼ of Section 4, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded December 31, 1924 as Document No. 186703, in DuPage County, Illinois, containing: 30,496.48 sq ft (0.70 ac)

Commonly known as 336 Ogden Avenue, Downers Grove, IL (PIN 09-04-110-025).

WHEREAS, notice has been given and a public hearing held on July 11, 2011 regarding this plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended approval of the Final Plat of Consolidation for the 336 Ogden Development located at 336 Ogden Avenue, as requested, subject to certain conditions.

WHEREAS, that a public utility and drainage easement, pedestrian access easement and stormwater management easement shall be granted to the Village and are legally described in the Plat of Consolidation.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Final Plat of Consolidation for the 336 Ogden Development located at 336 Ogden Avenue, be and is hereby approved subject to the following conditions:

1. The final plat of subdivision shall substantially conform to the Plat of Consolidation prepared by Gentile & Associates, Inc. and attached to the staff report dated July 11, 2011, except as such plans may be modified to conform to the Village Codes and Ordinances.

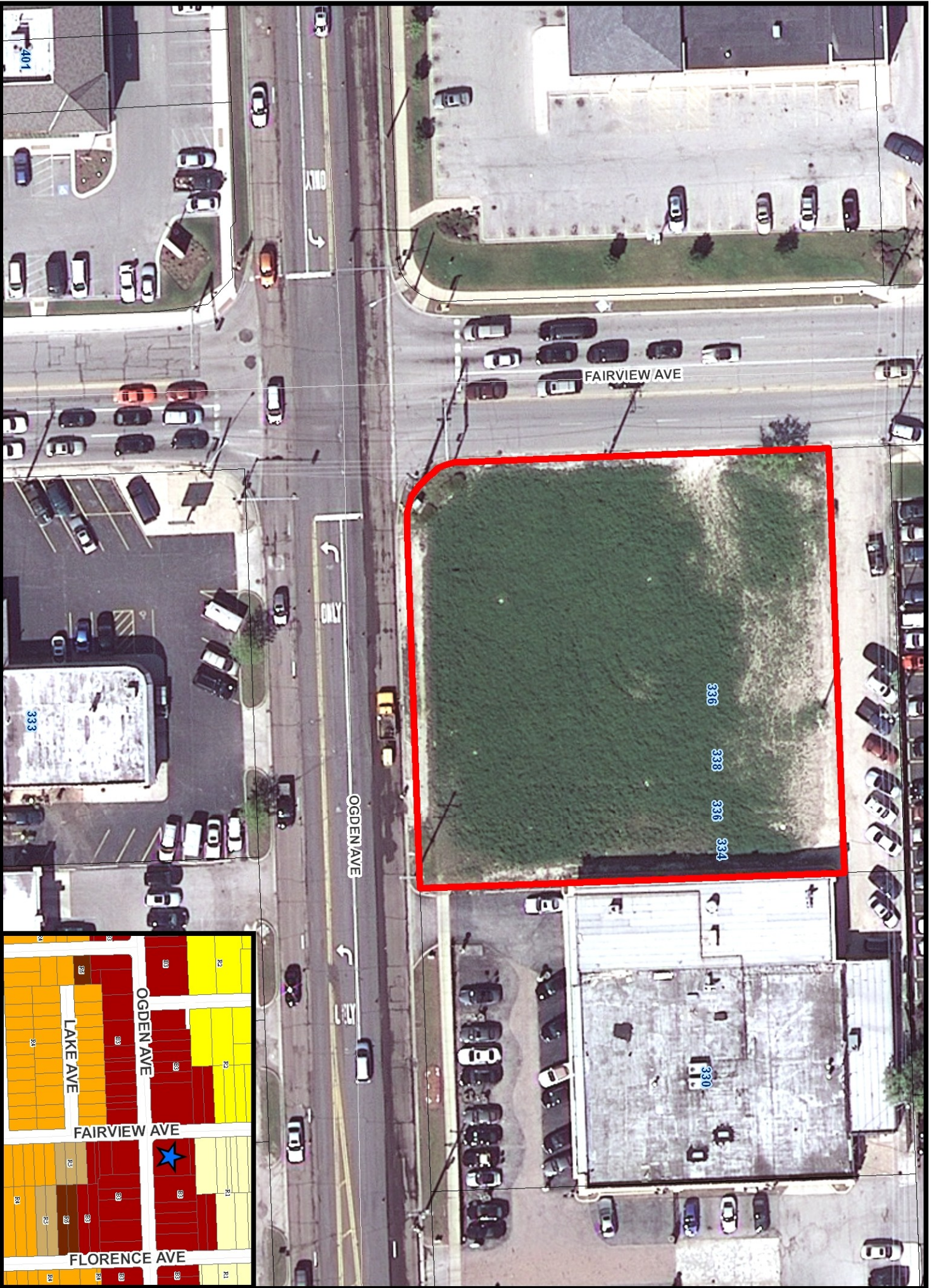
BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat.

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Attest: _____
Village Clerk



0 10 20 30 40 Feet

336 Ogden Avenue Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
JULY 11, 2011 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|------------------------------|---------------------------|--------------------------------|
| PC-23-11 336 Ogden Avenue | Final Plat of Subdivision | Stan Popovich, AICP Planner |

REQUEST

The petitioner is requesting approval of a final plat of subdivision to consolidate four lots into one.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: 336 Ogden, LLC
180 North LaSalle Stree
Suite 2108
Chicago, IL 60601

APPLICANT: Eric Styer
Soos & Associates, Inc.
105 Schelster Road
Lincolnshire, IL 60069

PROPERTY INFORMATION

EXISTING ZONING: B-3 General Services and Highway Business
EXISTING LAND USE: Vacant
PROPERTY SIZE: 30,496 square feet (0.70 acres)
PIN: 09-04-110-025

SURROUNDING ZONING AND LAND USES

| | ZONING | FUTURE LAND USE |
|---------------|---|------------------------|
| NORTH: | B-3 General Services & Highway Business | Commercial |
| SOUTH: | B-3 General Services & Highway Business | Commercial |
| EAST: | B-3 General Services & Highway Business | Commercial |
| WEST: | B-3 General Services & Highway Business | Commercial |

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Narrative
3. Plat of Survey
4. Plat of Subdivision

PROJECT DESCRIPTION

The petitioners are requesting approval of a final plat of subdivision to consolidate four existing lots into a single lot. The property, commonly known as 336 Ogden Avenue, is zoned B-3, General Services and Highway Business and is 175 feet wide by 175 feet deep. The property is made up of three 50-foot wide lots on the west side and a 25-foot wide lot on the east side. Currently, the site is vacant.

The petitioners are proposing to construct a new multi-tenant commercial building on the property. The proposed building would be located in the northeast corner of the property and extend over the common property lines. Without the consolidation of the four lots into one, the petitioner would not be permitted to construct the new commercial building.

COMPLIANCE WITH FUTURE LAND USE PLAN

According to the Future Land Use Plan, the subject property is designated for commercial use. By consolidating the four lots into one, the petitioner will be able to construct the new commercial building. Staff believes the proposed final plat of subdivision is consistent with the Future Land Use Plan and Village planning documents.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned B-3 General Services and Highway Business. The proposed commercial uses are permitted in the district. If the subdivision is approved, the petitioners will be able to construct a new commercial property. The proposed development will meet all Zoning Ordinance bulk and setback requirements.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The proposed lot will meet all minimum lot dimension requirements for commercial lots in the B-3 General Services and Highway Business zoning district per Section 20.301(f) of the Subdivision Ordinance. The petitioner has not requested any exceptions from the Subdivision Ordinance.

The lot dimensions are specified in the table below:

| 336 Ogden Avenue | Lot Width | | Lot Depth | | Lot Area | |
|------------------|-----------|-------------------------|-----------|-------------------------|----------------|----------------|
| | Required | Proposed | Required | Proposed | Required | Proposed |
| Lot 1 | 50 feet | 175 feet (No change) | 140 feet | 175 feet (No change) | 10,500 sq. ft. | 30,496 sq. ft. |

The proposed lot will include new ten-foot wide utility easements along the north property line which will satisfy the requirements for public utility easements. Pedestrian and access easements are granted along both Fairview and Ogden Avenues because the proposed sidewalks will be located on private property. Three stormwater management easements have also been granted over the proposed stormwater facilities.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing the legal notice. Staff has not received any written neighborhood comment regarding the proposal at this time.

FINDINGS OF FACT

Staff believes the proposed Final Plat of Subdivision to consolidate the four existing lots into a single lot is consistent with the Zoning and Subdivision Ordinances and other planning objectives of the Village.

RECOMMENDATIONS

The proposed plat of consolidation is compatible with the surrounding zoning and land use classifications. Based on the findings listed above, staff recommends that the Plan Commission make a motion recommending approval of a plat of consolidation associated with PC-23-11 to the Village Council subject to the conditions below:

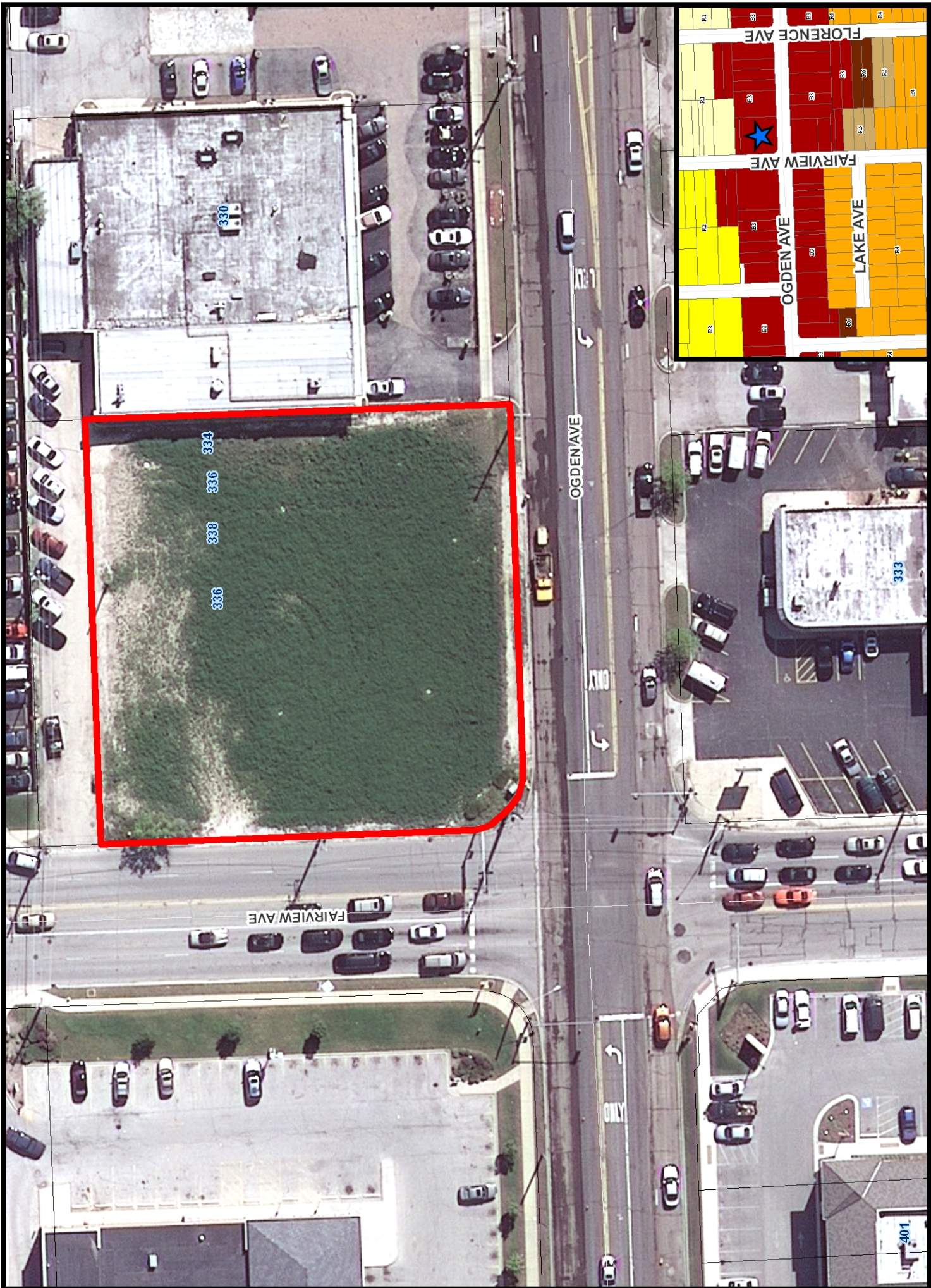
1. The final plat of subdivision shall substantially conform to the Plat of Consolidation prepared by Gentile & Associates, Inc. and attached to the staff report except as such plans may be modified to conform to the Village Codes and Ordinances.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:sp
-att

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336 338 336 334

OGDEN AVE

FAIRVIEW AVE

FLORENCE AVE

FAIRVIEW AVE

OGDEN AVE

LAKE AVE

0 10 20 30 40 Feet

336 Ogden Avenue Location Map



ASOOSOCIATES

June 9, 2011

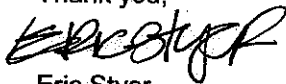
Department of Community Development
Plan Commission
801 Burlington Ave
Downers Grove, IL 60515

RE: 336 Ogden Ave
Petition for Plan Commission

The petitioner, 336 Ogden, LLC is requesting approval to consolidate lots 12, 13, 14 and part of lot 11 indicated on the Boundary and Topographic Survey (Exh 1) for a proposed commercial development. The consolidated lot indicated on the 336 Ogden Development Plat of Consolidation (Exh 2) illustrates the proposed LOT 1. The existing lots were purchased together and were previously used as a commercial single lot as shown in Exh 2, which was constructed across the four lots. The proposed commercial development consists of one principal building constructed across the same four lots. This request is simply cleaning up the legal description of the existing Boundary and bringing the property into compliance with section 28.100SEC.(d) Development on Lots of Record.

I appreciate the Plan Commissions consideration of this matter.

Thank you,



Eric Styer
Soos and Associates, Inc
Architect
Agent for the Owner

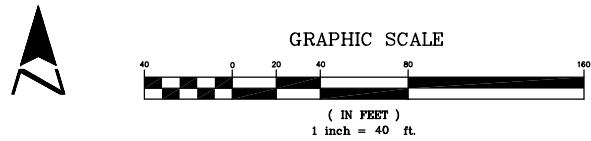
Soos & Associates, Inc.
Architecture

105 Schetter Road
Lincolnshire, Illinois 60069
Phone 847 821 7667
Fax 847 821 8570

336 OGDEN DEVELOPMENT PLAT OF CONSOLIDATION

P. I. N.: 09-04-110-025

BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.



DOWNERS GROVE SANITARY DISTRICT

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

I, _____ COLLECTOR OF THE DOWNERS GROVE SANITARY DISTRICT, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

DATED AT DOWNERS GROVE, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

 SANITARY DISTRICT COLLECTOR

CERTIFICATE FOR THE COLLECTOR FOR THE VILLAGE

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

I, _____ COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND, INCLUDED IN THIS PLAT.

DATED AT DOWNERS GROVE, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

 DOWNERS GROVE VILLAGE COLLECTOR

CERTIFICATE FOR THE VILLAGE COUNCIL

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

 MAYOR

 VILLAGE CLERK

CERTIFICATE FOR THE COUNTY CLERK

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

I, _____ COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT, GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

 DUPAGE COUNTY CLERK

CERTIFICATE OF THE COUNTY RECORDER

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ M. AS DOCUMENT NUMBER _____

 DUPAGE COUNTY RECORDER OF DEEDS

DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

I, _____ A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION. FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIVISION OR ANY PART THEREOF IS (IS NOT) LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THIS _____ DAY OF _____ A.D. 20____

 REGISTERED PROFESSIONAL ENGINEER

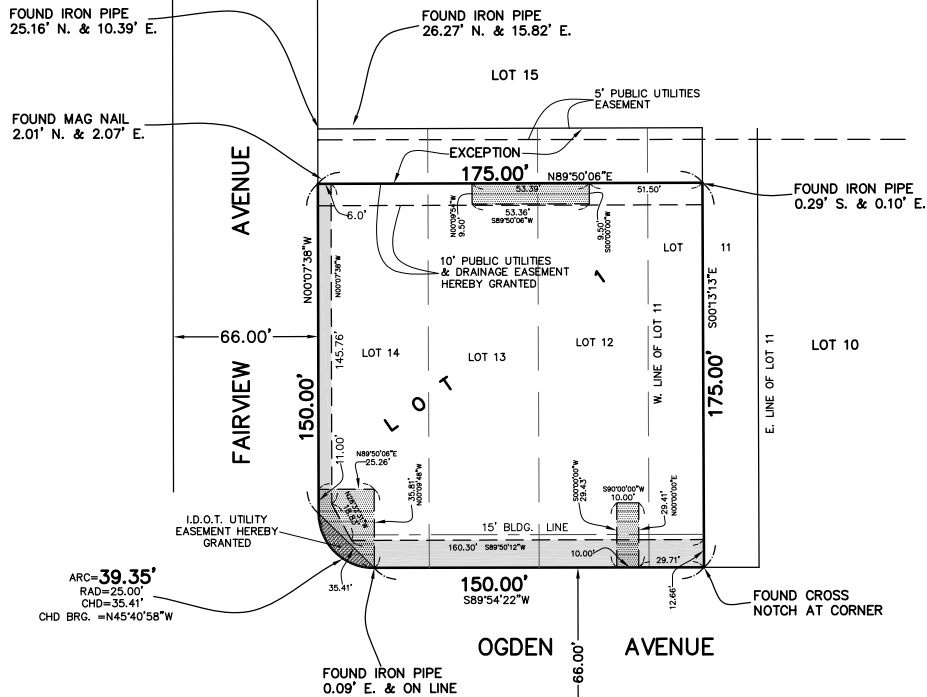
 OWNER OR ATTORNEY

STORMWATER MANAGEMENT EASEMENT HEREBY GRANTED

PEDESTRIAN & ACCESS EASEMENT HEREBY GRANTED

GENTILE & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 550 E. ST. CHARLES PLACE
 LOMBARD, ILLINOIS 60148
 PHONE (630) 916-6262
 FAX (630) 916-6264

PREPARED FOR: WATERMARK ENGINEERING RESOURCES, LTD
 DRAWN BY: MMG ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.002870
 ORDER NO.: 11-20029-11 CONS



PEDESTRIAN AND ACCESS EASEMENT PROVISIONS

A PEDESTRIAN AND ACCESS EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS, AND ITS SUCCESSORS AND ASSIGNS IN, ON, OVER, UPON, ACROSS, UNDER AND THROUGH THOSE AREAS DEPICTED ON THE PLAT AS "PEDESTRIAN AND ACCESS EASEMENTS". TO IMPROVE, INSTALL, CONSTRUCT, RENEW, CLEAR, RECONSTRUCT, REPLACE, REMOVE, REPAIR, ALTER, INSPECT, OPERATE, AND MAINTAIN PEDESTRIAN AND NON-MOTORIZED VEHICULAR CIRCULATION FACILITIES AND ACTIVITIES INCIDENTAL THERE TO.

SAID EASEMENTS HEREIN GRANTED ARE PERPETUAL EASEMENTS AND SHALL RUN WITH THE LAND AND ALL COVENANTS, AGREEMENTS, TERMS, CONDITIONS, OBLIGATIONS, RIGHTS, AND INTEREST HEREIN CONTAINED ARE PROVIDED FOR AND SHALL LIKEWISE INSURE TO THE BENEFIT OF THE PARTIES HERETO, THEIR HEIRS, EXECUTORS, SUCCESSORS, GRANTEEES, LESSEES AND ASSIGNS.

EASEMENT PROVISIONS PUBLIC UTILITIES EASEMENT

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO:

COMMONWEALTH EDISON COMPANY AND SBC AMERITECH, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES.

THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED EASEMENT, UTILITY EASEMENT, PUBLIC UTILITY EASEMENT, P.U.E. (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS COMMON ELEMENTS, AND THE PROPERTY DESIGNATED ON THE PLAT AS COMMON AREA OR AREAS, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL, REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED EASEMENT, UTILITY EASEMENT, PUBLIC UTILITY EASEMENT, P.U.E. (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM COMMON ELEMENTS SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE CONDOMINIUM PROPERTY ACT, CHAPTER 765 ILCS 605/2, AS AMENDED FROM TIME TO TIME.

THE TERM COMMON AREA OR AREAS IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS OUTLOTS, COMMON ELEMENTS, OPEN SPACE, OPEN AREA, COMMON GROUND, PARKING AND COMMON AREA, THE TERM COMMON AREA OR AREAS, AND COMMON ELEMENTS INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

DECLARATION OF RESTRICTIVE COVENANTS STORMWATER MANAGEMENT EASEMENT

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF SUBDIVISION SHALL BE HELD, TRANSFERRED, SOLD, CONVEYED AND OCCUPIED SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:

- (A) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.
- (B) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED PUBLIC UTILITY AND/OR DRAINAGE EASEMENT, OR SIMILAR LANGUAGE DESIGNATING A STORMWATER OR SEWER EASEMENT, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF EACH AND ALL OF THE PURCHASERS OF SUCH LOTS WHETHER THEY SHALL HAVE BECOME SUCH BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS, AND

WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND

WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNERS OR OWNER OF ANY OF THE LOTS OF LAND COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREAFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECT TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED, TO WIT:

- NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS DESCRIBED IN THE PLAT OF SUBDIVISION, EXCEPT FOR LANDSCAPE INSTALLATION OF TREES, SHRUBS, BUSHES AND GRASS AND THE INSTALLATION OF UNDERGROUND UTILITY LINES AND DRIVEWAYS.
- EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION, AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
- IN THE EVENT ANY OWNER OR PURCHASER FAILS TO PROPERLY MAINTAIN THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL UPON TEN DAYS PRIOR WRITTEN NOTICE, RESERVE THE RIGHT TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE AND FREE FLOW OF STORMWATER THROUGH THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS.
- IN THE EVENT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL BE REQUIRED TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE COST TOGETHER WITH THE ADDITIONAL SUM OF TEN PERCENT SHALL, UPON RECORDATION OF A NOTICE OF LIEN WITHIN SIXTY DAYS OF COMPLETION OF THE WORK, CONSTITUTE A LIEN AGAINST HIS LOT WHICH MAY BE FORECLOSED BY AN ACTION BROUGHT BY OR ON BEHALF OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
- THE AFORESAID RESTRICTIONS AND COVENANTS, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BE AND REMAIN OF PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREIN DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

IN WITNESS WHEREOF, THE OWNERS HAVE SET THEIR HANDS UPON THE ATTACHED PLAT THE DAY AND DATE FIRST WRITTEN THEREOF.

DATED AT _____ ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

OWNER _____ OWNER _____

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

I, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY DO HEREBY CERTIFY THAT _____ IS/ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE AS SUCH _____ APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE/THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AT HIS/HER/THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ A.D. 20____

 NOTARY PUBLIC

 COMMISSION EXPIRES

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF DUPAGE) S.S.

THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND KNOWN AS 336 OGDEN AVENUE, DOWNERS GROVE, ILLINOIS TO THE BEST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF THE NO. 99 HIGH SCHOOL DISTRICT, AND NO. 58 ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

DATED AT _____ ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

OWNER _____ OWNER _____

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

I, _____ INDIVIDUALS (OR CORPORATION), HEREBY CERTIFY THAT THEY (OR IT) ARE THE OWNERS (OR OWNER) OF THE ABOVE DESCRIBED PROPERTY AND THEY (OR IT) HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN.

DATED AT _____ ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

OWNER _____ OWNER _____

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

I, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY DO HEREBY CERTIFY THAT _____ IS/ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE AS SUCH _____ APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE/THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AT HIS/HER/THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ A.D. 20____

 NOTARY PUBLIC

 COMMISSION EXPIRES

DUPAGE COUNTY HEALTH DEPARTMENT

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

I, _____ DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THIS PLAT COMPLIES WITH ALL WATER AND SANITARY SEWAGE REQUIREMENTS OF THE DUPAGE COUNTY HEALTH DEPARTMENT.

THIS _____ DAY OF _____ A.D. 20____

 DUPAGE COUNTY HEALTH DEPARTMENT

PLAN COMMISSION OF THE VILLAGE CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE, THIS _____ DAY OF _____ A.D. 20____

 CHAIRMAN

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF _____) S.S.

THIS IS TO CERTIFY THAT I, _____ ILLINOIS LAND SURVEYOR NUMBER _____ HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION:

LOTS 14, 13, 12 AND THE WEST 25.00 FEET OF LOT 11 (EXCEPT THE NORTH 25.00 FEET OF EACH OF SAID LOTS) IN BLOCK 2 IN ARTHUR T. MC INTOSH AND COMPANY'S THIRD OGDEN AVENUE SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 31, 1924 AS DOCUMENT NO. 186703, IN DU PAGE COUNTY, ILLINOIS.

CONTAINING: 30,496.48 Sq Ft (0.70 Ac.)
 UPON INSPECTION OF FLOOD INSURANCE RATE MAP NO. 170430902H, EFFECTIVE DATE DECEMBER 16, 2004, I FURTHER CERTIFY THAT ALL OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITH ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN)

ALL DIMENSIONS ARE IN FEET OR DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ A.D. 20____

 ILLINOIS PROFESSIONAL LAND SURVEYOR NO.
 MY LICENSE EXPIRES NOVEMBER 30, 2012

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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

JULY 11, 2011, 7:00 P.M.

Chairman Jirik called the July 11, 2011 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Matejczyk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Mr. Cozzo, Mr. Quirk

STAFF PRESENT: Community Development Director Tom Dabareiner; Planning Manager Jeff O'Brien; Planners Stan Popovich and Damir Latinovic

VISITORS: Ms. Beth Simmons, Hamilton Partners, 1901 Butterfield, Downers Grove; Ms. Marge Earl, 4720 Florence Avenue, Downers Grove; Mr. Keith Rafacz, 226 6th Street, Downers Grove; Glen Columbo, DT Builders; Mr. Russ Whitaker III, Rosanova & Whitaker, Ltd., 23 W. Jefferson St., Naperville; Mr. Troy Triphahn, Corporate Design Development, 2675 Pratum Ave., Hoffman Estates; Cynthia and Leonard Senicka, 43 Mockingbird Lane, Oak Brook; Mr. Adam Campbell, Speedway, 600 Speedway, Drive; Mr. Henry Succop, 214 6th St., Downers Grove; Dale and Julie Albrecht, 4236 Lindley St., Downers Grove; Mr. Tony Disanza, Panera, LLC, 3630 S. Geyer Rd., Sunset Hills, MO; Mr. Bob Gundmonson, Cowhey Gudmundson Leder, Ltd., 300 Park Blvd., Itasca; Mr. David Olson, The Jenkins Group, 300 Park Blvd, Itasca; Mr. Rob Steckelberg, 4238 Lindley St. Downers Grove; Mr. George Marks, 336 Ogden, LLC, 180 N. LaSalle, Chicago, IL; Ms. Amelia Coppelillo, 4237 Lindley St., Downers Grove; Tom Runkle, Hitchcock Design; and Tim Sjogren, Traffic Analysis and Design Company

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance. The meeting's protocol followed.

APPROVAL OF MINUTES - No minutes

PC-23-11 A petition seeking approval of the final plat of subdivision to consolidate four existing lots into one lot for the property located at the northeast corner of the Fairview Avenue and Ogden Avenue, commonly known as 336 Ogden Avenue, Downers Grove, IL (PIN 09-04-110-025); Eric Styer, Soos & Associates, Inc. Petitioner; 336 Ogden, LLC, Owner

Chairman Jirik swore in those individuals who would be speaking on File PC-23-11.

Planner Stan Popovich summarized the petitioner is seeking approval of a final plat of subdivision to consolidate four lots into one lot for a commercial property at 336 Ogden Avenue, which is currently vacant. The lot measures 175 feet wide by 175 feet deep and is made up of three 50-foot

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wide lots and one 25-foot wide lot. The Future Land Use Plan (“FLUP”) designates the property as commercial. Mr. Popovich noted staff believes the plat of subdivision is consistent with the FLUP and meets all of the zoning ordinance requirements and the bulk and setback regulations. As to the Subdivision Ordinance, the proposed 175 ft. by 175 ft. lot meets all dimension requirements for the B-3 Zoning District. A 10-ft. utility easement on the north property line as well as a pedestrian access easement on the south and west property lines is for proposed sidewalks. A stormwater management easement will also be provided.

Mr. Popovich indicated after proper notification of this proposal, staff received two general inquiry phone calls. Staff recommends approval of the proposal with the conditions listed on Page 3 of the staff report.

Per Mr. Webster’s question, Mr. Popovich stated the petitioner was not seeking any variances for the project.

Mr. George Marks, 600 W. Jackson Blvd., Chicago, Illinois, stated he represents 336 Ogden LLC, owner of the property, and was available to answer questions.

Mr. Beggs inquired about the location of the parking lot, wherein Mr. Marks indicated that plans submitted depict the parking lot at the south and west ends of the site.

For clarification purposes, Mr. Marks stated the building will be located in the northeast corner of the site.

Asked if there would be another proposal after the consolidation, Chairman Jirik clarified, and Mr. Beggs emphasized, that the only item being considered tonight was the consolidation.

Chairman Jirik opened up the meeting to public comment. No comments. Public comment was closed.

Mr. Marks had no further closing statement.

WITH RESPECT TO FILE PC-23-11, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITION:

THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE PLAT OF CONSOLIDATION PREPARED BY GENTILE & ASSOCIATES, INC. AND ATTACHED TO THE STAFF REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.

MRS. RABATAH SECONDED THE MOTION.

ROLL CALL:

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MR. WAECHTLER,
MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

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MOTION CARRIED. VOTE: 6-0