

APPROVED

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

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

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

ABSENT: Mrs. Rabatah

STAFF

PRESENT: Keith Sbiral, Director of Planning; Planners Angela Clark, Jeff O'Brien and Lori Sommers; Mike Millette, Asst. Director of Public Works; and Alice Dornan, Recording Secretary

SEPTEMBER 26, 2005 MINUTES: MINUTES WERE APPROVED ON MOTION BY MR. WAECHTLER, SECONDED BY MR. MATEJCZYK.

ROLL CALL:

AYES: MR. WAECHTLER, MR. MATEJCZYK, MR. WEBSTER, CHAIRMAN JIRIK

NAYS: NONE

ABSTAIN: MR. BEGGS, MS. HAMERNIK

MOTION PASSED. VOTE: 4-0-2

OCTOBER 3, 2005 MINUTES: MINUTES WERE APPROVED ON MOTION BY MR. MATEJCZYK, SECONDED BY MR. WEBSTER.

ROLL CALL:

AYES: MR. MATEJCZYK, MR. WEBSTER, MR. WAECHTLER, CHAIRMAN JIRIK

NAYS: NONE

ABSTAIN: MR. BEGGS, MRS. HAMERNIK

MOTION PASSED. VOTE: 4-0-2

OCTOBER 17, 2005 MINUTES: MINUTES WERE APPROVED ON MOTION BY MR. WEBSTER, SECONDED BY MR. WAECHTLER.

ROLL CALL:

AYES: MR. WEBSTER, MR. WAECHTLER, MR. MATEJCZYK, CHAIRMAN JIRIK

NAYS: NONE

ABSTAIN: MR. BEGGS, MRS. HAMERNIK

MOTION PASSED. VOTE: 4-0-2

Chairman Jirik reviewed the protocol for the meeting.

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 swore in those individuals wishing to speak on File No. PC-24-05.

Staff planner, Ms. Clark, read her report as it pertains to the subject property, calling to attention that the petitioner was seeking to divide the property into two equally sized parcels of 60 feet in width. If the petition is approved, the existing residential structure will be demolished, and one new single-family residence would be constructed on each resulting lot. The proposed lot split would result in conformance with the Future Land Use Map of 0 to 6 dwelling units per acre in the R-1 through R-4 zoning classifications. Ms. Clark stated she advised the Petitioner of the code-required criteria in relation to the subject petition as well as the recent Council discussions regarding lot split requests and the Community Dialogue discussions. The petitioner has elected to proceed with the request and has submitted a project summary to further address these criteria.

Per staff, there were significant issues with regard to the proposed lot width exceptions considering that several large lots remained on the west side of Main Street adjacent to the subject property, and whether the 60-foot lots were consistent with the trend of development in the area. Staff recommended approval pending the following four conditions:

1. Removal or relocation of the existing residential structure to a conforming location prior to recording the Lot Split;
2. Approval of Public Works requirements and conditions as outlined in their memorandum dated March 4, 2005 prior to construction permitting;
3. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. Changes may require additional review; and
4. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

No comments followed from the commissioners.

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Mr. James F. Russ, Jr., 4915 Main Street, Downers Grove, IL, attorney for the petitioner, stated his request was for two lots (60 feet x 299 feet) with lot areas running approximately 17,000 sq. feet. While the minimum lot width requirement is 75 feet and 140 feet in depth for a minimum lot area, the minimum area will be exceeded by approximately 7,000 sq. feet per lot, or 1.5 times the area required under the Subdivision Control Ordinance. With regard to the lot width, he noted the Plan Commission was allowed to approve up to 50% reduction, and the request is similar to other requests, which were allowed in the Village of Downers Grove in different areas. Mr. Russ reviewed the four criteria, which the Plan Commission was to consider in discussing the requested exception.

Mr. Russ closed by emphasizing the fact that the proposed lots are substantially in conformance with the lots to the west and south and that the depth and area exceeds minimum requirements. Chairman Jirik opened up the discussion to the commissioners.

Per a question, Mr. Russ stated the proposed parcels did not have any wetland issues. Mr. Beggs inquired about the discussions that took place at the Council meeting regarding lot splits, wherein Mr. Sbiral discussed the conversations that took place at Council levels over the past years. Mr. Waechtler recalled the conversations focused on the character of the neighborhood and the predominant lots sizes in the neighborhood.

Backing up his request, Mr. Russ explained an area located in the northwest section west of Lee Street and south of Prairie developed similarly, where the predominant division of the lots was initially 125 foot wide but were reduced and developed into 60 ft. wide lots, which was consistent with the area. The proposed request fell under the same scenario.

Ms. Hamernik asked if the mix of lots in the area was due to annexation in two different zoning districts, wherein Mr. Russ explained the R-4 zoning district at the time of lot development allowed for a 50 foot minimum lot on the east side of the street and then the subdivision ordinance followed, with the 50 foot lots being grandfathered in as non-conforming lots.

Chairman Jirik opened up the discussion to the public:

Ms. Kim Born, 5522 Main Street, Downers Grove, expressed concern about additional traffic to the area with two lots and the traffic accidents she has witnessed over the years. She expressed concern about stormwater running into her backyard pond from the two lots.

Mr. Gordon Goodman, 5834 Middaugh Ave., Downers Grove, believed larger lots along Main Street were appropriate and important. He noted he did not hear any evidence of a particular hardship or practical difficulty and was not supportive of the request. While the petitioner's attorney addressed the four criteria to grant an exception, Mr. Goodman called attention to the fact that the petitioner's attorney neglected to add a fifth criteria which was whether the exception was in conformance with the general plan and spirit of the Ordinance chapter. He indicated it was not in character or conformance.

Discussion followed on the history of lots within the Village, what truly existed and how an exception was justified. Mr. Sbiral stated staff's position was that there was a difference between Carpenter Street and Main Street in the overall function of the streets.

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Mr. Goodman proceeded to respond to Mr. Beggs' question on justifying the exception, explaining one must research the Ordinance adopted by the Village and ask whether a particular hardship or practical difficulty existed to grant the exception. It was not a property right to have 60 ft. wide lots.

Mr. Kenneth Mungan, 5558 Main Street, Downers Grove, asked for staff to review its list of concerns with the development of the lot, as stated in the report. Mr. Sbiral explained staff felt the subject request was not consistent with the surrounding neighborhood lots and a 20% variance where no hardship was spelled out was a concern. Mr. Mungan asked Mr. Russ if his client owned the 135-foot lot to the south, wherein Mr. Russ stated he did not know but offered to find out. Mr. Mungan pointed out his lot on the map. Addressing the trend of development, Mr. Mungan commented on the two most recently developed lots, which are 80 feet in width and appear to be the trend in his neighborhood. He believed the proposal did have an impact on the reasonable use of the surrounding properties since accidents have occurred, and the requested exception would impact safety. He believed the proposal did not meet the trend of the area and did not meet the spirit of the Ordinance.

Mrs. Gretchen Mungan, 5558 Main Street, Downers Grove, stated she knew of four neighbors who did not support the split for 60-foot wide lots. She expressed concern about her child's safety and the neighbors' safety when pulling out of their driveways quickly to get on the road.

Mr. Martin Estall, 5512 Main Street, Downers Grove, resides two lots north of the subject property. He was not opposed to the lot split but did have concerns about sump pump connections to the Main Street stormwater line that feeds directly into his backyard.

Chairman Jirik closed the public participation portion of the meeting and opened up the discussion to the commissioners.

Per Ms. Hamernik's question, the speed limit in the area was 35 MPH.

Mr. Russ closed by explaining that the hardship in this matter was denying the petition. By denying the request, the Plan Commission was requiring the owner to maintain a property that was twice as deep and one and one-half times the minimum lot area size that was required of anyone developing a parcel in the Village. He noted the property north of the train tracks was developed as 50-foot wide lots the same as the east side of Main Street. The 60-foot wide lots were more consistent with how Main Street was developed. He asked the Plan Commission support the request. Discussion among the commissioners followed. Mr. Matejczyk believed the commission had to view not just the single parcel in isolation but the five lots that would be impacted by the decision. In reviewing the aerial, he found it difficult to view five lots as a neighborhood and agreed the lots were not the norm. He believed the lot would be difficult to develop considering its size and the value of the land and would become a burden.

Mr. Webster pointed out the newest developed lots near the subject parcel but called attention to the fact that 60-foot widths were the majority on the block. However, Mr. Waechter disagreed, noting of the 14 lots on the west side of Main Street, five were 60 feet and the remaining were over 60 feet. Of the 24 lots on the east side of Main Street, three were 50 feet, and lots over 60 feet represented 66.7% of the block.

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Chairman Jirik, in reviewing the subject property, viewed Main Street and Carpenter as different neighborhoods. By his own calculations, two-thirds had greater or conforming properties of 75 feet. Should the request be approved, then the lots would represent a 50/50 split.

After discussing the matter, Mr. Beggs believed under the statute there was good reason for the petitioner to make the request and viewed the neighborhood as a changing neighborhood with no specific direction, of which time would tell.

Mr. Waechtler inquired whether all stormwater and wetlands information was provided to staff, wherein Mr. Sbiral explained on this particular request, the Public Works Department and staff did review the parcel. Since there were no specific wetland issues, then that specific information is not required until permitting time.

Regarding the resident's concern about sump pump water being directed to his pond, Mr. Sbiral explained the developer would be held to the same standards whereby water cannot be released off its site. Those issues would not be addressed until a structure was proposed for the site by the developer.

Ms. Hamernik also agreed the subject parcel was an "island", and a larger lot surrounded by smaller lots was a hardship. However, in reviewing the lots over 75 feet in width, the Plan Commission, by not granting the request, was not hampering development necessarily because another option existed.

Mr. Waechtler discussed if the exception were approved, the village would set a precedent and other requests would most likely follow.

Chairman Jirik provided his own input as to the number of existing lot widths greater than 75 feet and those of 60 feet wide, and the fact that he was uncomfortable leaning toward the 60-foot wide lot.

MOTION: WITH RESPECT TO FILE NO. PC-24-05, MR. MATEJCZYK MOVED THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL BASED UPON STAFF'S RECOMMENDATIONS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) **REMOVAL OR RELOCATION OF THE EXISTING RESIDENTIAL STRUCTURE TO A CONFORMING LOCATION PRIOR TO RECORDING THE LOT SPLIT;**
- 2) **APPROVAL OF PUBLIC WORKS REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED MARCH 4, 2005 PRIOR TO CONSTRUCTION PERMITTING;**
- 3) **ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW; AND**
- 4) **IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.**

THE MOTION WAS SECONDED BY MR. BEGGS.

ROLL CALL:

AYE: MR. MATEJCZYK, MR. BEGGS, MR. WEBSTER

NAY: MS. HAMERNIK, MR. WAECHTLER, CHAIRMAN JIRIK

MOTION FAILED. VOTE: 3-3

Chairman Jirik asked whether more information was necessary to debate the issue. The consensus of the Plan Commission was to move forward. Mr. Sbiral stated the above petition would be on the Village Council Workshop Agenda on January 10, 2006 and questions should be directed to Angela Clark, Planner, at (630) 434-5531.

FILE NO. PC-25-05 (continued from 10/3/05 meeting) – 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 confirmed with Ms. Hamernik and Mr. Beggs that they read the minutes and staff reports regarding this petition, to which both answered affirmatively.

Chairman Jirik went over where the Commission was in the process for this petition with Mr. Sbiral explaining that staff did note the responses to the Plan Commission comments and staff's modified recommendation. No significant changes were made to the plans since the last meeting with only a few modifications to the plans to address previous recommendations in staff's report. Staff planner, Mr. Jeff O'Brien, stated at the October 3, 2005 meeting, staff was asked to research the sidewalk gap on Brookbank Road and the lack of extension of that sidewalk on the east side of Brookbank Road north to Blanchard Street. He noted it was a dead-end section of sidewalk and the development of the Nelson Meadows sidewalk would include the addition on the east side of the new street along the entire frontage of the subdivision. Mr. O'Brien explained how the sidewalk matrix would be updated with this new development. He clarified that the staff report should have stated that work along the south property line would remain five feet from the tree trunks, not the roots. Mr. O'Brien also explained that the proposed building on Lot 8 would be above the high water level of the detention pond. He noted staff continued to recommend that Lot 8 be eliminated from the plans and that the detention area should be on a separate out lot. Mr. O'Brien stated that staff was not opposed to mountable curbs. Staff, however, was recommending approval with the five conditions listed in its staff reported dated December 5, 2005. Lastly, Mr. O'Brien called attention to the fact that a letter from Ms. Alice Strelau, 5611 Brookbank Rd., Downers Grove, was on the dais for each commissioner.

As to whether the public comment portion of the meeting should be reopened to address any new changes to the plans, Mr. O'Brien responded that the changes the public would be able to comment on included the widened right-of-way of Jefferson Avenue from 33 feet on the previous submitted plans to 35 feet; the addition of the walking path through the detention area on Lot 8; the addition of

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two catch basins on Brookbank Road and the photometric plan. As to the detention pond, it was moved a couple feet to the north to accommodate the walking path.

Mr. Sbiral cautioned Chairman Jirik on how much of the meeting needed to be re-opened since much of the information and issues were discussed at the last meeting. He advised the Chairman that there should be a rebuttal of previous testimony from the petitioner. Chairman Jirik stated the public participation would be reopened for new information only and cross-examined in one streamlined process at the end.

Mr. Ken Rathje, Rathje Consulting Services, 412 Chicago Avenue, Downers Grove, stated all of the items were discussed earlier, specifically the withdrawn request for a right-of-way with dedication of 33 feet. It was revised to a 35-foot dedication. As to the streetlights, the petitioner through Mr. Hartjes would be providing a revised photometric plan. Public Works has since commented and the petitioner needs to make some adjustments. There was no longer a request for a variation. Per Mr. Rathje, final engineering was adjusted appropriately between the time the Plan Commission recommendation was sent forward regarding the subdivision and the time the Village engineer certified the engineering. Similarly, with the catch basins, there was no departure from the standards; only a minor adjustment was made as it relates to stormwater flow. The petitioner at the prior meeting agreed to the five-foot walking path, and it was agreed that a pipe rail barrier would be installed between the north edge of the walking path and the detention area, voluntarily. Chairman Jirik reopened the public participation portion of the meeting regarding the new changes.

Mr. Tom Sisul, 5120 Main Street, Downers Grove, the attorney for the residents, had no objections. He confirmed his discussions with staff last week and was pleased about the 35-foot dedication on Jefferson Street. The five-foot path was welcomed; however, the slopes appeared to be dangerous for children, and the pipe rail was an inadequate safety precaution.

Mr. Mike Kelch, 5729 Carpenter, Downers Grove, asked about lighting on Carpenter, wherein staff recommended lighting be placed on Carpenter and at the height of the wall and its specific location.

Chairman Jirik swore in Mr. Brad Hartjes, C. M. LaVoie & Associates, 1050 W. Rt. 126, Plainfield, IL.

Mr. Hartjes explained there was no wall along Carpenter. The wall was along the south property line and would not be seen from the south.

Mr. Mark Cronin, 1117 Jefferson St., Downers Grove, asked questions about the maintenance of the railing, would it be the responsibility of the owner of Lot 8 or the homeowners association.

Mr. Cronin inquired as to on-street parking on Jefferson and who would be paying for a new plat of survey of his property since his driveway would be reconfigured as part of this project. Mr. Sbiral stated the property lines were not changing, and the right-of-way would remain in the configurations. Because the street layout and Mr. Cronin's driveway would change, Mr. Sbiral stated it was the petitioner's responsibility to speak to Mr. Cronin to make the necessary arrangements. Chairman Jirik also added that because the property under Mr. Cronin's ownership would remain dimensionally unchanged, there was no concern about the sidewalk since it was on village property.

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Mr. Jim Mazer, 5800 Carpenter St., Downers Grove, pointed out his property on the map and inquired about the location of the wall and detention pond in relationship to the walnut trees. He inquired about the use of limestone for the walking path, stating he preferred mulch, wherein Mr. Hartjes explained the western portion of the wall was a few feet further away, and the wall would be located ten feet from the property line. Mr. Hartjes explained that after discussing the limestone material with staff, staff did not see the six inches of limestone as an issue.

Chairman Jirik swore in Ms. Gail VanGorp Mazer, 5800 Carpenter St., Downers Grove. Ms. VanGorp Mazer asked if a report existed from the Village Forester on the limestone recommendation. She share her discussions with representatives from the Morton Arboretum and a privately hired arborist who agreed that placing a new limestone path near mature walnut trees would cause stress to the trees versus using mulch. In addition, her understanding was that there was never any intention of putting Jefferson all the way through to Carpenter. She asked for clearer delineation of the distances from the property line and the sidewalk in the report and the current fencing. Mr. O'Brien proceeded to point out the location of the trees in relation to the path, property lines, etc.

Mr. Gordon Goodman, 5834 Middaugh Ave., Downers Grove, expressed concern about over-digging.

Mr. John Schofield, 1025 Jefferson St., Downers Grove, voiced comments about the Jefferson right-of-way withdrawal. He inquired as to why the parkway was 12 feet wide walking east on the north side of Jefferson only to narrow at the corner of Nelson Court and then widen around the cul-de-sac. He asked for consistency. Mr. Sbiral responded and clarified the building line was not supposed to be on Lot 4 and was in error.

Chairman Jirik closed the public participation portion of the meeting.

Chairman Jirik asked for petitioner comments.

Mr. Kenneth Rathje, 412 Chicago Avenue, provided a rebuttal to the comments and questions. Addressing sidewalk installation, he stated Section 19-14.1 of the Municipal Code requires the payment of fees to the village when sidewalks are not constructed. Because funds would be collected under the provision, he would hope that the Village would utilize those funds for the construction of sidewalks south of the dead-end section of Brookbank and south of Blanchard. Regarding stop sign installation, it was the responsibility of the Parking and Traffic Commission to review. Regarding lighting, after speaking with the Public Works department, two additional streetlights would be required along Carpenter and one more light in the Brookbank/Jefferson area. Mr. Rathje stated the petitioner agreed with staff as to the relocation of the water main to the west side of Brookbank. Continuing, Mr. Rathje hoped that the Commission would support the request for an exception for a rolled curb in the cul-de-sac.

Regarding the prior discussion about street design, Mr. Rathje referenced Neighborhood Plan Ordinance #2324, dated June 11, 1979, and Spohn's Third Resubdivision (1973) and the future development plans for the subject neighborhood, which was to reduce or eliminate the dead-ending of Jefferson. However, in referencing the May 8, 1979 Plan Commission meeting, Mr. Rathje pointed out a different approach was taken whereby narrative-type guidelines were established for the roadway system, leaving the street system up to the developer(s). He called attention to the fact

that there was a preference in the neighborhood that Jefferson not be extended through to Carpenter, and there was an option to extend Brookbank through from Jefferson to Blanchard and then making improvements to Jefferson. He referenced how Mr. Cronin's 1988 lot split played into the Nelson property, stating what was being proposed was very much anticipated in the adoption of the Neighborhood Plan, as well as the concepts that went into getting a lot split.

Mr. Rathje confirmed the elimination of the previously suggested variation for the north half of Jefferson. He stated the petitioner's plan had consistent right-of-ways with respect to Carpenter. He continued to discuss lot depth issues and setback matters, stating he was pleased that staff was supporting the application of the Subdivision Control Ordinance and Zoning Ordinance as written and requiring the underlying R-3 zoning district's 30 ft. setback as being appropriate for this subdivision. Addressing the walnut trees, he was of the understanding that the trees would be fine as long as construction activity occurred five feet away from the trunks. He reminded the commissioners that the petitioner was willing to install a chain link fence on his side of the property line prior to any construction. Mr. Rathje then confirmed the tree locations relative to the property line: Tree 1, 7.25 feet; Tree 2, 6.15 feet; Tree 3, 5.82 feet; Tree 4, 4.65 feet; Tree 5, 5.76 feet; Tree 6, 5.23 feet; Tree 7, 4.90 feet; Tree 8, 4.67 feet; Tree 9, 4.27 feet; and Tree 10, 5.18 feet. Next followed the tree locations relative to the retaining wall/over dig: Tree 2, 28.36 feet; Tree 3, 21.37 feet; Tree 4, 17.80 feet; Tree 5, 16.10 feet; Tree 6, 12.84 feet; Tree 7, 10.33 feet; Tree 8, 8.80 feet; Tree 9, 5.74 feet; and Tree 10, 8.30 feet from the over-dig. He continued to discuss his conversation with Mr. Chuck Stewart with Urban Forestry Management, who indicated that the black walnuts were "excellent candidates" to deal with construction activities. Should there be infringement into the root zone, then the practice of root thinning and crown pruning was recommended.

Mr. Rathje stated because the trees were a private property matter, Mr. Anderson agreed to work with the two neighbors outside of any participation with the Village. He stated Mr. Russ would be contacting the two neighbors to confirm their willingness to work on this matter. Regarding the walking path to be installed, Mr. Rathje found staff's use of the words "in lieu of" in its report was misleading, noting the petitioner was not trading the path for a street connection to Jefferson. In addition, the petitioner was open to either a limestone or a mulch walkway. As to the pipe railing along the detention area, Mr. Rathje pointed out pipe railings were very common for separating pedestrians from water places. He proceeded to list pipe railing locations. As to having a buildable lot (Lot 8) in conjunction with a detention basin, Mr. Rathje listed other developments that had stormwater detention on a building lot. He also noted in the staff report, staff's reference to Municipal Code, Chapter 26, Section 26-94 regarding the separation of the detention area from a buildable lot and the placement on an out lot.

Lastly, Mr. Rathje stated the petitioner's engineer was not suggesting the developer develop a lot which was not buildable. Instead, he referenced the Village's Stormwater Policy Resolution 98-57 in the petitioner's favor. He reiterated no provision in the Code existed that prohibited a developer from having a lot combined with stormwater detention.

Mr. James F. Russ, Jr., 4915 Main Street, petitioner's attorney, closed by asking the Commission to recognize the petitioner's proof and reproof of its engineering, design, and exceptions, etc. for the project and asked for support, noting appropriate consultants and experts reviewed the request.

Chairman Jirik opened up the discussion to the commissioners and staff.

Mr. Sbiral stated some of Mr. Rathje's testimony was misleading as to Code interpretation for Lot 8.

Per Mr. Matejczyk's question, Mr. Mike Millette, Assistant Director of Public Works, stated staff did not recommend that Banchory Woods be constructed the way it is being proposed. Instead, the detention pond there was recommended to be an out lot with the rationale being that it would be a huge financial burden for an individual homeowner should a significant failure occur in the future. Therefore, it was written in the Ordinance to be held in some sort of a "trust" to deliberately spread the financial burden.

Mr. Sbiral explained if the detention lot were separated, it would be created as a stormwater easement. However, Lot 8 by itself, Mr. O'Brien explained, would not meet the lot requirements due to lot depth and width. Mr. Hartjes confirmed if the detention portion of Lot 8 became an out lot, the buildable portion north of it would not meet the requirements, and the site would have to be reworked differently.

Ms. Hamernik asked the specifics as to how a detention pond works when one person owns it and who maintains it, wherein Mr. Hartjes explained the differences between personal ownership and homeowners' association ownership, noting the Village maintains the pipes whether the private owner or the association maintains the detention pond. However, Mr. Millette further clarified the Village's role in maintaining and repairing private detention ponds. Mr. Millette responded that there are examples of both methods in various DuPage County communities. Examples of detention failure within the village followed, noting Lacey Creek was one of the failures. Mr. Millette explained eventually detention ponds will fail. However, newer ponds do have retaining walls due to higher surrounding density. As to Mr. Beggs' question, the developer, Mr. Joel Anderson, would maintain the pond up until the lot was sold.

From his perspective, Mr. Webster understood that the Village did nothing with the detention pond until there was a problem, wherein Mr. Millette concurred. As to the petitioner's interpretation of Code as it relates to Lot 8, Mr. Sbiral referred to Page 8 of staff's report regarding the 100 Year Flood elevation and stated staff's position did not change with regard to Lot 8.

Chairman Jirik inquired whether any standard document existed whereby additional granting of access between the homeowners association and maintaining the lot dimensions to satisfy both issues, wherein, Mr. Sbiral stated it would be up to the petitioner's engineer to fit it accordingly.

Per Mr. Sbiral, staff had no issue having 11 homes on the subject property. From Mr. Sbiral's understanding of Mr. Rathje's last comments, the petitioner did have plenty of area to move the house on Lot 8 and/or to eliminate all of the exceptions and reconfigure the lots.

Chairman Jirik voiced his concerns about the walnut tree roots intruding onto private property, calling attention to the fact that it could be interpreted as a "taking" of the petitioner's land and depriving them of the valid use of their property, noting the petitioner was not seeking any recourse against the owners of the trees and was very cooperative in this matter. Mr. Matejczyk concurred. Chairman Jirik also expressed his personal annoyance with roll curbs and suggested to cut the driveways better.

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Mr. Matejczyk suggested granting an easement to the homeowners' association, if possible, given that the overall layout of the project was good, and it would be redundant for the petitioner to start over again. Chairman Jirik was open to the suggestion in order to create a win-win situation. Mr. Russ, attorney for the petitioner, agreed to explore the suggestion.

Mr. Webster asked for the specific description of the easement, wherein Mr. Russ stated it would be a stormwater access/detention easement with specific limitations placed on it. Mr. Webster was in favor of directing the subject stormwater detention easement to a specific entity, such as a homeowner's association. Mrs. Hamernik noted, then, that the only change to staff's recommendation was under Recommendation 1.a.

Per Mr. Matejczyk's question as to who would draft such a document, Mr. Sbiral responded the Village Attorney would work in cooperation with the petitioner. Mr. Russ concurred.

MOTION: WITH RESPECT TO FILE NO. PC-25-05, MR. MATEJCZYK MOVED THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. SEVEN (7) SETS OF A REVISED FINAL PLAT OF SUBDIVISION AND ENGINEERING PLANS SHALL BE SUBMITTED TO THE DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT WITH THE FOLLOWING MODIFICATIONS:**
 - a. THAT LOT 8 INCLUDE THE DETENTION AREA AND A RESIDENTIAL STRUCTURE. PRIOR TO GOING TO VILLAGE COUNCIL, THE PETITIONER AND VILLAGE ATTORNEY SHALL COLLABORATE TO DEFINE ALTERNATIVE MEANS TO ACCOMPLISH SUCH SITUATION, SUCH AS A HOMEOWNER'S ASSOCIATION THAT WOULD BE THE PERMANENT BENEFACTOR OF A STORMWATER DETENTION EASEMENT ON LOT 8 THAT WOULD PRESERVE THE BUILD-ABILITY OF LOT 8. SUCH HOMEOWNERS ASSOCIATION DOCUMENTS SHALL BE PRESENTED TO STAFF FOR REVIEW AND APPROVAL;**
 - b. THE PAYMENT OF A FEE-IN-LIEU OF INSTALLING A PUBLIC SIDEWALK ON THE WEST SIDE OF CARPENTER STREET ADJACENT TO LOTS 8, 9, 10, AND 11 SHALL BE MADE TO THE VILLAGE OF DOWNERS GROVE.**
 - c. THE PROPOSED EIGHT (8) INCH WATER MAIN ALONG THE SOUTH PROPERTY LINE SHALL BE MODIFIED TO MINIMIZE NEGATIVE IMPACTS TO THE TREES ON THE ADJACENT PROPERTY. APPROPRIATE PRESERVATION MEASURES SHALL BE UTILIZED TO ENSURE THE LONG-TERM HEALTH OF THE TREES.**
 - d. A PHOTOMETRIC PLAN WITH STREET LIGHTS ON CARPENTER STREET SHALL BE PROVIDED INDICATING LIGHT LEVELS.**
 - e. INDICATE WHERE THE NEW PARKWAY TREES WILL BE PLANTED OR INDICATE THAT THE VILLAGE OF DOWNERS GROVE WILL DO THE PLANTING.**

- f. COMPLIANCE WITH ALL OTHER TECHNICAL ISSUES OUTLINED IN THE PUBLIC WORKS MEMORANDUM DATED OCTOBER 28, 2005.**
- 2. COMPLIANCE WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED AUGUST 23, 2005;**
- 3. PAYMENTS OF SCHOOL AND PARK DISTRICT DONATIONS OF \$11,091.08 TO DISTRICT 58; \$6,897.60 TO DISTRICT 99 AND \$22,708.01 TO THE PARK DISTRICT (GRAND TOTAL OF \$40,696.69) PAYABLE TO THE VILLAGE OF DOWNERS GROVE.**
- 4. ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW OF THE SUBDIVISION AND/OR EXCEPTIONS; AND**
- 5. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.**

THE MOTION WAS SECONDED BY MS. HAMERNIK.

ROLL CALL:

AYE: MR. MATEJCZYK, MS. HAMERNIK, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: MR. BEGGS

MOTION PASSED. VOTE: 5-1

Mr. Beggs stated he voted against the motion because he was not in favor of placing responsibility on the Village.

Mr. Sbiral advised this petition would be heard at the January 10, 2006 Village Council Workshop agenda. Any questions should be directed to Jeff O'Brien, Planner, (630) 434-5520.

FILE NO. PC-31-05 - Petition seeking Rezoning from R-1 Single Family Residential to B-3 General Services and Highway Business. The property is located on south side of Ogden Avenue approximately 36 feet from Cross Street, commonly known as 2449 Ogden Avenue, Downers Grove, IL. Edward and Marcella Wonsowski, Petitioners. Downer Grove National Bank Trust # 7244, Owner.

Chairman Jirik swore in those who would be speaking on behalf of File No. PC 31-05.

APPROVED

Mrs. Lori Sommers reviewed her staff report, noting the subject property (under one-half acre) was annexed into the Village on March 21, 1988 and was zoned R-1 at that time and allowed the existing commercial use to be grandfathered in. The petitioner was seeking to sell his property since he was retiring and was seeking to rezone the parcel to the B-3 zoning district, General Services and Highway Business. Per staff, the request was consistent with the Future Land Use Map and was consistent with the goals of the Ogden Avenue Master Plan and Implementation Strategy to increase commercial uses and the depth of commercial properties which fronted Ogden Avenue. Currently, a structure with garage existed on the site and no sidewalks existed. In the future, staff recommended that sidewalks be installed. Also, because three curb cuts existed along Ogden Avenue, staff recommended that two of the cuts be removed in the future. Staff recommended that the Plan Commission forward a favorable recommendation and Findings of Fact to the Village Council, subject to staff's three conditions in its report.

No questions followed from the commissioners.

Chairman Jirik opened the meeting up to the public:

Mr. Richard Tarulis, with Brooks, Adams and Tarulis, 101 N. Washington, Naperville, attorney for the petitioners, introduced the petitioners' two sons. He briefly discussed the simple rezoning of the subject property so that the petitioners could resell their property. The parcel was placed on the market with interested parties seeking commercial zoning.

No further comments followed from the public.

Mr. Tarulis thanked Village staff for their assistance and cooperation in this process.

Mr. Waechtler believed the zoning on this property had been long overlooked.

MOTION: WITH RESPECT TO FILE NO. PC-31-05, MR. WAECHTLER MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION, INCLUDING THE FINDINGS OF FACT, TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW;**
- 2. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES; AND**
- 3. FURTHER, THOUGH NOT PART OF A REDEVELOPMENT PETITION STAFF RECOMMENDS THE PETITIONER BE ADVISED THAT UPON REDEVELOPMENT OF THE PROPERTY THE FOLLOWING ITEMS WILL BE REVIEWED AND REQUIRED: INSTALLATION OF SIDEWALK AND REMOVAL OF AT LEAST TWO CURB CUTS ALONG OGDEN AVENUE.**

THE MOTION WAS SECONDED BY MR. WEBSTER.

ROLL CALL:

**AYE: MR. WAECHTLER, MR. WEBSTER, MR. BEGGS, MS. HAMERNIK,
MR. MATEJCZYK, CHAIRMAN JIRIK**

NAY: NONE

MOTION PASSED. VOTE: 6-0

OTHER BUSINESS:

Chairman Jirik welcomed new members, Ms. Hamernik and Mr. Beggs. Both members introduced themselves and provided brief personal backgrounds.

Mr. Sbiral announced the next regularly scheduled meeting would be Monday, January 9, 2006, and Chairman Jirik discussed the possibility of training workshops on a future Saturday morning.

Mr. Waechtler suggested, as the Village Council recites the Pledge of Allegiance at the beginning of its meetings, the Plan Commission should do the same.

Mr. Sbiral asked the Recording Secretary to e-mail the Plan Commission members regarding their availability to attend a special Plan Commission meeting on Monday, January 23, 2006 to continue the Public Hearing on the proposed changes to the residential zoning regulations.

Lastly, Mr. Sbiral announced his resignation and subsequent move to the Village of Brookfield where he will serve as Assistant Village Manager effective the beginning of 2006. He thanked those members who served on the Plan Commission and conveyed that the Village had the best planning staff currently at this meeting. Chairman Jirik and members also thanked Mr. Sbiral for his service, support and knowledge provided to the Plan Commission and the Village.

The meeting adjourned at 11:45 p.m. on motion by Ms. Hamernik, seconded by Mr. Webster.

Motion carried unanimously by voice vote of 6-0.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, OCTOBER 17, 2005, 7:30 P.M.

Chairman Jirik called the October 17, 2005 meeting of the Plan Commission to order at 7:30 p.m. and asked for a Roll Call:

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

ABSENT: Mr. Griesbaum, Mr. Nicholaou, Mr. McCormick

STAFF

PRESENT: Keith Sbiral, Director of Planning; Angela Clark, Planner; Jeff O'Brien, Planner; Lori Sommers, Planner; David Fieldman, Deputy Village Manager; and Alice Dorman, Recording Secretary

Chairman Jirik announced there was a quorum and discussed the proceedings for this evening's meeting.

Chairman Jirik opened up the public hearing for the following petition:

FILE NO. PC-30-05 – A petition seeking 1) Special Use Approval for a Planned Development; 2) Final Plat of Subdivision Approval; and 3) Exceptions from Code for the property commonly known as The Curtiss Block – The property is located South of Burlington Avenue, East of Main Street, West of Washington Street and North of Curtiss Street, Downers Grove, Ill; (PIN's 09-08-130-008, 09-08-130-009, 09-08-130-010, 09-08-130-011, 09-08-130-012, 09-08-130-013, 09-08-130-020, 09-08-130-021, 09-08-130-022, 09-08-130-024, 09-08-303-012, 09-08-303-015, 09-08-303-016, 09-08-303-019, 09-08-303-020, 09-08-303-021, 09-08-303-025, 09-08-130-001, 09-08-130-018, 09-08-130-019, 09-08-130-023); Village of Downers Grove, Petition/Owner

Chairman Jirik swore in all persons wishing to speak on the petition. He asked staff for its presentation on the petition.

Mr. Sbiral, Director of Planning & Community Development, presented the staff report. He explained the Village of Downers Grove was the property owner and the co-petitioner with New England Builders. Mr. Sbiral provided a brief background on the project and noted this was the first official hearing for the petition.

Mr. Sbiral discussed the requested action. He noted many of the details for the project were contained in the Redevelopment Agreement the Village Council approved in September 2005. Mr. Sbiral noted the plan included 35,000 square feet of retail contained in four five-story buildings, 126 condominium dwelling units, 139 covered code-compliant parking spaces, and 62 on-street shopper parking spaces. He stated the request included approval for a planned development and final plat of subdivision with exceptions from the Zoning Ordinance. Mr. Sbiral stated the proposed development was consistent with the Village's Ordinances and planning documents.

APPROVED

Mr. Sbiral refreshed the Plan Commission on the purpose of the Planned Development section of the Zoning Ordinance. He noted the planned development process allows for a flexible development and was meant to look at the development from a comprehensive standpoint rather than a strict Code-based review. He stated staff was looking for a development that fit well with the existing development in the downtown.

Mr. Sbiral went through the staff report and explained the site characteristics relative to size, bulk and density. He discussed the stormwater would be handled by the Village's existing 42-inch storm sewer that was built as part of the parking deck development. He noted the future development of the Curtiss Block was accounted for during the construction of the storm sewer. Mr. Sbiral discussed the parking for the project. He noted there would be exceptions for the internal drive aisle widths along with some other parking geometry exceptions. Mr. Sbiral also indicated the internal parking ratio for the development would be 1.1 parking spaces per unit. He stated staff was supportive of these exceptions since they were contained within the private parking areas of the development.

Mr. Sbiral went on to discuss Fire Prevention Bureau's comments. He noted there were some issues with fire access to the buildings, but these issues were expected with infill development. Mr. Sbiral stated all of the buildings would have full sprinkler systems, which would aid with the access situations.

Mr. Sbiral stated there was not a sign plan for the development as of yet and once one was developed, it would come back to the Plan Commission for approval as an amendment to the planned development. He also indicated the donations to the school and park districts were negotiated as part of the Redevelopment Agreement.

Mr. Sbiral briefly went over the standards for approval of a planned development. He noted staff believes the development meets the standards contained within the Zoning Ordinance. Mr. Sbiral stated staff believes the Requested Action is substantially consistent with the previously approved Redevelopment Agreement, Future Land Use Plan, Zoning Ordinance, and Planning Documents of the Village. Staff recommends the Plan Commission forward a favorable recommendation and Finding of Fact to the Village Council with respect to the petitioner's requested action, subject to the following conditions:

1. The Planned Development shall substantially conform to the Engineering Plans by CM Lavoie Sheets 1 – 12 received 10-12-05 and Architectural Plans and elevations by SCB received 10-12-05 except as they may be changed to conform to Village Codes and the conditions of the approval Ordinance.
2. In the event that the Site Plan in the Engineering Plans conflicts with the Site Plan in the Architectural Plans, the Engineering Plans shall control.
3. The petitioner shall use their best efforts to secure an ingress/egress easement over the privately owned parking and access areas to the west of Building One. The Village shall assist in securing the easement but shall not be obligated to condemn the easement or make any financial contribution toward the acquisition of the easement.

APPROVED

4. The petitioner must submit a Sign Plan for the entire Planned Development for review by staff, Plan Commission and Village Council as a Planned Development Amendment. The Amendment must be approved prior to any sign permit issuance.
5. The Village Engineer must approve all final engineering plans prior to permitting. All plans must be determined to be in substantial conformance with the approved planning documents.
6. Compliance with all Planning, Public Works and Fire Prevention Division issues prior to permitting;
7. Any changes to the conditions represented by the petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. Changes may require additional review of the Special Use, Planned Development or Variations.

Chairman Jirik requested speakers state their name, address, and whether or not they were sworn in prior to making their presentations.

Mr. Chris Rintz, Executive Vice President New England Builders; 4729 Main Street, Skokie, IL (co-petitioner)

Mr. Rintz thanked the Plan Commission for holding a special meeting to discuss the petition. He introduced the development team. Mr. Rintz provided the background on New England Builders' involvement in the development of the Curtiss Block. He noted the process started in Fall 2003 with the Request for Qualifications. He stated New England Builders were selected to participate in the Request for Proposals. Mr. Rintz explained the first proposal was publicly presented in July 2004. He stated the Village asked New England Builders to produce alternative plans in August 2004. Mr. Rintz indicated another developer was initially selected to develop the Curtiss Block, but the Village asked New England to negotiate a Redevelopment Agreement in December 2004.

Mr. Rintz indicated New England Builders worked with staff and listened to community input in early 2005. He stated the Village requested New England to look into acquiring the Hultman Property into the project. Mr. Rintz indicated after studying this request, it was not found to be financially feasible. He provided a brief overview of the public meetings that were held to receive input from residents. He noted the final Redevelopment Agreement was recently approved, and the plan was a product of a lot of input from the Council, the public and staff.

Mr. John Lahey, SCB Architects, 625 North Michigan Avenue, Chicago, IL (architect)

Mr. Lahey went over the design of the site and the concept that the developer was trying to achieve. He explained the site layout and the evolution of the site plan. Mr. Lahey explained how the buildings would act as a gateway to the community. He noted the rounded element on the northwest corner of Building 1 would have a copper cornice and copper-clad bays to provide accents to the architecture. Mr. Lahey presented samples of the building materials and indicated where they would be utilized. He discussed the various elevations and the architectural elements being used. Mr. Lahey briefly discussed the floor plans for Building 1.

Mr. Lahey explained Buildings 2 and 3 would be built as part of a later phase of the development and the buildings' architecture was not fully developed. He noted the basic designs and floor plans

would not change. He presented the buildings' elevations, materials and floor plans.

Mr. Sbiral noted the staff and developer's presentation had concluded, and they were open to questions and comments from the Plan Commission.

Mr. Matejczyk asked about the condominium association. He inquired as to who would be responsible for setting up the association.

Mr. Rintz noted New England Builders was responsible for setting up the association. He discussed New England's involvement in other projects. He noted they would serve a property managers for a while after the completion of the development.

Mr. Matejczyk asked if there would be a drop-off area in front of Building 1.

Mr. Rintz indicated where the drop-off areas were for Building 1.

Mr. Matejczyk asked if there would be a separate entrance and lobby for the residential units.

Mr. Rintz discussed the residential entrances and the security features being proposed for the development.

Mr. Waechtler asked about other redevelopment projects completed by New England Builders.

Mr. Rintz stated they currently had projects in downtown Bartlett, Illinois and Harbor Park in Kenosha, Wisconsin. He noted the current progress of those developments.

Mr. Webster asked about the brick size for the proposed buildings.

Mr. Tom Humes, SCB Architects, 625 North Michigan Avenue, Chicago, Illinois (architect)

Mr. Humes stated the brick size will be an "engineered norman" sized brick. He stated the brick will not be utility-sized as that size is too "industrial" in scale. Mr. Humes noted the proposed brick has residential scale.

Mr. Webster asked about the patterns in the brick-work.

Mr. Lahey explained the patterns would be fairly subtle. There was a general discussion about the proposed building materials and architectural details.

Chairman Jirik asked staff if the renderings being presented were binding on the development.

Mr. Sbiral stated the development had to be in substantial conformity with the plans that were presented. He stated the renderings that the petitioner presented on the overhead were more developed than the plans in the Plan Commission packets.

Mr. Waechtler asked Mr. Sbiral to clarify the access issues.

APPROVED

Mr. Sbiral explained the fire access issues for the rear of Building 1 and the existing buildings on Main Street. He noted staff was working with the petitioner to resolve the issue and work out an access agreement with the adjacent property owners.

Mr. Matejczyk asked about pedestrian access across the northern alley.

Mr. Sbiral stated this area was currently private property and an access easement is needed for vehicular access to the rear of the buildings only. He stated pedestrian traffic will walk along Main Street or the new Mochel Drive.

Mr. Waechtler asked if there were any other access issues.

Mr. Sbiral noted access to the rear of all the buildings is tight, but there will be access to all buildings after development. He noted these types of issues are expected with infill development.

Mr. Matejczyk asked if the southern alley was one-way traffic.

Mr. Sbiral stated there will be two-way traffic, but this area was not the primary delivery area. He noted the alley would mainly be used for trash pick-up and emergency access.

Mrs. Rabatah asked if the alley was wide enough for fire access.

Mr. Sbiral noted the alley was tight, but a fire apparatus could get in and out of the alley. He also noted the buildings would be fully sprinkled which would aid in the access issue.

Mr. Quandt asked where the retail deliveries will occur.

Mr. Sbiral stated most retail deliveries will occur on Burlington Avenue or Mochel Drive.

Mr. Waechtler asked how traffic would flow in and out of the private parking garages.

Mr. Sbiral indicated the probable traffic patterns on a site plan.

Mr. Waechtler asked if additional residential parking would be allowed in the Village's parking deck.

Mr. Sbiral explained the Village's current policy regarding overnight parking in the deck. He stated overnight parking is not currently allowed in the deck, on the streets, or in the other Village-owned surface lots. Mr. Sbiral noted staff is working on the issue and these policies will most likely need to be revised as part of the overall downtown strategy. He noted the issue will grow as redevelopment continues in the downtown.

Mrs. Rabatah asked if the Village would consider revising the policy. The Plan Commission had a general discussion about the Village's current parking policies in the downtown.

Mr. Sbiral stated staff is currently looking at the policies, and they will need to be addressed as redevelopment continues.

APPROVED

Chairman Jirik asked why there was a discrepancy in the parking counts between the staff report and the petitioner's documents.

Mr. Sbiral noted some of the language in the petitioner's documents came from the Redevelopment Agreement, and the plans had been refined since the adoption of the Agreement. He also noted staff only counted code-compliant spaces and the garages actually contained a few more parking spaces that could not be counted towards the parking requirement.

Chairman Jirik urged staff to take a proactive approach towards the overnight parking issue in the downtown.

Mr. Sbiral explained this issue was already part of the overall Downtown Strategy. He stated staff is getting ready to present the issue to the Village Council.

Mr. Webster asked about the phasing of the development.

Mr. Sbiral stated the phasing was part of the Redevelopment Agreement.

Mr. Matejczyk asked about the list of uses contained in the Redevelopment Agreement.

Mr. Sbiral explained the list was based on the permitted uses for the DB zoning district. He stated some uses were preferred over others; however, the underlying zoning regulations will still govern the permitted uses in the development.

Mr. Waechtler asked if there were any controls over the number of units that could be used as rental units.

Mr. Rintz stated the condominium rules only allowed for 20% of the units to be leased by investors. He noted New England Builders tries to avoid this situation in their developments.

Mr. Waechtler asked if the developer has any experience with parking variations in their other developments.

Mr. Rintz explained New England Builders found that their transit oriented developments did not need as many spaces as other developments. He provided an empirical example from the Bartlett development.

Mr. Webster asked how long the copper would take to patina. There was a general discussion about the copper elements. The architects discussed the patina process and the factors that lead to the discoloration of the material.

Mr. Waechtler asked if an anchor retail tenant had been selected.

Mr. Rintz stated the leasing process had just begun, and CB Richard Ellis would be handling the leasing of the retail spaces.

Chairman Jirik asked for other Commission comments and questions. There were none, and he opened the floor up for public participation.

PUBLIC PARTICIPATION

Ms. Helen Phillips, Oak Brook, Illinois 60523

Ms. Phillips stated she was interested in buying a condominium unit. She noted she was concerned about the number of parking spaces per unit. She wanted to know how the Village would handle visitor parking. Ms. Phillips stated she was unable to get an answer from the Village on how visitors could park overnight. She stated the development would exacerbate the Village's parking problem.

Chairman Jirik explained the Village's current parking policies regarding overnight parking and the parking deck. He stated the Village staff was working towards modifying the policies to account for the new downtown developments. He noted the Plan Commission does not have the authority to change the parking policies in the downtown. Chairman Jirik also stated changing the policy was not part of the petition.

Mr. Waechtler asked Ms. Phillips if allowing overnight parking in the deck would be satisfactory to address her concerns.

Ms. Phillips stated it would.

Mr. Sbiral clarified there are physical spaces available for parking and this was not the problem. He stated the existing policies were creating the problem for overnight parking and visitor parking.

Mr. Fieldman, Deputy Village Manager, stated he had previous experience with these type of developments in suburban communities. He stated parking ratios for these developments usually end up around 1.2 to 1.3 spaces per unit. Mr. Fieldman indicated residents usually do not give their garage door openers to visitors and it is impractical to assume that visitors will use the private garages on a regular basis. He noted staff was working on the Village's parking policies and making them consistent with the overall Downtown Strategy plan.

Ms. Bella DelPersio, 2420 College Road, Downers Grove, Illinois

Ms. DelPersio stated she was also concerned with the amount of parking for residents and guests. She stated she wanted to purchase a unit but will not put down money on one if no parking resolution is reached.

Chairman Jirik stated the Plan Commission cannot provide advice on a private business decision. He noted staff had stated the Village is working towards a solution, but it would take some time to resolve.

Ms. DelPersio stated she did not want to be disruptive, but without a solution she would go to the pre-purchase meeting being held by New England Builders on October 18, 2005 and tell people they will only have one parking space for their condominium unit.

APPROVED

Chairman Jirik reiterated the Plan Commission is only commenting on the petition and its merits and not on New England Builders' business model. He reinforced the Village staff is studying the current parking policies in the downtown to address the issues that had been raised.

Mr. Sbiral clarified the ratio of 1.1 parking space per unit is only a Code analysis and does not mean that every unit will only have one parking space. He stated the division of the parking spaces is up to the developer. He also reminded the Commission there are some spaces that could not be counted toward the parking ratio based on the Zoning Ordinance's requirements. Mr. Sbiral also clarified the Curtiss Block parking lot is being used for employer/employee and shopper parking not commuter parking.

Mr. Rintz clarified how parking will be deeded to the individual condominium units. He stated larger units will have two spaces deeded to them, while smaller units will only have one.

Chairman Jirik asked for additional public participation. There was none, and the Chairman closed public participation. Chairman Jirik asked for additional comments from staff and New England Builders. Being that there were no further comments or rebuttal, Chairman Jirik declared the Plan Commission was in deliberation.

Mr. Matejczyk said he thought the proposal was a good project.

Mrs. Rabatah echoed Mr. Matejczyk's comment. She also stated she was comfortable with the parking and the empirical studies.

Mr. Matejczyk added the Village needs to address overnight and visitor parking before it becomes a larger problem in the downtown.

Chairman Jirik agreed the downtown's overnight parking policy should be studied further. He noted he thought the standards for approval of the planned development were addressed by documents in the Plan Commission packet. Chairman Jirik stated that he thought the project would be harmonious with the existing downtown development.

Mr. Waechtler noted he thought the October 11, 2005 memo from the petitioner adequately addressed the loading and unloading for the new project.

WITH RESPECT TO PETITION PC-30-05, MR. MATEJCZYK MOVED TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR A PETITION SEEKING SPECIAL USE APPROVAL FOR A PLANNED DEVELOPMENT, A FINAL PLAT OF SUBDIVISION APPROVAL, AND EXCEPTIONS FROM CODE FOR THE PROPERTY COMMONLY KNOWN AS THE CURTISS BLOCK NOTING THAT THE PROJECT MET THE STANDARDS AS SET FORTH IN CHAPTER 28 OF THE MUNICIPAL CODE WITH THE FOLLOWING CONDITIONS:

- 1. THE PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE ENGINEERING PLANS BY CM. LAVOIE SHEETS 1 – 12 RECEIVED 10-12-05, AND ARCHITECTURAL PLANS AND ELEVATIONS BY SCB ARCHITECTS RECEIVED 10-12-05 EXCEPT AS THEY MAY BE CHANGED TO CONFORM TO VILLAGE CODES AND THE CONDITIONS OF THE APPROVAL ORDINANCE.**

APPROVED

2. **IN THE EVENT THAT THE SITE PLAN IN THE ENGINEERING PLANS CONFLICTS WITH THE SITE PLAN IN THE ARCHITECTURAL PLANS, THE ENGINEERING PLANS SHALL CONTROL.**
3. **THE PETITIONER SHALL USE THEIR BEST EFFORTS TO SECURE AN INGRESS/EGRESS EASEMENT OVER THE PRIVATELY OWNED PARKING AND ACCESS AREAS TO THE WEST OF BUILDING ONE. THE VILLAGE SHALL ASSIST IN SECURING THE EASEMENT BUT SHALL NOT BE OBLIGATED TO CONDEMN THE EASEMENT OR MAKE ANY FINANCIAL CONTRIBUTION TOWARD THE ACQUISITION OF THE EASEMENT.**
4. **THE PETITIONER MUST SUBMIT A SIGN PLAN FOR THE ENTIRE PLANNED DEVELOPMENT FOR REVIEW BY STAFF, PLAN COMMISSION AND VILLAGE COUNCIL AS A PLANNED DEVELOPMENT AMENDMENT. THE AMENDMENT MUST BE APPROVED PRIOR TO ANY SIGN PERMIT ISSUANCE.**
5. **THE VILLAGE ENGINEER MUST APPROVE ALL FINAL ENGINEERING PLANS PRIOR TO PERMITTING. ALL PLANS MUST BE DETERMINED TO BE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLANNING DOCUMENTS.**
6. **COMPLIANCE WITH ALL PLANNING, PUBLIC WORKS AND FIRE PREVENTION DIVISION ISSUES PRIOR TO PERMITTING;**
7. **ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW OF THE SPECIAL USE, PLANNED DEVELOPMENT OR VARIATIONS.**

MR. QUANDT SECONDED THE MOTION.

ROLL CALL:

AYES: MRS. RABATAH, MR. WAECHTLER, MR. MATEJCZYK; MR. QUANDT, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED. VOTE OF 6-0.

Chairman Jirik announced the hearing for PC-30-05 had concluded. He asked Mr. Sbiral when the project would be on the Village Council's Workshop Agenda.

Mr. Sbiral stated the petition would be on the October 25, 2005 Workshop Agenda.

APPROVED

OTHER BUSINESS

Mr. Sbiral announced the next meeting date is November 7, 2005. He stated the agenda was very full with mostly continued cases.

The meeting was adjourned at 9:20 p.m. on motion by Mr. Matejczyk, seconded by Mr. Webster. Motion carried unanimously by voice vote of 6-0.

/s/ Jeff O'Brien, AICP
Jeff O'Brien, AICP

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, OCTOBER 3, 2005, 7:30 P.M.

Chairman Jirik called the October 3, 2005 meeting of the Plan Commission to order at 7:30 p.m. and asked for a Roll Call:

PRESENT: Chairman Jirik, Mr. Matejczyk, Mr. McCormick, Mr. Quandt, Mr. Waechtler
Mr. Webster

ABSENT: Mr. Griesbaum, Mr. Nicholaou, Mrs. Rabatah,

STAFF

PRESENT: Keith Sbiral, Director of Planning; Jeff O'Brien, Planner; and Alice Dornan, Recording Secretary

MR. MATEJCZYK MOVED TO APPROVE THE SEPTEMBER 12, 2005 MINUTES AND MR. MCCORMICK SECONDED THE MOTION. MOTION PASSED BY VOICE VOTE OF 6-0.

Chairman Jirik opened up the continued public hearing for the following petition:

FILE NO. PC-24-05 (continued from 9/12/05 meeting) - 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

Mr. Sbiral reported the petitioner requested to continue the public hearing until November 7, 2005. The Village notified the neighbors within the 250 feet requirement of the continuation request. Chairman Jirik entertained a motion to continue the public hearing on this matter.

WITH RESPECT TO FILE NO. PC 24-05, MR. MCCORMICK MOVED TO CONTINUE THE PUBLIC HEARING ON THIS PETITION TO NOVEMBER 7, 2005. MR. WAECHTLER SECONDED THE MOTION.

ROLL CALL:

**AYE: MR. MCCORMICK, MR. WAECHTLER, MR. MATEJCZYK, MR. QUANDT,
MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION PASSED. VOTE: 6-0

FILE NO. PC-25-05 (continued from 9/12/05 meeting) – 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.

APPROVED

Chairman Jirik reminded the public Meeting Guidelines One through Four were completed at the September 12, 2005 public hearing. Chairman Jirik swore in those individuals who would be speaking on Petition No. PC-25-05.

Mrs. Alice Strelau, 5611 Brookbank Rd., was pleased to see the developer adding sidewalks; however she had concerns about creating a gapped sidewalk along a small block of Brookbank Road south of Blanchard to Nelson Meadows on the west side of the street. She noted at a March 16, 2004 Village Council meeting, the Director of Public Works Mr. Barber stated, "a new definition of Gap, which is completing pieces to get a complete sidewalk on one side of the street, particularly in areas near schools, where there are safety issues." Because of Mr. Barber's argument, the Village approved capital money to eliminate the gap sidewalk matrix all together. In an April 26, 2005 memo from Mr. Barber to the Village Manager, he stated, "Since 12 segments on the gap list that were true gaps are now complete, the Gap program is no longer necessary and should be dropped." The Council supported this recommendation, and the 2005 to 2010 Capital Budget Plan for the Village of Downers Grove no longer includes Gap sidewalk programs. However, months after that, the proposed project comes along and creates a gap sidewalk. While Mrs. Strelau understood the Village could not require a developer to pay for the sidewalks, she is requesting the portion of money the developer agreed to pay in lieu of sidewalks on the west side of Carpenter be used to create sidewalks on the small stretch of Brookbank. She also requested a painted crosswalk be provided on Jefferson to guide pedestrians to the south side of Jefferson where the sidewalk continues. She expressed safety concerns for the children if they have to walk in the street.

Mr. Mike Kelch, 5729 Carpenter, indicated the neighbors appeared excited about the development in general, but he wanted to address the pathway, flood zone designations, and setbacks. Reviewing his PowerPoint presentation, Mr. Kelch stated children have used the pathway for many years to travel to the school and park, and it appears to be the safest route to the school due to the hills and difficult sight lines in the area. Addressing the flood plain, he is concerned about the development as well as surrounding residents being charged with flood insurance as 40 to 50 Downers Grove property owners recently received notification from the Federal Government that they were in the flood plain. He expressed concerns about decreasing property values. He requested the stormwater drainage be very conservative and not impact the neighbors. He believes the 11 houses proposed for the site is very aggressive, and staff's recommendation to reduce it to ten homes is very good. As to setbacks, his house is the closest to the street. His neighbors to the south are set back approximately 100 feet. His understanding is the developer is proposing homes on Nelson Court to have 63 ft. setbacks, which would not fit with the character of the neighborhood and would have a negative impact to the homes across the street.

Mr. James Russ, Jr., Attorney, 4915 Main Street, Downers Grove, on behalf of the developer, indicated revised plans submitted since the last meeting, which address the questions being raised from the neighbors. Regarding the pathway, it would be five feet in width between Jefferson and Carpenter with a proposed easement. The petitioner will provide for a 35-foot right-of-way on the north side of Jefferson from Brookbank to Nelson Court. The retaining wall will be relocated north ten feet from the property line to provide for the 7.5 ft. sidewalk and utility easement along the south end of the property between Carpenter and Jefferson.

Mr. Sbiral noted the modifications discussed by Mr. Russ were received after the Plan Commission packets went out to the Plan Commission members. Staff did not have time to review the modifications and was not prepared to comment on them.

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For clarification purposes, Mr. Russ noted some of the issues raised by the public at the last meeting, as well as some of staff's recommendations, were taken into consideration and conceded to in the interest of time. Mr. Russ reviewed the requested 35-foot right-of-way, the new stone five-foot path with easement and the relocation of the retaining wall, which will provide ten feet between the property line and the closest point of the wall.

Chairman Jirik clarified to the Commissioners and to the public that the three modifications discussed above would have to be part of a motion to amend the application since they were not a part of the original application. However, if the three items become too complex, the Commissioners would require more review.

Mr. Tom Sisul, 5120 Main Street, attorney for the residents, expressed concern as how to proceed, stating the items discussed have probably been reduced to detailed plans. He asked to proceed with the original plans that were submitted.

Mr. Dan Barnebey, 5708 Brookbank, on behalf of some of his neighbors on Brookbank and Blanchard, called attention to the names on the petition that went around. While the neighborhood accepted the coming development, he requested the Plan Commission take into account certain concerns. One of those concerns includes increased traffic with the extension of Brookbank through Jefferson. He suggested extending Brookbank part way to the front first two lots and preserving the walking path as much as possible as well as preserving the trees. The neighbors requested the petitioner consider a sidewalk on Brookbank south of Blanchard to connect the gap piece of sidewalk using the in-lieu of funds from the Carpenter segment. Lastly, the neighbors requested the intersection of Brookbank and Blanchard be controlled, as the installation of a road would result in more traffic.

Mr. Sbiral provided his input regarding the installation of a stop sign. Mr. Waechtler discussed the requirement differences for stop signs and signalized lights. As to extending Brookbank only half way, Mr. Sbiral explained the Village's Code required it if a developer was developing next to the end of a right-of-way, the developer must continue the right-of-way to the next street or provide a cul-de-sac. Extending the street through allows for better emergency vehicle access. Mr. Sbiral clarified to the Commissioners the gap sidewalk was not being created by the proposed development.

Mr. Barnebey raised concern about three water main breaks on Brookbank and the age of the water main. He questioned what area was fed from the north.

Mr. Hartjes, engineer with C.M. LaVoie & Associates, 1050 W. Route 126, Plainfield, IL, reported the water main was being extended from Brookbank where it currently dead-ended to Jefferson, and Lots 1 and 2 would be fed from there. Water main locations were noted on the overhead projector. Mr. Sbiral stated removing the dead-end water main and looping it would be beneficial.

Mr. Barnebey expressed concern how the stormwater drainage down on Brookbank would flow. Mr. Hartjes indicated the high point of the development is on Lot 1. Water drains to the northwest corner of the site. Water would be contained in Lots 1 and 2 of the site and routed to the detention pond. The north 65 feet of Brookbank would flow as it does currently. All water on the development would be caught prior to leaving and entering into Brookbank, then routed to the detention pond, and discharged to the east.

Mr. Mike Davenport, 6636 Blackstone Drive, resident and architect, discussed the parallels of the zoning discussions taking place in the Village and the proposed development. In his opinion, the development represents one giant planning teardown, and he stated the neighbors are trying to get

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something that is a continuation of what they have. Cutting the trees down on Jefferson sent a message to the neighbors that the developer was not concerned. He expressed concern that the removed trees brought a substantial change to the neighborhood. He supported having an increased setback along Carpenter Street to match the existing house line on the street since it would be in keeping with the rhythm of the neighborhood.

Mr. John Schofield, 1125 Jefferson Avenue, stated he was going to give a PowerPoint presentation. He thanked his neighbors, the Village Planning Department, the developer and the Village Council for listening to the neighbors. He thanked the developer for relocating the stabilized construction entrance as promised at the July 28, 2005 neighborhood meeting.

Mr. Schofield described what the area looked like in April 2005 with trees. After the trees were cut down, the neighbors gathered together to address the situation. Mr. Schofield walked through the steps he and his neighbors took to obtain copies of the plans from the developer and the formulation of nine recommendations to the Village. Their goals include preserving the character of the neighborhood, maintain safety, minimize construction disruption, determine a way for the Village and the Plan Commission to better balance the needs of the existing neighborhood for the Village's common good, the developer, and the incoming neighbors. He and his neighbors requested the Commission and the Village Council, if necessary, make a finding that no practical difficulties or particular hardships, claimed or proven by the petitioner, exist and, therefore, reject all proposed exceptions.

Mr. Schofield reviewed the exceptions being requested by the petitioner. It was Mr. Schofield's opinion that the right-of-way exceptions be rejected because they help to retain the established line of home fronts mentioned earlier. Except for the Jefferson right-of-way that was just conceded by the petitioner, Mr. Schofield stated if the Village granted all of the other right-of-way exceptions, the Village would narrow the parkways by two feet and allow the new homes to be two feet closer to the roadway rather than pushing them back. A rural country character could be equally implemented with a 35-ft. right-of-way or a 33 ft. right-of-way.

For the record, Mr. Schofield handed out copies of a document entitled: "Nelson Meadow Subdivision Exception Analysis" and asked the Commissioners to consider the document in their deliberations. The handout documented the requested exception, the stated justification for the exception, the practical difficulty and particular hardship that existed, if any. Mr. Schofield stated the development altered the character of the area, created hazards, and destroyed the ecology of the area. It includes ridiculous grading. He asked the Commissioners to reject the petition and recommend the petitioner start new and in a way that will fit into the community.

Per the Chairman's question, Mr. Sbiral stated he did not believe the trees existed in the public right-of-way. Chairman Jirik stated his understanding is the trees are on private property, and the landowner has every right to cut down the trees.

Mr. Schofield indicated it might have been so, but there were trees that existed in the Brookbank right-of-way, and the Village did not have to accept the owner's land. Chairman Jirik clarified the act of the owner cutting down his trees is immaterial and irrelevant to the proceedings. Discussion followed that the trees located in the Brookbank right-of-way were the only trees under discussion and would be cut down.

Mr. Tim Riordan, 1133 Jefferson, expressed concern about the additional stormwater coming to the sewer in front of his house on Jefferson as well as from the new Brookbank Road and the water diversion that was to take place behind the Jefferson Avenue homes. He believed it was better to

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capture some of that water and direct it into the new development's pond. He inquired who was responsible for the water behind the homes and for the newly proposed homes since the water was never maintained. The same question was asked of the petitioner at the July 28, 2005 meeting, with a response being once the water left the site it was not their responsibility. Mr. Riordan had concerns because the petitioner's property sits 10 to 15 feet higher than his property.

Mr. Brad Hartjes, C.M. LaVoie & Associates, 1050 W. Rt. 126, Plainfield, Illinois, confirmed the location of the 1133 Jefferson catch basin and confirmed how the water traveled in the area ending at St. Joseph's Creek. Water on the development's site would be caught in catch basins prior to leaving the site, routed to the on-site detention pond and then discharged slowly. Mr. Hartjes stated redevelopment and post-development studies were done on the site indicated the Jefferson catch basin could not handle the 100-year flood event, which explained the current flooding taking place. However, because a majority of the water would be caught on the petitioner's detention pond, the pipe would have the capacity to handle the post-development 100-year storm. Mr. Hartjes provided details of how the water would flow noting two catch basins have been added as recommended by staff but are not reflected in the September 12, 2005 plans being discussed tonight. He further noted the petitioner would be catching future Village right-of-way water and detaining it, which, in his opinion, is beyond the requirements of the Stormwater Ordinance.

Mr. Riordan still expressed concern about water runoff and who was in charge of it once it traveled off the petitioner's property, wherein Mr. Hartjes and Mr. Sbiral explained the water would travel either to private properties or on Village property, which would be the responsibility of Village Public Works. Mr. Hartjes explained the release rate of the water on the site currently and what is being proposed, explaining the water currently left the site at 5 cubic feet per second. After the collection of water at the detention area and through the outlet restrictor, it would be .1 cubic feet per second for every acre of development. The post-development release rate was .5 cubic feet per second.

As to the 33-foot road versus the 35-foot road, Mr. Ken Rathje, Rathje Consulting Services, 412 Chicago Avenue, explained the reason for pursuing the right-of-way was at the suggestion of Public Works staff and what was currently being developed in the neighborhood. Prior to the 1970's, local street rights-of-way of 66 feet were the standard. To install a slightly wider right-of-way for smaller sections of otherwise uniform rights-of-way is not in the best interest of the property owners, the neighbors, or the Village because it is additional land that has to be maintained, and additional land removed from the tax rolls. He explained the standards established under the Subdivision Control Ordinance discussed the Plan Commission making a finding of practical difficulty or particular hardship in the way of carrying out the strict letter of the provisions of the Chapter. Mr. Rathje stated there should be an opportunity for a petitioner to ask for relief for exceptions and for a board to be able to grant it, short of it being something that requires legislative changes to the Code or through litigation. Mr. Rathje explained the petitioner is seeking reasonable exceptions, which are designed with a practical condition that exists in the surrounding area.

Chairman Jirik asked whether the 33-foot request engendered more consistency or less consistency with the neighborhood, wherein Mr. Rathje indicated it engendered more consistency. He proceeded to point out examples existing on Carpenter, Brookbank, Jefferson and parts of Main Street.

Mr. Schofield, 1125 Jefferson, asked the petitioner to calculate the building line setbacks as recorded on the same plats and emphasized the neighbors were asking the house lines be maintained as on the plat.

Mr. Rathje explained the building line setbacks were established by the Zoning Ordinance as a standard that would be equally applied throughout any given zoning district. He stated the area of the subject

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property (R-3 zoning) has a minimum setback requirement of 30 feet for either new homes or homes with potential modifications. People chose to set back their homes at a greater distance as an option.

Mr. Ed Weise, 1137 Jefferson Avenue, also expressed concern about drainage onto Jefferson and believed the petitioner was doubling the area that was draining into the catch basin and flowing back into St. Joseph's Creek. He explained the system currently backed up into the catch basin and could not handle the water. He also was concerned about the impervious surface. Chairman Jirik pointed out; however, the petitioner was not causing an increase to the basin, nor was he obligated to fix a pre-existing problem.

Due to the lateness of the hour, Mr. Sbiral interjected and asked if the Plan Commission could focus on completing the public comment and give the petitioner time to provide a rebuttal.

Mr. Thomas Sisul, attorney for the residents, stated the petitioner indicated he was only following what the Public Works staff requested regarding the right-of-way. He stated staff noted if the petitioner did not get the setbacks, etc. there would be number of requested exceptions. Mr. Sisul explained the neighbors were looking for some more relief so the development would be more consistent with the rural effect the developer was, in fact, trying to achieve. He stated covenants run with the land, and the neighbors to the north as well as the neighbors on Jefferson are faced with a 35 ft. building line. He asked the Plan Commission for consideration in understanding what the neighbors were looking for, citing a home located on Seeley Avenue where there was no uniformity.

Ms. Beth Riordan, 1133 Jefferson, a Downers Grove resident her entire life, choose to live on Jefferson due to the country atmosphere, quiet street and many children. She said her neighbors agreed with the petitioner's statement "desire to maintain the essential character of the area and to blend this development with the character of this area." Her neighbors are concerned the development will have a negative impact on the value of their property because there are no uniform setback building lines, and the open country atmosphere will be lost with the petitioner's current proposal. She indicated there is no hardship for the petitioner to provide for a larger setback other than he might not be able to build the homes that he "wanted," which is his problem and not the Village's nor the neighborhood's. She asked the Commissioners to vote negatively on the right-of-way exceptions and vote positively for adding building lines to make her street symmetrical. Ms. Riordan submitted her formal petition on this matter with neighborhood signatures.

Mr. Thomas Sisul reiterated the neighbors are seeking a consistent building line on Brookbank and on Carpenter to fit in with the character of the area. Should the right-of-way help the petitioner to meet his obligation, Mr. Sisul, on behalf of the residents, requested the new homes then be set back further.

Mr. Mark Cronin, 1117 Jefferson, a resident of 21 years, pointed out his house on the overhead projector and discussed the difficulty of emergency vehicles locating his house, which the proposed development would only exacerbate the problem. He expressed safety concerns when pulling out of his driveway, freezing water issues in the winter and suggested extending Jefferson on a gradual slope. He discussed the plans the Village had for Jefferson Avenue back in 1979, 1987, and 1988. In 1988, he was required to build and pay for the south half of the Jefferson cul-de-sac, which required new curb and gutters, 425 sq. feet of walkway and pavement for the cul-de-sac and he had to deed it over to the Village. Mr. Cronin read minutes from a January 12, 1988 Plan Commission meeting discussing the Village's intention for the immediate area.

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Mr. Jirik asked for clarification as to what Mr. Cronin wanted, wherein Mr. Cronin indicated he wanted the Village to end the road at his house as a cul-de-sac since his house was positioned with that in mind. He stated the Village intended Jefferson to end as a cul-de-sac.

Mr. Cronin further asked the Plan Commission to reject the Nelson Court Plan, recognize the safety and traffic impacts the plan holds, eliminate the unsafe corner within the cul-de-sac and the longer access route for emergency vehicles, honor the previous Plan Commission and Village Council decisions and honor the Village's agreement with the Cronins when he dedicated the land, paid for the public improvements and built his house at this location in 1988. Mr. Cronin then asked for clarification of the petitioner's request for two feet.

Mr. Sbiral clarified staff did not require the petitioner to design the proposal being presented. However, he explained when a proposal comes in, it is better to take an exception off the right-of-way than off the lot size. In addition, when a plan develops, reasons come up where staff may believe there may be a different approach to the development. Staff's recommendations that the exceptions be granted on Brookbank and Carpenter as well as Nelson Court made sense. Trade-offs between rights-of-way and lot sizes do exist.

Mr. Rick O'Halloran, 1202 Jefferson, a life-long resident, wants to stay in the area because he likes the setting. His property borders 300 feet of the project along Brookbank. He confirmed the pathway is heavily used, and he has maintained the path while living there for the past 12 years. While he understood he would get a new road, he expressed concern that 25 trees would be cut down to make room for the new water main, and he also expressed concern about the trees on his property being affected. He believes connecting Brookbank is unnecessary and goes against the Village's Tree Preservation Ordinance. He recommends rejecting the 33-foot dedication because there is no justification for the exception. He asked to have the water main moved to the east side of Brookbank so as not to infringe on his property and his trees. He recommends no extension of Brookbank since it will add to traffic and drainage issues. He supports the walking path. If Brookbank has to go through, he recommends building the extension on the Nelson property side, as discussed in the May 8, 1979 Plan Commission Southwest Area Neighborhood Plan meeting. He does not support the petition. On Page 11, Paragraph 2 of the Forester's report, Mr. Waechtler noted a statement that new trees would be planted.

Ms. Gail Van Gorp Mazer, 5800 Carpenter, has owned her residence since 1997 and has lived in Downers Grove since 1991. Reviewing her PowerPoint presentation, she noted her home sits in the southeast portion just outside the Nelson Meadows property. Currently, there are 12 mature walnut trees along her property line, which were evaluated to be in very good condition. The trees share a history of her home and her neighborhood. She expressed concern about how the close proximity to the detention pond would affect the trees' root system. She contacted professional arborists who recommended no construction, construction traffic, or compacting take place within the trees' drip zone in order to protect her trees. A mulch path has been recommended for any path, which path is still under discussion. She recommended moving the silt fence northward 20 to 21 feet from the property line to protect the tree, roots, installing property proper tree fencing during the project, revising the excavation and grading plans so as not to affect the trees, and requested the proposed east water main to the north be moved at least 21 feet from the property line due to the trees. She emphasized it is important to protect the area for the next generation of families, and an opportunity now exists to do the right thing just as the Village would do for its own trees.

Mr. William McCune, 1436 Thornwood Drive, echoed the same comments as to the impact of the detention pond on the trees. He asked for clarification of the property lines in relation to the trees since

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he heard conflicting accounts of where the property line existed. He stated Mr. Rathje at the last meeting indicated, "The trees are some distance away from the property line". He noted discrepancies existed.

Mr. Sbiral explained the property line should be reflected on the plans. In reviewing the survey, Mr. Sbiral indicated the tree trunks are not on the property line.

Mr. McCune presented a drawing of the retention pond with some of his modifications added as well as cross-sections of the trees' root zones. He expressed concern about root suffocation, cutting the roots and the unsafe grade of the slope for the retention pond. He quoted the Village's Forester in a September 2, 2005 Public Works memo: "South of the property line, south of the detention area is a row of black walnuts in good condition. To ensure survival, all the work must remain north of the property line and not trespass at any time." He believes the statement is weak and allows the developer to do any construction activity up to the property line, which he feels is unacceptable. He recommends the Plan Commission prohibit any construction within the critical root zone and make the same recommendation to the Village Council.

He stated in the spring of 2005 a Freedom of Information request was made to the Village for documents concerning Anderson Homes' dealings with the Village regarding destruction and removal of parkway trees. The Village sent back a package of information which contained a memo to the Village Clerk, April Holden, from the Village Forester dated May 17, 2005. He assumed it was she because the memo discussed the damage of four parkway trees. In summary, Mr. McCune stated it appears the Village can forward a bill to a developer for tree damage, and a developer can just pay the fine. Chairman Jirik ruled the last matter was out of order and moved the meeting forward.

Mr. Tom Sisul, attorney for the residents, thanked the Commission for having patience with the residents and stated he would provide the Commission with all of the PowerPoint presentations for their files. Most importantly, Mr. Sisul reviewed a topographical photo of the site, noting the six-foot drops in the detention area and the safety concerns of the lot. He believed a pipe railing would not be appropriate along the path. He suggested better sloping of the hill and discussed some of the steps taken at other locations, such as the St. James lot.

Mr. John Spriet, 1209 Jefferson, stated he moved into the area in 1999 because of the feel of the area, the larger lot sizes and the cul-de-sac. He is disappointed to see the proposed lot sizes will be half the size of his lot. He would like the new development to maintain the style and character of the neighborhood. He would like the walking path to continue. The issue of the sanitary sewer system has not been raised. Chairman Jirik and staff explained the Downers Grove Sanitary District is a separate governmental agency. Mr. Sbiral added the Sanitary District staff conveyed their approval of the proposed plan. Chairman Jirik suggested Mr. Spriet refer his questions and concerns to the Sanitary District.

Discussion followed on whether to proceed further this evening or continue the public hearing, wherein the Chairman stated it would be beneficial to get to a point where rebuttal can take place since there was nothing further to discuss. Mr. Sbiral explained if the Commission chose to continue the public hearing, then the Commission must narrow down the specific issues it wants addressed for staff and the petitioner.

Chairman Jirik summarized his concerns: 1) Decide the issue on Brookbank and switching the money over and how it is to be accomplished, can it be accomplished; 2) Can there be an installation of a stop sign; 3) Is it more important to have a 35 ft. setback on Carpenter and Brookbank but not on Jefferson,

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and can it be done; 4) Examine the location of the water main on the east side of Brookbank, 5) Determine the pros and cons of extending Brookbank; 6) Provide more detail on the walnut trees and root zones; 7) Review any new changes that have not yet been addressed by staff, such as the new catch basins on Jefferson and the relocation of the retaining wall; 8) Clarification of the base elevation on Lot 8 and are any other lots below the 100-year flood; 9) Roll curbs adjacent to driveways are not ideal; and 10) Provide more information on the gravel path. The Chairman recommended the above items be included in a packet of information for the next meeting.

Mr. Sbiral suggested starting with staff's recommendation so if the meeting is continued to another date, staff would have time to review the plans the petitioner submitted at the end of last week but would also give the petitioner an opportunity to put together plans that would be somewhat final for moving forward to the Village Council. Mr. Sbiral asked where the Commission stood as to staff's five recommendations in its September 7, 2005 memo, because staff's recommendation already requires significant changes to the petitioner's plans. If the Commissioners agreed with staff's recommendations, then the additional items, such as Chairman Jirik's list, could be added to or deleted from staff's recommendations.

Mr. McCormick stated he did not want to deliberate the matter now and would rather continue to a date certain in order to obtain all of the information.

Mr. Waechtler voiced the prior suggestion of landscaping around the detention pond. Regarding the water main, he questioned the feasibility of installing it on the east side of Brookbank, as Mr. Sbiral conveyed there could be a conflict with the sanitary line. As to the tree issue, Mr. Waechtler asked whether new tree plantings would take place.

In summary, Mr. Waechtler thanked the public for their presentations, stating the information provided was organized and very well done. Mr. Waechtler agreed staff's recommendations should remain along with the requested additional information and another meeting should be held.

Chairman Jirik declared the Public Participation portion of the meeting closed unless a matter was new or different from what has been discussed.

Staff expressed concern about moving forward with an additional continuance to occur at the next meeting because new plans had to be developed. Mr. Waechtler expressed his belief that the petitioner should have an opportunity to respond since the public spoke again.

Mr. James Russ, Jr., attorney for the petitioner, did not have a concern waiting until the next meeting to address the specific questions, but he did have a concern about having pre-deliberations on this matter without an opportunity to respond. While he understood staff's position of moving the matter forward, he believed the changes as recommended by the public, were not substantial in that a hearing would have to be republished. Mr. Sbiral, however, disagreed with the petitioner and pointed out staff's report might require substantial changes to the plans.

Chairman Jirik walked through his recommendations briefly, providing Mr. Sbiral with the names of who would have the appropriate information on them, i.e., the Village, the petitioner, or staff.

Should the petitioner be considering additional modifications or wants to provide a written statement regarding the issues raised, Mr. Sbiral stated the petitioner should have the information to staff by October 12, 2005 in order to route it to the Commissioners. Chairman Jirik concurred stating the

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material must be presented to staff in a timely fashion. Mr. Sbiral will provide the Commissioners with a memo on the information and move on from there.

WITH RESPECT TO FILE NO. PC-25-05, MR. WAECHTLER MOVED TO CONTINUE THE PETITION TO NOVEMBER 7, 2005. MR. QUANDT SECONDED THE MOTION.

ROLL CALL:

AYE: MR. WAECHTLER, MR. QUANDT, MR. MATEJCZYK, MR. McCORMICK, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED. VOTE: 6-0

FILE NO. PC-27-05. Petition seeking a Special Use Amendment to allow the construction of a Fitness Center and an Executive Office building on the campus of Midwestern University - Property commonly known as 555 31st Street, Downers Grove, Illinois (PIN 06-32-200-015 & 06-32-400-026); Midwestern University, Petitioner/Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-27-05. Mr. O'Brien stated the petitioner is requesting a special use to expand the campus to include an executive office building, accessory parking and a 25,820 sq. ft. recreational fitness center in the southeast portion of the campus. The R-1 single-family residence district allows a college/University with a special use as long as the site is over 40 acres. The single-story executive office building being proposed is approximately 11,000 sq. feet and will include 26 adjacent parking spaces with two handicap stalls. The proposed office building will accommodate the office functions in the current administration building. The current building will then be renovated and continue to be used as office space. The single-level recreational fitness center will be located in the southeast corner of the site to the north of the existing parking lot. Current campus acreage is 105 acres. To date, the floor area ratio is 0.123; the added floor area for the office and recreational area will increase the overall floor area ratio to 0.14. The maximum allowable is 0.6. The project meets all height, setback, green space requirements of the Zoning Ordinance.

Mr. O'Brien explained a meeting was held to present plans to the neighborhood. Construction will begin as soon as possible with completion by November 2006. Staff's report includes the Standards for Special Use approval. Staff believes the proposed addition to the campus meets the standards, and staff recommends approval of the project to the Village Council subject to the following conditions: 1) Compliance with all public works requirements and conditions outlined in the petitioner's memorandum dated September 16, 2005; 2) Any changes to the conditions represented by the petitioner as the basis for this petition, whether those changes occurred prior to or after Village approval, shall be reported to the Village. Changes may require additional review; and 3) Petitioner shall be obligated to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

No Commissioner questions followed.

Dr. Kathleen H. Goepfinger, President & CEO of Midwestern University, explained she has been involved with the University for 21 years with the last 10 years as the President and CEO. To date, approximately \$70,000,000 has been invested into the campus with the support of the Village of

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Downers Grove. She believes the University serves as an economic engine for the Village with approximately 1800 students attending the school. Many faculty and staff live in the community. She asked for continued investment into the Village. Currently, the recreational facility does not meet the students' current needs. Specifically, the school educates a number of medical professionals who do not use the indoor pool at the University. Instead, a more contemporary facility is proposed and will include handball courts, music rooms, craft rooms, a smaller gym and a wellness facility. Because the administration staff is smaller, the existing space will be turned into academic space. The administration portion of the office will then be relocated to offices near the students.

Dr. Goeppinger explained much time was spent on the location of the two proposed structures. Letters were sent inviting the neighbors to a meeting where their proposed expansion would be explained. Staff and faculty were the only ones in attendance. After making some phone calls, it was determined many of the neighbors did not show up because the proposed buildings did not infringe upon their property.

Mr. Waechtler confirmed the recreational facility would only be for the University faculty, staff and students.

Chairman Jirik opened up the meeting to the public. No comments were received. He closed the Public Participation portion of the meeting.

Dr. Goeppinger closed by thanking the Commissioners and her neighbors for the opportunity to speak.

Mr. Waechtler stated the University is a great asset to the Village and a great neighbor.

Mr. Sbiral closed by explaining staff's basis for its strong recommendation for approval is the Standards listed in Section 28.1902 of the Zoning Ordinance, which the University exceeded. Chairman Jirik concurred and added the University's proposal is very desirable.

WITH RESPECT TO PETITION PC-27-05, MR. MCCORMICK MOVED TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR A SPECIAL USE AMENDMENT TO ALLOW THE CONSTRUCTION OF A FITNESS CENTER AND AN EXECUTIVE OFFICE BUILDING ON THE CAMPUS OF MIDWESTERN UNIVERSITY, NOTING THE PETITION MEETS THE CRITERIA SET FORTH IN SECTION 28-1802 OF THE ZONING ORDINANCE SUBJECT TO:

- 1) COMPLIANCE WITH ALL THE REQUIREMENTS AND CONDITIONS OUTLINED IN THE PUBLIC WORKS' MEMORANDUM DATED SEPTEMBER 16, 2005;**
- 2) ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW; AND**
- 3) PETITIONER SHALL BE OBLIGATED TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES. MR. WAECHTLER SECONDED THE MOTION.**

ROLL CALL:

APPROVED

**AYES: MR. MCCORMICK, MR. WAECHTLER, MR. MATEJCZYK; MR. QUANDT,
MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION PASSED. VOTE OF 6-0.

Mr. Sbiral noted the above petition would be scheduled for a workshop on the second Tuesday in November 2005. Questions should be directed to Mr. O'Brien at the Village.

OTHER BUSINESS

Staff announced the next meeting date is October 17, 2005 to discuss the Curtiss Block.

The Chairman indicated that in the future he would be firmer in running the meetings. He also recommended the Commission hold a workshop to discuss limiting scope. Mr. Sbiral mentioned the American Planning Association provides good information on meeting organization and caseloads. Staff will provide more direct information in its reports and during Commission meetings. Upcoming agendas and enforcement of the five-minute rule were discussed.

The meeting was adjourned at 11:50 p.m. on motion by Mr. McCormick, seconded by Mr. Waechtler. Motion carried unanimously by voice vote of 6-0.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, SEPTEMBER 26, 2005, 7:30 P.M.

Chairman Jirik called the September 26, 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. Waechter, Mr. Webster

ABSENT: Mrs. Rabatah

STAFF

PRESENT: Keith Sbiral, Director of Planning; Jeff O'Brien, Planner; and Alice Dornan, Recording Secretary

For informational purposes, Chairman Jirik explained the procedures of the meeting and opened up the public hearing for File PC-26-05

FILE NO. PC-26-05 – A petition seeking an amendment to Chapter 28, *Zoning Ordinance of the Municipal Code* to include all Articles relating to Residential Zoning Regulations. The purpose of the proposed amendment is to consider modifications to the existing residential lot and bulk zoning regulations, including but not necessarily limited to height, setback yards, and lot coverage. Petitioner: Village of Downers Grove.

Chairman Jirik swore in those who would be speaking on behalf of File No. PC-26-05.

Mr. Sbiral, Director of Planning, discussed the sections of Code the Village was considering to modify included the R-1, R-2, R-3, R-4, R-5, R-5A and R-6 zoning districts. A background of the petition followed with staff recalling the public was invited to three public forums, the first being September 18, 2004. During those meetings, the public was asked to provide their input on what the community should look like. The last public forum held on June 29, 2005 incorporated many of the comments received to date. Staff's goal for the proposal included simplification of the regulations, reduction of the potential negative aesthetics and drainage impacts from larger houses in established neighborhoods, and maintenance of the existing character of neighborhoods.

Currently, front setbacks allow 25 to 40 feet tied to the height of a building. Rear yards include 20 feet plus one foot for every one foot in excess of 20 feet; side yards are currently five feet plus one foot for every one foot in height in excess of 20 feet. Current height regulations are 35 feet from the midpoint of the ridge. Lot coverage was only limited by a lot's required setbacks. Examples of various homes were presented on the overhead projector.

After receiving and reviewing input from the public, architects, staff, etc., staff reached the following set of modifications: front setbacks, 25 to 40 feet, but no connection to height; side yards, ten feet for R-1; seven feet for R-2 lots; R-3 through R-6, 10% of the lot width or six feet, whichever is greater. Rear yards would maintain the 20 feet setback with no connection to the height of the building. Further examples were shown on the overhead screen. The new proposal for lot coverage would limit coverage to 32% of a lot's area. Lots that are 60 feet or less in width could receive a 500 sq. ft. bonus for a rear load or detached garage. Lot coverage only counted for structures such as homes, accessory buildings and decks. The 500 sq. ft. bonus is a way to encourage rear load or detached garages. The same bonus could be applied for front porches or other details. Mr. Sbiral walked through some of the definitions of the Code, which would require refinement.

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Mr. Sbiral explained the regulations pointed to lowering the requirements of the height of homes. Many of the building permits currently being received are less than 35 feet to the mid-point and would meet the proposed minimum requirement. Some issues not addressed in the Code included the appearance of the homes, overall bulk of new construction and the relationship between height and setbacks. Besides forwarding the various regulations to the Village Council for consideration and implementation, this matter was also prepared for consideration by the Plan Commission as well as to place the items that were discussed as part of this project into the public record. Those items included floor area ratio, minimum open space, daylight plane, encroachment allowances, bonuses and neighborhood conservation overlay districts. In addition, input from other communities was received.

In summary, Mr. Sbiral explained the information was being presented for the first time in a public hearing setting in order to build the public record and provide staff with direction on alternatives as a first step. Next steps, as they relate to setbacks, height and lot coverage, will include the preparation of a draft Ordinance and/or continuing the public hearing to November 7, 2005, if necessary, followed by consideration by the Village Council in either November or December, 2005. Regulations would go into effect January 1, 2006. Some of the larger items, such as neighborhood conservation districts, etc. most likely would be an ongoing discussion.

Mr. Matejczyk commended staff on its work. He favored the standardization, the increased setbacks and was pleased to see staff address open green space and recommendations for rear yard garages. He did express concern about how the height was being measured and discussed the movement across the nation regarding Craftsman-style homes. Under the proposed regulations, a Downers Grove Craftsman-style home, which he had seen, would not be allowed. He questioned why the measurement of height was being revised since it promoted box-style homes. As a last comment, he discussed the benefits of a tree preservation program on private property.

As to the height question, Mr. Sbiral indicated there were benefits to measuring to the mid-point; however, measuring to the peak allowed ease of administration, enforcement of the Code, and ease of explanation to the public. Mr. Matejczyk did not necessarily agree with the administration point of the explanation, wherein staff explained it was encouraged by the development community.

Mr. Waechtler asked staff if a difference existed between lot coverage versus Floor Area Ratio ("F.A.R."), wherein staff explained lot coverage takes the footprint of a building and a certain percentage exists. The floor area ratio, however, calculates the livable space footage of first and second-story floors with added space as its calculation. Staff explained more communities were using lot coverage versus F.A.R. and that lot coverage solved the problem of the size of the home on the lot, movement of stormwater, etc. where F.A.R. reduced the overall bulk and mass of a structure.

Per Mr. McCormick's questions, Mr. Sbiral explained how the Village resolved encroachment issues on the five-foot side yard setback as compared to what was being proposed. For existing homes, the requirements would remain the same. New homes would be allowed 18 inches into the side yard. The number could be increased to 24 inches but it would require an increase of the side yard setback by 12 inches. Mr. Sbiral also explained the reasoning behind the new section, which addresses non-conforming buildings.

Chairman Jirik asked staff to explain how setbacks, coverage, and height would be handled in the case of creating non-conforming structures and in what cases could they be rebuilt or not, and to what degree would the Village be creating a small amount of legal, non-conforming structures. Mr. Sbiral explained whenever Code is revised, particular attention is paid so as to not create widespread non-conformity or at least implement a coping mechanism to deal with it. In this case, he explained many of the homes in

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the Village were built to the five-foot setback. Should the regulation be implemented from five feet to six feet, many residents will want to construct additions to their homes. Staff hopes the mechanism will help a little bit. Regarding the height, staff does not foresee many non-conformities being created. As to lot coverage, staff has not seen the 32% figure being requested very much. Parts of the Code Services Department, the Planning Department, and the Village have been looking at the trend for development of larger homes and to protect against the trend. Staff still foresees some non-conformities, and the variation process can be utilized in those cases.

Chairman Jirik asked for confirmation of the 51% requirement for a rebuild if a structure was demolished and stated it may be important to know at what point is a complete rebuild required or when a variation could be sought, wherein Mr. Sbiral stated in the case of devastation the Code requires a resident to rebuild their home exactly. However, if something were to be altered, the change would need to come into compliance with the existing Code. In answering Chairman Jirik's question regarding whether a "hybrid" approach existed to measuring height and/or creating a box, Mr. Sbiral explained every element of a home's elevation is measured. Measuring mid-way would include the principal roof element.

Mr. Nicholaou pointed out under the proposed regulations an architect/developer looking to construct homes similar to those built in Downers Grove circa 1925 or circa 1935, could not built their homes with a turret. He further commented the issue, in general, is very complex and could not be simplified. He expressed concern that the regulations would become architecturally constraining, wherein Mr. Sbiral explained if someone was seeking traditional architecture, typically a full two-story facade exists, and the turret element was removed. Mr. Sbiral also stated the development community conveyed to staff that the current Code was architecturally confining.

Referring to Page Four of staff's report, Mr. Sbiral clarified the definition of an Accessory Structure and the fact that an accessory structure would be limited to the size of the principal structure so that the accessory structure did not become larger than the primary structure.

Chairman Jirik confirmed that Mr. Sbiral testified if there was clear direction on setbacks, coverage or height, those matters could be forwarded to the Village Council, and the other matters could be separated out and pursued later in order not to delay the meeting. Mr. Sbiral indicated the Commission could make two or three different recommendations. Rather than continue the entire petition to November, the Commission could take some action this evening. The goal is to have something for the November/December Village Council with a January 1, 2006 implementation.

Chairman Jirik informed the public they could comment at this time but to limit their comments to five minutes.

Mr. O'Brien read two e-mails into the Record:

From Dave McElroy, 4520 Middaugh:

"Thanks for responding. I won't be able to make the Plan Commission meeting but will take up your invitation to comment via email. I'm not opposed to "tear-downs" as they make good economic reuse of the land and in the long term benefit the community. There seem to me to be more pros than cons overall. I am concerned about allowing what can be built; if properly done, appropriate reuse can be achieved by Ordinance and Code. I live in a neighborhood (NW downers) where there are quite a number of tear downs, in fact on my block alone there are or will be nine. Some of the new homes are well done and others not. In fact some of these homes, on my block, were examples in your packet of information of what not to do. This type of house changes the character of the neighborhood. It creates

a look similar to row houses or town homes with lots of garage doors and concrete drives. I believe this is inappropriate and there should be more green space. The side yard depth is also inadequate as this narrow dimension, coupled with the amount of roof and concrete on the land, under some of these new plans has and will create significant water runoff problems for adjacent properties. The Village must craft an Ordinance to make the owner/builder responsible for damage or runoff to neighboring properties. While aesthetics are a subjective matter, there ought to also be some architectural control over design as to what can and can't be built. I have seen a few new homes which I am sure have actually decreased the value of adjacent properties. Other communities have been able to address this problem and I'm sure Downers Grove could address this as well."

From David Force, a Downers Grove Resident:

"I am a Downers Grove resident and owner of one of the many 50'x132 lots in town, Therefore my comments focus on the 50' wide lot situation. Primarily, I would like to propose a change to the Table 2 "Proposed Setback Regulations". The proposed regulations unfairly penalize 50' wide lots utilizing rear garages.

"Recommendations 1: Table 2, "Proposed Setback Regulations", Side yard Footnote:

Add the following. For lots with a detached rear loading garage, the lesser of 10% of the lot width or the dimension shown shall be allowed.

"Justification: The traditional home on a 50' wide lot in Downers Grove has a rear garage and provides 15 ft of total side yard (10' driveway+ 5' sideyard). This exceeds the 12' total sideyard currently being proposed for a 50' wide lot. The Table 2 proposed restrictions are unfairly restrictive for both current 50' lot homeowners and builders who intend to provide a rear garage. If Table 2 is implemented as shown, builders proposing a rear garage and 15' of total sideyard will be unfairly penalized on the sideyard requirement when providing a rear garage. This minor revision will provide additional incentive for 50' wide lot owners to utilize rear garages in their building plans.

"Recommendation 2:

Recommend reasonable Floor Area Restrictions be considered. This requirement will be most effective at limiting the bulk or volume of homes. Recommend F.A.R. from adjacent municipalities which have many 50' wide lots be considered such as Western Springs. The F.A.R. should not be more restrictive than adjacent communities as it would deter development and decrease property values in Downers Grove.

Other Comment: The current regulations allow for 2112 sq ft on a 50x132 with a front load garage. This number will likely have to be 100 sq ft or more lower to encourage rear garages. Thanks for considering my comments."

Mr. O'Brien stated he spoke on the phone today with Mr. Rick Crilly, 535 Wilson Street, who expressed to the Plan Commission the urgency in getting the regulations adopted since he felt many more builders were attempting to get their permits under the existing regulations.

Mr. David Matthies, 4622 Saratoga, President of Matthies Builders, has been building homes in Downers Grove for over eight years and knows the mean roof calculation and how to manipulate it, as do many builders. He stated homeowners have a difficult time, which was why he believed it was the goal to simply the calculation. He commended staff, stating they were on the right track but more work needs to be completed. He offered some assistance in that regard. Regarding the percentage of lot coverage versus lot area, builders such as himself know how to manipulate the numbers. He believed it was beneficial to stay away from the F.A.R. and stay with the lot coverage since it protected the green space on the lot. Mr. Matthies explained how the lot percentage affected the smaller lots and presented a drawing of a home. He had positive comments on how the home could be built yet incorporate the

necessary amenities being sought and keep the homes in proportion. He stated coverage limitations would benefit from exceptions for front porches and detached garages. Increasing the side yards would, again, affect the smaller lots and would have an adverse affect on home design and create “snout” houses where the garage is the prominent front feature. This was his main concern, and he asked staff to consider it. As an alternative for stormwater, he suggested aligning all of the encroachments to one side of a house to give five feet on the other side. Other concerns included the 18” encroachment of window wells and the difficulty of meeting the requirement when people wanted a bedroom or study in their basement. He recommended a 24” encroachment for consideration. He supported the maximum ridge height but recommended a maximum eave height.

Mr. Mike Davenport, 6636 Blackstone, Davenport Architects, shared the above concerns but explained much of his work is with remodels and additions. The difficulty of the current Code is, when he reviews a home with five feet off the setback, he is restricted to 20 feet to the midpoint of the roof when he needs to add a second floor. It requires him to make many adjustments to his roofline to create an artificially lower roof height. He supported the introduction of a maximum eave height to encourage the steeper roofs. He mentioned a 70 ft. A-frame house could be built with a certain ridge height and eave line. Considering both maximum ridge heights and eave heights would be beneficial. He supported the six-foot setbacks, the lot coverage restriction and commended staff for receiving input from the development community.

Mr. Sbiral explained the eave ridge requirement was left out because in setting a maximum eave and ridge requirement the slope of the roof becomes prescribed.

Mr. Richard Jacoby, 4915 Pershing, expressed concern about water drainage in his neighborhood, soil permeability and land contour. He commented no one at the Village was aware of the drainage issue on his neighbor’s lot but should have been. Addressing the relationship and timing of construction projects, Mr. Jacoby expressed concern about projects being delayed and then areas turning into a mess, forcing residents to live across or next to the construction for many months or even a year. He recommended better communication take place between the contractors, the Village and the residents and that soil borings take place.

Mr. Sbiral indicated new construction requires a Kane/DuPage soils test and, in fact, many of the soils are impermeable due to nature of the area of the Village. On another matter, the Village is reviewing its stormwater issues and regulations.

Mr. Robert Field, 5626 Middaugh, resides in R-4 zoning where many of the lots are 60 feet wide by 285 feet deep. His lot is 135 feet wide. He believed it was not equitable to require a large setback on one side of a property line and a much smaller one on the other side. His lot has many trees, and he would hate to have them removed. Next, he suggested moving away from the F.A.R. He supported staff in avoiding the maximum eave height because it is overly prescriptive on the design of the house.

Mr. Sbiral commented on the different issues that play into uniqueness. The best way to handle a district with unique lots is to use a percentage for setbacks. However, the R-3 and R-4 zoning districts are not unique enough overall to go to a percentage. The thought was that having larger lots and losing 26 feet would not be as burdensome. To date, there has been no review of placing a maximum amount on the requirement.

Mr. Kenneth Lerner, 4933 Whiffen Place, on behalf of the Downers Grove Coalition for Management Redevelopment, discussed the formation of the coalition, its background, and a recent presentation from Oak Park and Hinsdale representatives to discuss the management of teardowns/redevelopment.

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Mr. Lerner conveyed that the coalition supported staff's recommendations for setbacks, height, and lot coverage as soon as possible. The coalition also supported staff's further research and development of proposals on related items, including the daylight plane concept, bonuses, neighbor conservation districts, and protection of trees on private lots. He recommended the Plan Commission consider reviewing the process for demolition permits so properties do not sit vacant for extended periods of time, etc. The coalition offered its assistance to the Village staff. Mr. Lerner provided staff with an updated handout from Mr. Pete Pointer, Corporate Services Inc., in which he discusses alternatives to neighborhood protection.

Mr. Sbiral indicated the demolition process was reviewed but is not part of the Zoning Ordinance. The comment will be taken to the Code Enforcement Department.

Mr. David Schultz, 5509 Washington, has attended the previous public forums where the above topics were discussed. He described how the landscape in the Village has changed with the removal of trees and the negative aspects that have occurred with the new development. He has not seen the "supposed" benefit of reduced property taxes due to the increased assessment of the homes being built but, instead, stated the opposite was true. He expressed concern about a statement in the Plan Commission's Summary Report as it pertains to the Village's goal of "continued investment and reinvestment in its residential areas." He inquired where the goal came from. In closing, he recommended the Plan Commission and the Village impose a two-year moratorium on teardowns to allow careful consideration of this issue and to develop a program to properly address the concerns of its citizens. He recommended an exception could be specified if it could be demonstrated that a safety or public health concern associated with the need for teardowns existed. If the Plan Commission was unwilling to have a delay in this matter, he recommended a maximum lot coverage standard but lower the figure to 25% rather than 32%. He recommended having a maximum lot coverage not to exceed 40% for impervious surface area to preserve green space. He recommended, at a minimum, an existing tree plan of a lot be submitted before any teardown or redevelopment took place and be considered part of the design of any new rebuild. He asked for clarification by staff of the 32% lot restriction.

Mr. Sbiral read the goal of the Village from his summary report, explaining and clarifying that the Village did not want to encourage "dis-investment" and not allow its residents to improve their homes and/or property, but at the same time allow the Code to be flexible for residents to build homes through minor refinement of the Code. The intent was to keep the positive residential development the Village currently has. As a side note, he explained a previous discussion took place on holding a moratorium but staff did not support it because of constitutionality and private property rights.

Mr. William Ponstein, 6012 Hillcrest, Ponstein Builders, raised concern about the creation of non-conforming structures within split lots using percentages. He recommended using a fixed number, even if it has to be increased. If the Village determined a percentage was better, he recommended it be a total where the number could be made up on one side of the lot instead.

Dr. Gordon Goodman, 5834 Middaugh, speaking as a resident and as chair of Pierce Downers Heritage Alliance and as a steering committee member of the Coalition for Managed Redevelopment, asked that Mr. Lerner's report be made part of the public hearing record. He supported staff's recommendations for the three issues at hand. He agreed with Mr. Schultz's recommendation of a proposed 40% limit on the impervious coverage of a lot. Dr. Goodman encouraged staff present to the Council that they consider explicit rules about how to achieve daylight plane control so neighboring properties are not cut off from daylight by new construction. Lastly, while it was not in this Commission's purview to discuss Code enforcement and trees on private property, he believed it was important for the Plan Commission to recommend that the Village Council and staff revisit the issues as it relates to demolitions. He also

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made recommendations on how the Plan Commission should consider the petition before them and consider more public input.

Mr. Nicholaou explained to the public that the Plan Commission was a fact-finding body and encouraged continued public input on this matter.

(The Plan Commission recessed at 9:50 p.m. and reconvened at 10:00 p.m.)

Mr. Marty Sturr, 4709 Oakwood Avenue, as a resident and architect, asked staff about the definition of height within the Chapter, wherein staff indicated the definition of height was in Section 28.201 of the Zoning Ordinance. Mr. Sturr supported the proposed change. One negative with regard to the current Ordinance, was that architects/designers/builders figured out that if the front eave was low enough, the average could be met. He was not happy with the fact that the Village was losing the de facto bulk plane limitation and suggested reviewing it again as a future amendment to the Ordinance. In his opinion, the proposed lot coverage requirement was fine, and the percentage was workable. He suggested tying that requirement to a two-and-one-half story limitation. Regarding turrets, other communities had exceptions for architectural details such as turrets and cupolas. Mr. Sturr stated the R-1 District could also have a higher height limitation than what was currently being considered. While he supported trees, he reminded the Commissioners that it becomes a private property issue. However, it could be beneficial to provide incentives to builders and homeowners to construct around the trees or have an incentive for using permeable paving for driveways to assist with drainage. Regarding the 50-foot wide lots, he supported using a stormwater management process on the lot before the water traveled off-site.

Mr. Andrew Clark, 1226 62nd Street, expressed concern that if the three major issues were not addressed tonight, it would take another ten years before the Ordinance is completed properly. He asked that the Ordinance be moved along quickly. Mr. Clark discussed the Village's stormwater problems in general and suggested placing a gutter system on a house with drain tile leading to the street or to the back of a yard.

Mr. Robert Michael, 6004 Middaugh, reported representatives from Hinsdale and Oak Park addressed the public at a prior meeting, explaining that the first step was to take a study of the Village. To date, he was not aware of any housing stock study. He estimated the Village has 13,000 single-family homes, and he asked how the proposed changes would affect those small two-bedroom homes that exist on small lots. He questioned their future property value and the future property value of Downers Grove. Mr. Michael discussed his attendance at two plan commission meetings some years ago in two other states. He expressed concern when Plan Commissioners make decisions that impact the community and have an affect years later.

Mr. Sbiral stated an informal housing survey was done, and the information exists in some form. He was careful to explain staff did not want to make sweeping changes to the Code only to have lots sit vacant. Instead, staff wants to take incremental steps to conserve what currently exists. Should the proposed changes take effect, Mr. Sbiral explained staff would revisit the changes every six months to see if the goals were being met.

Chairman Jirik made general comments on how this process came to be at its present state.

Mr. Mark Towman, 1109 61st Street, attended the first two of the three meetings and commended staff for their work. He noted on Page Five of the staff report that teardowns and overall appearance of new construction were not addressed in the proposal. Looking at his notes from the first meeting, the main

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discussion at that meeting was tree loss, loss of affordable housing, and the helplessness that residents felt when large homes were constructed in their neighborhood with no regard to the surrounding area. During the second meeting, floor area ratio was raised, and it was noted that staff heard from everyone in the residential community as well as the development and real estate communities who all thought F.A.R. was a bad idea. He believed there was needed discussion on a mechanism for mandatory architectural review and approval of new construction since the citizens were requesting it. He believed it was necessary to convey to the builders positive examples of what the residents and Village want them to do. Mr. Towman discussed his own calculations. He suggested that for every five feet a builder was willing to decrease the maximum height of a house, he should be allowed to decrease the required slope of the roof. He supported neighborhood conservation groups but said the formation of neighborhood preservation districts should include 75% of the houses being over 30 years old instead of 50 years old.

Mr. Dennis Parsons, 22 N. Lincoln, Hinsdale, Illinois, an architect, called Downers Grove “delightful.” He cautioned the Village moving too quickly with the amendments, stating that change is difficult. He stated Hinsdale worked ten years on their Ordinance and it was not perfect, specifically, in floor area ratio. He agreed the Village should keep their Ordinance simple, but it should listen to the market. He stated good design was good business. He encouraged the Village to consider building coverage, lot coverage and stormwater and to keep areas green. Mr. Parsons discussed the negatives of Hinsdale’s 30-day moratorium and the legalities raised. Regarding the trees, he recommended writing the Ordinance for the property line trees. He suggested building a house and planting two more trees each time a tree was removed.

Addressing the height issue, Mr. Parsons discussed how projects would sometimes fit the old Ordinance while others better fit the new Ordinance. The five-foot side yard and twenty-foot mean is fine for smaller houses, but the Village would be better off to go the maximum height. He also discussed how the housing stock suffered in Clarendon Hills when it went too F.A.R. with its Ordinance.

Should the height requirements be revised, Mr. Nicholaou again voiced his concerns that the types of homes Mr. Parsons constructs (circa 1920s, 1935) would not be able to be built. However, Mr. Parson indicated he could work within the new height requirement and so could other builders. It was matter of understanding the technical issues. Mr. Parsons stated exceptions for certain period architecture should be allowed, thereby allowing better architecture for the community. He agreed protection of the nearby residents was necessary and could be done through a tight Ordinance.

Mr. Griesbaum asked Mr. Parsons whether the new Ordinance allowed for a variety of housing and whether it allowed the right aesthetic details to be built into the homes, wherein Mr. Parsons said it could, but the smaller 50 ft. lots were more difficult to design. Mr. Parsons explained the “snout” houses were used as the easy solution. He noted unfortunately aesthetics could not be legislated.

Mr. Tours Alcon, 4708 Douglas Road, asked to keep the five-foot side yard proposed for the 50 x 125 ft. R-4 lots because it is very difficult for a home’s layout to work. Regarding the issues of setback, height, and lot coverage, he supported the recommendations and the fact that they offered diversity with regulation. It was why he moved to Downers Grove. He agreed the issue could be discussed forever, but he supported moving ahead with the three main points and ironing out the details in the future.

Chairman Jirik walked through the steps to proceed forward as discussed earlier by staff and indicated it appeared there was a consensus as to setbacks and lot coverage, and the Commission may need to discuss height since there was some diversity.

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Due to the late hour and some of the issues still being raised about height and aesthetics issues, Mr. Nicholaou believed further investigation and further time was necessary to review the matter; Mr. Matejczyk concurred.

Staff asked for direction, indicating much due diligence was taken into account on this matter.

Mr. Nicholaou suggested using 40% lot coverage; 32% for the building pad. He recommended reviewing the 50 ft. lot again as to how the Village wanted its chimneys, window wells, or swales. He encouraged staff to return with an Ordinance that allowed bonuses for porches, turrets, porticos, and detached garages and to look at the bigger picture.

Mr. Webster agreed the Commission was very close, and suggested staff return with a draft Ordinance at the November 7, 2005 meeting. The Chairman concurred and noted should the document be too complex to draft, the Commission was not obligated to move it forward.

Some Commissioners agreed the issue still appeared to be height, and staff could draft part of the Ordinance while the height issue was still being worked out. Staff also offered if height was a concern, an alternate Ordinance could be presented and discussed. Chairman Jirik and the Commissioners agreed that Mr. Sbiral should produce the various height options for the next meeting.

Mr. Nicholaou offered to provide staff with a CD-Rom to assist staff in drafting the language for bays, turrets, etc. and to keep it for the next meeting. Staff concurred and discussed how the Commissioners will then have a "laundry" list of what they like or do not like.

Mr. Sbiral noted the Commissioners could continue the meeting to November 7, 2005 or hold a special meeting. Some Commissioners felt the discussion was very important and suggested holding a separate meeting. Mr. Matejczyk thanked the public for their informed participation.

WITH RESPECT TO FILE NO. PC 26-05, COMMISSIONER GRIESBAUM MADE A MOTION TO CONTINUE THIS PETITION TO NOVEMBER 7, 2005. THE MOTION WAS SECONDED BY COMMISSIONER WAECHTLER.

ROLL CALL:

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

NAY: NONE

MOTION PASSED. VOTE: 8-0

The meeting adjourned at 11:10 p.m. on motion by Mr. Waechtler, seconded by Mr. Griesbaum. Motion carried unanimously by voice vote of 8-0.

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

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.

APPROVED

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

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-

APPROVED

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

APPROVED

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)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, AUGUST 1, 2005, 7:30 P.M.

Chairman Jirik called the August 1, 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, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

STAFF

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

JULY 11, 2005 MINUTES. MINUTES WERE APPROVED ON MOTION BY MR. GRIESBAUM, SECONDED BY MR. NICHOLAOU. MOTION PASSED BY UNANIMOUS VOICE VOTE.

Chairman Jirik noted the next Plan Commission meeting would be September 12, 2005 due the Labor Day holiday. He informed the public as to the available information for tonight's meeting in order to follow along during the meeting and discussed the steps that would be followed during the meeting.

FILE NO. PC-19-05 – A petition seeking 1) Special Use for a 24 unit, multiple family residential development in the Downtown Business (DB) zoning district; and 2) certain parking Variations; property located on the east side of Forest Avenue, approximately 375 feet North of Warren Avenue, commonly known as 4929, 4933 and 4937 Forest Avenue, Downers Grove, IL (PIN Nos. 09-08-116-008, -009, and -010); 4929 Forest LLC, Owner/Petitioner

Chairman Jirik swore in those who would be speaking on File No. PC-19-05.

Director of Planning, Mr. Sbiral reviewed Staff's report noting the Petitioner, Mr. Michael Prince, 4927 Forest LLC, was seeking approval of a Special Use to authorize a residential, multiple-family dwelling for a five-story condominium in the downtown business district as well as approval for a Variation from Chapter 28, Section 28-1802(r) for the size of the off-street parking to allow a 21.8 foot drive aisle versus the minimum required 24 feet, and to allow a minimum parking stall width of 8 feet rather than the required 8.5 feet. The property is surrounded by downtown business zoning on all sides and is approximately one-half acre in size. Located on the west side of the site is the Downtown Transitional zoning, primarily commercial land use. The Future Land Use Plan designates the property as commercial as it is consistent with the Urban Density Land Use with less than 60 units per acre. The proposed building will have 45.8 units per acre. Due to the recent revisions and combining of layers of the Downtown Business (DB) district, the core zoning and transitional zoning allow for multiple-family dwellings.

Mr. Sbiral further noted there were no requirements for front, side or rear setbacks; however, the Petitioner was providing at least five feet around the building, excluding staircases. Proposed dwelling units will consist of 951.9 square feet per unit versus the minimum DB-Downtown Business District requirement of 800 square feet per dwelling unit. The maximum height of the building will be 70 feet.

APPROVED

Other topics addressed or which will need addressing in Staff's report include traffic, parking Variations being requested, engineering, and stormwater management. The school and park donations as well as the standards for approval were noted in Staff's report.

In closing, Mr. Sbiral believed the requested action was consistent with the Future Land Use Plan, the Zoning Ordinance and planning documents of the Village and, therefore, recommended the Plan Commission forward a favorable recommendation and Findings of Fact to the Village Council subject to the four conditions listed in its report.

Mr. Waechtler noted Page Two of the Staff report which references an alley adjacent to the property and runs from Franklin Street north to Main Street to the east and asked for clarification of the location of the alley. Mr. Sbiral showed the alley on the locator map displayed on the overhead screen.

With reference to Page Two of Mr. Burke's letter dated June 29, 2005, contained in the Staff report, Mr. Nicholaou inquired whether Item No. Four had been done, wherein Mr. Hall indicated the consultant will review and the Petitioner must comply before obtaining a permit. Mr. Nicholaou also asked if Item No. 2 had been addressed and Mr. Hall responded many items were in different processes and all issues should be addressed before permitting.

Mr. McCormick asked for a height comparison between this proposed building and the Gammonly building. Mrs. Riordan responded the Gammonly building is 70 feet high. Mr. Sbiral addressed this. Mr. Michael M. Roth, Wildman, Harrold, Allen & Dixon, LLP in Lisle, Illinois, introduced himself, stating he was the attorney for the Petitioner and members of the 4929 Forest LLC. He introduced other members of the team, the architect, the engineer and the traffic planner. Mr. Roth reiterated Staff's comments, noting the size of the building, its location, site characteristics, parking, and setbacks.

Mr. Roth introduced the Petitioner, Mr. Michael Prince. Mr. Prince, who provided some background history and vision of his project, emphasized he worked diligently to create a project that would fit in with the area. There will be 24 units, 16 of which will be two bedroom, one den, 2,400 square feet, and eight will be one bedroom, one den, 1,926 square feet .

Mr. Robin Whitehurst, architect with BE Design, also addressed the Plan Commission and explained how the Petitioner wanted to create a commercial building but provide a residential touch to it and yet provide some landscaping to soften the foundation of the building. The lot is approximately 22,300 square feet, and the footprint of the building is approximately 18,737 square feet which would leave approximately 22% of the lot area. Mr. Whitehurst discussed the uniqueness of the condominiums, the organized plan for the parking Variation and compared the proposed parking requirements to that of Chicago's parking requirements. Stone materials and details of the building followed.

Mr. Roth closed by stating he welcomed any questions.

Chairman Jirik asked if any member of the Plan Commission had questions of the Petitioner or his experts.

Mr. Matejczyk asked if there would be deeded parking, and Mr. Prince responded affirmatively. Mr. Matejczyk next inquired about the formation of a condominium association. Mr. Griesbaum asked about the location of the visitor parking area, wherein Mr. Prince explained that a condominium association will be established.

Mr. Griesbaum asked where the visitor parking would be located, and Mr. Prince indicated parking would be on-street parking.

APPROVED

Mr. Waechtler commented about Station Crossing which had provided visitor parking and asked a question regarding the parking Variation. Mr. Sbiral responded. He also asked about the width of the parking aisles and asked if the Fire Department had reviewed the parking plans. Mr. Sbiral noted the Fire Department had reviewed the plans and had no issues.

Mr. Nicholaou asked how the parking for this project compared to the Gammonly and Morningside projects. Mr. Sbiral responded both projects have Code compliant deeded parking. Mr. McCormick asked if their traffic engineer had looked at the back-up on Forest Avenue at peak travel times. Javier Millan, traffic engineer, responded.

Mr. Sbiral made comments about the parking plan. Mr. Whitehurst brought up flood plain issue which forced them to change their parking plans.

Mrs. Rabatah asked why the need for the variation, and Mr. Whitehurst explained the situation regarding the support columns. Mr. Sbiral noted the parking plan was acceptable. Mr. Whitehurst commented the design work had been done for three months when they found out about Fire Prevention's concerns.

Mr. Nicholaou asked Mr. Whitehurst if he had ever designed this type of building before, and Mr. Whitehurst responded he had designed projects in Chicago. Mr. Nicholaou asked Mr. Whitehurst to supply Staff with addresses of similar type buildings he had designed for submittal to the Village Council when this petition is placed on a workshop agenda. Mr. McCormick asked the owner if he had ever developed a condominium project in the suburbs, and Mr. Prince responded he had built custom homes; this is his first condominium project.

Mr. Waechtler asked the Petitioner if the stairwells are outside or inside. Mr. Whitehurst replied inside the building. Mr. Waechtler next asked Staff if Item No. 5 on the Fire Prevention memo dated June 15, 2005 was addressed. Mr. Sbiral noted that is a standard Fire Prevention comment.

Mr. McCormick asked Mr. Prince with regard to his residential projects in the Village if he complied with all Village requirements in a timely manner, and Mr. Prince responded affirmatively. Mr. Waechtler asked Mr. McCormick why he asked that question, and Mr. McCormick responded he wanted Mr. Prince's response that he will comply in a timely fashion on the public record.

Chairman Jirik opened the meeting to the public.

Mr. Richard Doria, 4941 Forest Avenue, Downers Grove stated as the owner of property next door, they tried to talk to the Petitioner and his consultants regarding civil engineering issues. Mr. Marek Klonowski, STS Consultants responded that they would work with the neighbors.

Mr. Graham Rosie, 4925 Forest Avenue, supported the project overall but brought up water issues after it rains. He believes the Public Works Department needs to take another look at the water issues in the area as well as the previous work done on Forest Avenue. He suggested using the alley to enter the building and exit the property onto Forest Avenue. As to the extra parking provided by the Petitioner, Mr. Rosie also expressed concern as to where the guests of the building would park. Mr. Roth explained the Petitioner had proposed using the alley, but the Village's Traffic Engineer did not approve, and in the end it would not have worked well.

Chairman Jirik closed the Public Participation portion of the meeting. There were no questions from the Plan Commission to the Petitioner, and the Petitioner did not have any follow-up statement.

APPROVED

Mr. Michael Roth closed by stating their request was an Ordinance-based Special Use. They have addressed the specific standards for a Special Use.

As part of the Plan Commission's deliberations, Mr. Matejczyk expressed his belief that the project was well suited for the Downtown and was beneficial to the Village by encouraging more foot traffic in the downtown area. It will also allow current residents who reside in Downers Grove an opportunity to transition to a condominium dwelling yet stay in Downers Grove. He suggested that the developer work on the creation of the condominium association documents. He encouraged a positive recommendation be forwarded to the Village Council.

Mr. Nicholaou also concurred but in recalling the Station Crossing project, asked for the record that the Village Council consider not issuing any permits of occupancy on this project until the streets and public rights-of-way were completed. Mr. Sbiral suggested adding that to the Conditions in the Motion.

Regarding the use of the alley and traffic onto Forest Avenue, Mr. Sbiral explained Staff agreed the alley would not work well, and the Traffic Division did review the Petitioner's traffic report and agreed that the incremental change by this development should not significantly affect the Forest Avenue traffic.

Mr. Waechtler expressed concern that the Plan Commission was being asked to consider a Variation for off-street parking and off-street design, which would complicate matters for visitors to the complex as well as nearby neighbors. He believed it was necessary for the Petitioner to explore the area and possibly make arrangements for visitor parking. Mr. Sbiral noted the proposed project met Village Code and confirmed with the Chairman that four more parking spaces than required have been provided.

Mr. Waechtler asked how many parking spaces would be deeded. Mr. Prince stated all the parking spaces would be deeded, and each unit would be allowed to purchase two spaces. Mr. Nicholaou asked if Station Crossing provided enough parking spaces. Mr. Sbiral stated Station Crossing also provided deeded parking. Mr. McCormick commented there is on-street parking on Rogers and Main. A legitimate concern was expressed that there would be no parking on Forest Avenue. Mr. Waechtler suggested to the Petitioner that he should explore contracting for off-street parking.

Mr. Griesbaum also shared parking concerns but at the same time discussed that the Village will have to recognize parking will be an issue for anyone visiting the building. Mr. Matejczyk concurred, noting it will be an issue for any building within the Downtown.

After Staff suggested how the Motion could be worded, Chairman Jirik entertained a motion.

WITH RESPECT TO FILE NO. PC 19-05, PETITION SEEKING 1) SPECIAL USE FOR A 24 UNIT MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT IN THE DOWNTOWN BUSINESS (DB) ZONING DISTRICT ; AND 2) CERTAIN PARKING VARIATIONS, MR. NICHOLAOU MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL BASED UPON STAFF'S RECOMMENDATIONS SUBJECT TO THE FOLLOWING CONDITIONS:

1. PAYMENT OF \$43,307.84 TO THE VILLAGE FOR SCHOOL AND PARK DISTRICT DONATIONS;

2. **COMPLIANCE WITH ALL ISSUES AS OUTLINED IN THE PUBLIC WORKS MEMORANDUM DATED JULY 5, 2005 PRIOR TO PERMITTING;**
3. **COMPLIANCE WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JUNE 14, 2005;**
4. **ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW OF THE SPECIAL USE OR VARIATIONS; AND**
5. **ALL REQUIRED PUBLIC IMPROVEMENTS ARE TO BE COMPLETED BY THE PETITIONER AND ACCEPTED BY THE VILLAGE PRIOR TO THE ISSUANCE OF ANY CERTIFICATES OF OCCUPANCY.**

THE MOTION WAS SECONDED BY COMMISSIONER MATEJCZYK.

Mr. Griesbaum asked if Christopher Burke's letter dated June 29, 2005 should be included. Mr. Sbiral responded it is incorporated into Public Works' requirements.

Mr. McCormick discussed adding a fifth condition to the motion. Mr. Roth asked for clarification of the fifth condition.

Chairman Jirik noted the Standards for Approval under a Special Use were positively demonstrated and nothing detrimental was found as it related to the project. Regarding the request for Variation, it was specific enough to facilitate parking in excess of the minimum, which was another benefit and provided validity for the granting of the Variance.

ROLL CALL:

AYE: MR. NICHOLAOU, MR. MATEJCZYK, MR. GRIESBAUM, MR. MCCORMICK, MR. QUANDT; MRS. RABATAH, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED. VOTE: 9-0.

APPROVED

Chairman Jirik asked Staff when this Petition would be workshopped, and Mr. Sbiral responded September 13, 2005.

The Plan Commission recessed at 8:55 p.m. and reconvened at 9:05 p.m.

FILE NO. PC-20-05 - 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. Property is located at the Northwest corner of Maple Avenue, Dunham Road and 55th Street, commonly known as 1400 Maple Avenue, Downers Grove (PIN Nos. 09-07-402-033; 09-07-405-001, -008, -011, and -012; and 09-18-200-002); The Avery Coonley School, Owner/Petitioner

Chairman Jirik swore in those who would be speaking on File No. PC-20-05.

Mr. Sbiral recalled this petition was before the Plan Commission in March 2005. In going through the building permitting and construction process, the Petitioner found a discrepancy in the 1991 Plat of Survey of approximately three feet. Currently the approved Variation for the west wall of the new structure is for 17.2 feet. The building was constructed at approximately 14.5 feet to the west property line as identified in the spot survey submitted to the Village. The building, as constructed, is not larger or positioned differently. He noted technically, the proposed amendment was an amendment to the Special Use since the school was originally approved as a Special Use. The Petitioner is seeking for an increase in the Variation that was previously granted.

Mr. Sbiral noted, however, that Ms. Karen Zilly, Director of Land Preservation for the DuPage Forest Preserve District, expressed the County's concerns in a letter dated July 29, 2005 to Chairman Jirik. Mr. Sbiral read the letter into the record:

*“Re: Public Hearing Notice on Avery Coonley School Property
Zoning Application #PC-20-05*

The Forest Preserve District of DuPage County recently received notice of the requested revisions to the Avery Coonley School project. We understand that, due to survey problems, the School is requesting that the previously approved reduced setback of approximately 17.5 feet now be reduced to approximately 14.5 feet. I wish to take this opportunity to reiterate that our concerns are still as stated in my original letter. From the Forest Preserve District's perspective, we would actually like to see larger setbacks to provide greater protection to open space. However, we realize that it is the Village's right and authority to establish setbacks.

This property is adjacent to a natural area within Maple Grove Forest Preserve that has the highest rating according to our classification system. There are 2 Illinois Endangered and Threatened species, and 14 Species of Special Concern in this ecosystem. This is a relatively small preserve completely surrounded by development, and adjacent buffers are important to preservation efforts. Any reduction in the buffer by allowing a reduction in setback on adjacent property could have a negative impact. For instance, root systems generally extend beyond the property lines; excavation and construction activities within setback areas create a potential for damage to and subsequent mortality of large trees along the property line.

APPROVED

We would like to encourage the City to take into consideration the adjacent high quality natural area. We hope that you will help foster the type of environment that is needed for the success of the plants and wildlife at the adjacent forest preserve, and that this development will not cause any significant impacts to the preserve. With this in mind, we anticipate that this preserve will continue to add to the quality of life for citizens of Downers Grove and DuPage County residents alike.

Sincerely,

Karen Zilly, Director, Dept. of Land Preservation”

Mr. Sbiral offered to answer questions. He noted the foundation and a large part of the building were in place. Chairman Jirik asked if there were any questions for Staff.

Mrs. Rabatah noted for the record on Sheet No. 1 under Background, it should read 17.2 feet and not 17.5; Staff concurred. Mr. Quandt asked whether any old growth trees were destroyed or disturbed in the construction, wherein Mr. Sbiral indicated the Petitioner should answer the question.

Mr. James F. Russ, Jr., on behalf of the Avery Coonley School, acknowledged nothing changed on the project since appearing before the Plan Commission in March 2005; however, the survey being used at the time incorrectly placed the structure with relation to the property line. The criteria for the Special Use and the Variation remained the same, and the responses to both remained the same. The error was not recognized until the “as built” survey was completed. He explained the building was not encroaching any further into the property. It was his understanding that no old growth tree roots or any other issues were determined. He reminded the Plan Commissioners that the only portion that was subject to the Variation was the 12-foot stairwell.

Mr. Waechtler asked how such error could happen, and Architect John Ochoa, with FGM, Inc., responded older survey technology was probably used which is not as accurate as the newer Global Positioning Satellite methods.

Chairman Jirik opened up the meeting to the public.

Dr. Gordon Goodman, 5834 Middaugh Avenue, Downers Grove stated he was pleased to see that a letter came from the Forest Preserve District, and he supported its position. Because he understood that the matter would move forward, he believed it was important to know what level of injury may have been done to the trees and asked what steps were being taken by the school and its contractors to ensure that no future injury would occur on the adjoining property.

In response, Mr. Kevin Kovak, Avery Coonley School, 1400 Maple Avenue, explained that an arborist did come in before the project was started, and the west side was root protected within the school’s property line. He could not determine how far the re-grading extended out to the property line but offered to get the answer. Mr. John Ochoa, FGM, Inc., explained the grades would be matched along the existing property line and re-grading was being done to accommodate the new construction. Dr. Goodman asked if the building was up and the architect indicated it was under construction. Dr. Goodman also noted the lack of a landscape plan with the prior petition and suggested the school, as a good will gesture, plant new trees to replace the trees that were removed for this construction. Mr. Russ stated the landscaping had not changed since the original design, and no specific plan existed

APPROVED

for landscaping or the replacement of trees. Dr. Goodman concluded he supported the request for the Special Use Amendment and the Variation.

Chairman Jirik closed the public participation. There being no further questions on either side, Mr. Russ closed by stating his client did resubmit all the documentation with this petition as with the previous petition and asked that the Commissioners consider the testimony from the previous hearing in March as responses to the conditions for the Special Use and the Variation in this petition.

Chairman Jirik opened up the discussion to the Plan Commissioners. Mr. Waechtler asked for the status of the construction, wherein Mr. Russ stated construction had commenced, but the school asked for permission to continue construction at their own risk because of the fast approaching school year. Responding to Mr. Waechtler's questions about a worse case scenario, Mr. Russ explained the 12-foot staircase would be removed and inserted somewhere internally.

WITH RESPECT TO FILE NO. PC 20-05, COMMISSIONER GRIESBAUM MADE A MOTION THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL WITH RESPECT TO THE PETITIONER'S REVISED REQUESTED ACTION, SUBJECT TO THE FOUR CONDITIONS OUTLINED IN STAFF'S RECOMMENDATION. THE MOTION WAS SECONDED BY MRS. RABATAH.

ROLL CALL:

AYE: MR. GRIESBAUM, MRS. RABATAH, MR. NICHOLAOU, MR. MATEJCZYK, MR. MCCORMICK, MR. QUANDT; MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED. VOTE: 9-0

Mr. Nicholaou recommended that someone representing the school respond to the County Forest Preserve's questions. Mr. Waechtler concurred and suggested a recommendation to remedy the landscaping situation along the property line be included. Lastly, Mr. Griesbaum believed it was important for this Commission to be more cognizant of current and future plats of survey so that in the future errors such as this do not occur.

APPROVED

FILE NO. PC-21-05 – Petition seeking 1) Annexation and rezoning upon annexation from County R-4, Single Family Residence to Village R-4, Single family Residence, property commonly known as 850 39th Street, Downers Grove, IL (PIN Nos. 06-32-306-026, and -027); and 2) Amendment to Planned Development #19 to allow the following: a) Amendment to the boundary of the Planned Development to include the newly annexed and rezoned parcel; b) construction of a 249 space surface parking lot; and c) construction of a 39,800 square foot surgical addition all on the property commonly known as the Advocate Good Samaritan Hospital campus, 3815 Highland Avenue and 850 39th Street, Downers Grove (PIN Nos. 06-32-107-002, 06-21-306-003, -008, -009, -014, -020, -022, -025, -030 and -031); Advocate Health & Hospitals Corp., d/b/a Advocate Good Samaritan Hospital; Owner/Petitioner.

Chairman Jirik swore in those who would be speaking on behalf of File No. PC-21-05.

Ms. Riordan reviewed her Staff report concerning Good Samaritan Hospital located at the northeast intersection of Highland Avenue and 39th Street. She noted that the Hospital has been operating under Planned Development No. 17 since its initial approval in 1978, which has been amended numerous times since that initial approval.

Ms. Riordan said that the petitioner's request in this case includes the annexation and rezoning of the property at 850 39th Street, as well as a proposed parking lot and an addition to the surgical building to the northwest of the proposed parking lot. The property at 850 39th Street is 6.4 acres, and abuts the existing Hospital campus to its north and west. The requested annexation and rezoning will allow the parcel to be incorporated into the boundary of the Planned Development. The parking lot is proposed to be constructed on this parcel, and is proposed to 350 feet by 295 feet, with 249 parking spaces. The driveway is proposed to be accessed by way of two driveways off of Wellness Way.

Ms. Riordan continued, noting that the surgical expansion is proposed to be located between the Cancer Care Center on the north and the Midwest Center for Day Surgery on the south, replacing the existing surface parking lot in that location. The addition is proposed to be approximately 39,800 square feet in area, consisting of four floors; one below grade and three above grade. All bulk requirements with respect to floor area, green space, setbacks, etc. will be met or exceeded, and no Variations are required.

With respect to overall parking calculations, total parking currently on site is 2,637 spaces, which represents an excess of 723 spaces as compared to the ordinance requirement. The Hospital has indicated their intent to be sensitive to lighting in the area, since the parking lot parcel is adjacent to a residential area. Screening will be required, and the Hospital has proposed a six-foot tall fence along the east property line. Ms. Riordan noted that portion of the fence located within the required front yard along 39th Street would be required to be reduced in height to satisfy the open design requirements.

With respect to Public Works related issues, Ms. Riordan explained that the petitioner's approach to stormwater management is proposed to include environmentally sensitive methods. She noted that the Public Works Staff was of the opinion that the petition was ready to move forward through the public hearing process, so long as all parties reached an agreement with respect to the stormwater management methods. Also, the Traffic Division has reviewed the submitted traffic study and concurred that no negative impacts were expected due to the proposed development.

Ms. Riordan noted that the Fire Prevention Division of the Fire Department reviewed the proposal, and had no outstanding issues.

She also explained that the Staff Report included additional considerations for the Plan Commission, noting that the Forest Preserve of DuPage County, the Illinois Department of Natural Resources, and the Illinois Historic Preservation Agency have all reviewed the proposal and have no outstanding issues.

She added that a construction schedule was also submitted by the Petitioner, giving an estimated completion date of Spring 2008. If construction is not completed by the submitted schedule, the Zoning Ordinance allows for an annual extension request by the Petitioner, which would not be submitted to the Plan Commission, but directly to the Village Council.

Ms. Riordan concluded her presentation, noting that Staff recommends forwarding a favorable recommendation to the Village Council, subject to the four conditions in the Staff Report.

Mr. Tracy Kasson, attorney with the law firm of Rathje & Woodward, 300 E. Roosevelt Rd., Wheaton, introduced Petitioner Dave Fox, President of Good Samaritan Hospital, who briefly commented that the surgical expansion was the first expansion of the surgical facility in 30 years. Additionally, the 6.4 acres to be annexed for the parking lot is to provide parking for Hospital employees, thereby allowing more convenience parking for the public. The new parking lot is designed to be sensitive to the adjacent neighbors.

Mr. Fox introduced Jeff Fahs with HDR Architects, who reviewed the location of the site and outlined the proposed lot and bulk conditions. He explained that the floor area ratio would be reduced from the current 0.32% to the proposed 0.3%. The maximum allowable F.A.R. is 0.6%. Current green space is at 63% and with the annexation, the proposed green space percentage would be 62%; 30% or more is required. Fourteen acres of the site has previously been reserved as 'No Build Zones.' He explained the parking conditions, noting that the new parking lot will be strategically located for Staff.

Mr. Fahs continued, and reviewed the setback requirements, noting that the front setback along 39th Street is required to be 25 feet, and that they are proposing a setback of 165 feet between the proposed parking lot and the 39th Street right-of-way. On the east side, adjacent to the residential uses, the buffer will be 75 feet with appropriate screening. He noted that both the parking lot and the surgery expansion site will be nicely landscaped, and will include pedestrian crossings, security cameras, and lighting for security purposes. Light fixtures will match those recently installed at the ICU project. He then reviewed the lighting calculations.

Next, Mr. Mark Balaski with HDR Architects described the newly proposed 39,000 square foot addition, pointing out that the second floor will house the mechanicals of the building. The roof area will have screened air-cooling units. The project will only be viewed from Wellness Way. Further renovation details and square footage figures followed on the surgical unit, and elevation drawings were presented and reviewed.

Landscape architect, Trish Bechjord, with Conservation Design Forum, 375 W. First Street, Elmhurst, Illinois, walked through her slide presentation of the landscape plan and provided a very detailed explanation of the plan. She noted that the landscaping was designed so that the rain coming off of the parking lots and the building roof will be treated and infiltrate into the ground closer to where it falls, thereby being sensitive to the nearby wetlands and Lyman Woods. Two different landscaping approaches will be used at the surgical center, one of them being a naturalized landscaping following the parking lot. The parking lot will have a permeable surface and work in conjunction with the surrounding landscaping. Bio-swales will be incorporated into the stormwater system. Ms. Bechjord further explained how the water would travel through the bio-swales. In the nearby woodland area, non-

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native species will be removed in order for native species to return, followed by wildflower seedings. The sight line along Wellness Way will also be cleared.

Mr. Bob Gudmondson, with Cowhey Gudmondson Leder, Ltd., 300 Park Boulevard, Itasca, IL, explained his firm was retained by the Hospital to work in conjunction with Conservation Design Forum on the site work amenities and to provide a higher-end stormwater management system. In reviewing his overhead slides, Mr. Gudmondson addressed the grading and soil erosion control plan for the surgical center as well as the utility plan for the site. He noted both the potable and fire protection water for the new expansion were available from the existing facility and would be piped in. However, a new sanitary service would need to be run over to the building along its north wall.

Moving on to the parking lot proposal, Mr. Gudmondson reviewed the parking lot circulation, parking stalls and driving aisles, noting that all Code requirements would be met. Regarding the grading, Mr. Gudmondson noted that the property had a ten-foot slope from the northeast to southwest. In addition, three of the four small on-site wetlands would be preserved. The fourth wetland, which is approximately .003 acres, or 135 square feet, would be mitigated and eventually filled. Lastly, Mr. Gudmondson reviewed a detailed utility plan for the parking lot.

Addressing on-site traffic, Mr. Bill Grieve, Traffic Engineer for Gewalt Hamilton Associates, said that he believed there would be no traffic impact from the two projects or on the access drives. He said this is his opinion because excess capacity existed at the facility, and because the parking would be improved through the addition of the proposed lots. Due to the currently well-run and efficient operating access points at 39th and Highland and the four-way stop intersection, Mr. Grieve estimated approximately 60% to 70% of the hospital traffic would not have to go through the Highland and 39th intersection.

Mr. Jeff Fahs, HDR Land Planner, addressed zoning requirements, and explained the parking lot parcel is being proposed to be annexed, and then rezoned to R-4, Single Family to match the rest of the hospital campus within Planned Development No. 19. The Special Use Standards and the Planned Development Standards were addressed within the petitioner's support documentation, and Mr. Fahs reviewed each individually.

Mr. Kasson, project attorney, then placed the Exhibits and Exhibit List on file for the record, stating the petitioner's presentation was completed, and that they were happy to answer any questions.

Chairman Jirik opened up the discussion to the Plan Commissioners. Mr. Nicholaou asked the reason for installing a fence and suggested keeping it natural by adding more bushes or trees, wherein Ms. Bechjord explained that 100% opaque screening is required for the parking lot adjacent to the residential area, and they chose the fence. A lower fence was considered closer to the parking lot, but because Advocate would have long-term management of the nearby woodland, keeping the fence away from the woodland and closer to the property line, it would simplify their management strategy.

In response to Mr. McCormick's question about removing any trees in the side and front yard areas, Ms. Bechjord clarified that only invasive species of trees would be removed. For informational purposes, she explained that the parking lot was positioned in such a way to be sensitive to conserving as many of the larger trees as possible.

Mr. Waechtler said he appreciated the comprehensive presentation and asked the size of the current surgery unit, wherein Mr. Mark Balaski with HDR Architects, clarified it was 50,000 square feet with

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an additional 39,000 square feet to be added, but that no additional beds were proposed. Many of the surgeries performed are to be outpatient services.

Regarding parking and traffic, Mr. Waechtler asked how the Petitioner intended to discourage its patients and Staff from using 39th Street. Mr. Dave Fox responded the large truck vendors have been advised to use Highland Avenue, and Hospital employees have been asked to use Highland Avenue and be good neighbors to the residential neighborhood.

Another observation Mr. Waechtler noticed was that more traffic was traveling 39th Street east to Fairview and was making the right turn to go west on 39th Street. Mr. Balaski concurred but explained the Hospital was unique in that most of its facilities and health services were on-campus. However, steps are being taken to move some of those services out into the community. He envisioned more outpatient services in either south Downers Grove or somewhere to the south/southwest, with the idea being to make outpatient services more convenient to local residents and reserving the high tech and more acute services for the hospital campus.

Mr. Waechtler referred to Christopher Burke's June 10, 2005 letter, regarding the regulation of the wetlands, noting that the letter referenced additional materials to be submitted, wherein Mr. Kasson responded that the documentation was submitted to Staff.

Hearing no other questions from the Commissioners, Chairman Jirik opened up the meeting to Public Participation.

Gordon Goodman, 5834 Middaugh Avenue, asked what provision existed for pedestrian access or a sidewalk on Wellness Way, and whether a diagram existed depicting those plans. Mr. Fahs used the overhead screen to point out the location of the crosswalk and the connecting five-foot sidewalk along Wellness Way. Mr. Goodman then asked whether plans existed to extend the sidewalk east of Wellness Way along the north side of 39th Street bordering the new parking lot area. Mr. Fahs stated there were no plans for a sidewalk east of Wellness Way. Mr. Goodman then asked for that sidewalk to be included in the proposal, thereby keeping within the Village's sidewalk objective.

Ms. Bechjord with Conservation Design Forum offered to look at the matter but expressed concern about the sidewalk running into the berm which has been designed along 39th Street. Mr. Goodman pointed out the sidewalk would be constructed in the Village's right-of-way and should not interfere with the berm on the Hospital's private property.

Continuing, Mr. Goodman proposed questions about tree and plant management, and said he understood that approximately 223 six-inch diameter or larger trees would be removed, or 41.2% of the trees on the property. He asked as to why it would not be appropriate to do the same management in the 75 ft. east buffer and the 100 ft. north buffer, wherein Ms. Bechjord explained management of the remainder of the parcel was being considered by Advocate, as funding permits.

Lastly, Mr. Goodman stated it was an excellent approach and hoped the approach would extend to the entire campus.

Hearing no other comments or questions from the audience, Chairman Jirik closed the Public Participation. No questions followed from the Commissioners, the public or the Petitioner.

Mr. Tracy Kasson closed by explaining the Hospital has put much time and effort into the project and went above and beyond what was required. He reiterated the great need for the expansion of the

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surgery unit and the parking lot. He asked that the Commission support the annexation, rezoning and Planned Development amendment.

Chairman Jirik explained how the Commission in the past has separated out previous motions regarding petitions with multiple requests such as annexation, rezoning and Planned Development amendments. He recommended one motion regarding the annexation and rezoning, and a second motion regarding the Amendment to the P.U.D. Chairman Jirik also thanked the Petitioner for the relevant detail in discussing the Findings of Fact and found them accurate and appropriate.

WITH RESPECT TO FILE NO. PC-21-05, COMMISSIONER MCCORMICK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR ANNEXATION AND REZONING UPON ANNEXATION FROM COUNTY R-4, SINGLE-FAMILY RESIDENCE TO VILLAGE R-4, SINGLE-FAMILY RESIDENCE FOR THE PROPERTY COMMONLY KNOWN AS 850 39TH STREET, DOWNERS GROVE, ILLINOIS. COMMISSIONER NICHOLAOU SECONDED THE MOTION.

ROLL CALL:

AYE: MR. MCCORMICK, MR. NICHOLAOU, MR. MATEJCZYK, MR. GRIESBAUM, MR. QUANDT; MRS. RABATAH, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED BY A VOTE OF 9-0.

Moving on to a motion concerning the Planned Development Amendment, Mr. Waechtler raised discussion to include in the motion of whether the sidewalk should be placed in front of the annexed property as discussed by the public.

Mr. Nicholaou said that while he supported the idea, he did not feel it was appropriate at this time due to the extensive discussions that have taken place regarding the widening of 39th Street. In his opinion, for the Petitioner to install a sidewalk on 39th Street, it would create an "island" and could take years to extend the sidewalks beyond the subject property. He believed the Hospital demonstrated itself to be a good neighbor and to require the Petitioner to install the sidewalk now would not be appropriate.

Mr. Waechtler asked whether it would be appropriate to say at the time that the sidewalks are required, the Hospital could install them, wherein Chairman Jirik suggested making that as part of a formal motion. However, the Chairman asked Staff to review the issue as to whether a demonstrated need existed.

After Staff consulted and reviewed the Zoning Ordinance on the matter, Mr. Sbiral and Ms. Riordan determined a sidewalk was required since the proposal was part of a Planned Development. Additionally, Mr. Sbiral conveyed that the Petitioner, Mr. Kasson and Mr. Fox, have agreed that if the sidewalk is a Village Code requirement, they would agree to the condition as part of the motion. Mr. Kasson clarified; however, if the Commission decided it did not want the sidewalk installed since it would lead to nowhere, he would also agree to that.

WITH RESPECT TO FILE NO. PC-21-05, COMMISSIONER GRIESBAUM MOVED THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO GRANT THE PETITIONER'S REQUEST FOR THE AMENDMENT TO PLANNED DEVELOPMENT NO. 19 TO AMEND THE BOUNDARY OF THE PLANNED DEVELOPMENT TO INCLUDE THE PROPERTY COMMONLY KNOWN AS 850 39TH STREET; TO CONSTRUCT A 249 SPACE SURFACE PARKING LOT; AND TO CONSTRUCT A 39,800 SQUARE FOOT SURGICAL ADDITION TO THE HOSPITAL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JULY 21, 2005;**
- 2. COMPLIANCE WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JULY 14, 2005;**
- 3. CONSTRUCTION OF A SIDEWALK ALONG THE 39TH STREET FRONTAGE OF 850 39TH STREET;**
- 4. ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW; AND**
- 5. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.**

COMMISSIONER NICHOLAOU SECONDED THE MOTION.

Mr. McCormick noted the above request met the requirements of Section 28-1607 and Section 28-1902 of the Zoning Ordinance.

ROLL CALL:

AYE: MR. GRIESBAUM, MR. NICHOLAOU, MR. MATEJCZYK, MR. MCCORMICK, MR. QUANDT; MRS. RABATAH, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED. VOTE: 9-0.

Mr. Griesbaum thanked and complimented the Hospital's team in presenting its petition. Chairman Jirik also concurred, specifically to the "green" design and its approach.

OTHER BUSINESS

Mr. Sbiral provided some highlights to be expected at the September 12th meeting and indicated the possible need to schedule an additional meeting to discuss the planning process. Mr. Sbiral introduced new Planner Jeff O'Brien and briefly commented on his professional background.

APPROVED

The meeting adjourned at 11:00 p.m. on motion by Mr. Waechtler, seconded by Mr. Griesbaum. Motion carried unanimously by voice vote of 9-0.

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

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, JULY 11, 2005, 7:30 P.M.**

Chairman Jirik called the July 11, 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. Nicholaou, Mr. Quandt, Mrs. Rabatah, Mr. Waechter, Mr. Webster

ABSENT: Mr. McCormick

STAFF

PRESENT: Amanda Riordan, Planner; Alice Dornan, Recording Secretary

JUNE 6, 2005 MINUTES.

Mr. Quandt noted that his name appears in the roll call on page 16, which should state Mr. Griesbaum's name instead.

CORRECTED MINUTES WERE APPROVED ON MOTION BY MR. NICHOLAOU, SECONDED BY MR. GRIESBAUM. MOTION CARRIED BY VOICE VOTE OF 7-0.

FILE NO. PC-17-05 Village of Downers Grove Zoning Ordinance Amendment; 28.1701 Amendment to Zoning Classification.

Ms. Riordan explained that the Village was seeking approval of a Zoning Ordinance Text Amendment to Chapter 28, *Zoning Ordinance*, Section 28.1701, *Amendment to Zoning Classification* regarding the number of votes required for the Council to pass a rezoning petition when a written protest has been filed by adjacent property owners. Currently, the required vote to pass such a rezoning is four of six trustees, not including the Mayor. The proposal is to change the required vote to pass to five of seven Council members including the Mayor.

Ms. Riordan said that the provisions regarding written protests regarding rezoning petitions are established by State Statute, but because the Village is a home-rule municipality, it has the opportunity to change those provisions if so desired, which the Village Council has directed Staff to pursue.

Chairman Jirik opened the meeting up to public comments. No comments were received from the audience.

Mr. Griesbaum inquired as to what issues or cases prompted this proposed change. Ms. Riordan explained that written protests were received for the Villas of Maple Woods townhouse rezoning, and for the Golf View Estates subdivision rezoning.

Mr. Nicholaou asked what the Council's vote regarding the Golf View Subdivision was, because the Council's final vote had three nays for the subdivision. Ms. Riordan clarified that the motion presented to the Council for Golf View was to leave the zoning R-1, so the final vote taken by the Council did not include rezoning the property. However, the question still arose because that petition originally included a request to rezone the property. This proposed change effects only rezoning petitions.

Mrs. Rabatah asked how other villages were handling this matter. Ms. Riordan responded that other municipalities were not polled.

Chairman Jirik asked whether staff had a clear understanding of what constitutes a protest. Ms. Riordan responded yes, and explained that written protests regarding rezonings are governed by State Statute. The requirements are that the protest must be filed in writing, and must contain the signatures of property owners comprising a total of at least 20% of the perimeter of the subject property, either directly adjacent to the property or directly across a right-of-way from the property. She said that in order to verify if a protest is valid, the perimeter of the property is calculated, as is the amount of the perimeter of those property owners having signed the written protest. If the calculation was 19.9%, the protest would not be valid and would have no effect.

Further examples of technical clarification followed, including explanations of who must be provided with copies of the protest. Ms. Riordan clarified that only when the owner or owners of at least 20% of the perimeter of the property have filed the written protest does the increase in the required number of votes take effect.

Mr. Griesbaum inquired as to why the text amendment needed to be changed, and why it was set up in the first place. Mr. Waechtler believed it was for consistency purposes.

Mr. Nicholaou said he did not support the amendment and found the amendment to be an infringement upon the citizens of the community and would make it more difficult for them to force objections or raise objections by raising the bar on the requirements necessary. He believed it was difficult enough for the citizens to come before people and to work through the process. He believed the current text was set up fine except for a small group of people.

Mrs. Riordan clarified that the proposed amendment does not change one's ability to file a protest against a rezoning, nor did it change the requirements or the "trigger" for requiring a supermajority vote. The proposed amendment makes it no more or less difficult for an objector to file an objection. It proposed to change what effect that petition has on the number of votes required to pass a rezoning petition if that written objection is filed.

Chairman Jirik provided a summary of his understanding of the text amendment and the definition of controversy. He saw benefits of having the higher standards. He said he also had some questions regarding the wording of the phrase of "two-thirds of the council then holding office."

WITH RESPECT TO FILE PC-17-05, AN AMENDMENT TO CHAPTER 28, ZONING ORDINANCE, SECTION 28.1701, AMENDMENT TO A ZONING CLASSIFICATION, MR. NICHOLAOU MOVED THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL THAT THIS PROPOSAL BE DENIED, AND THAT THE VILLAGE MAINTAIN THE USE OF THE STATE STATUTE PROVISIONS REGARDING WRITTEN PROTESTS REGARDING REZONING PETITIONS.

Mr. Waechtler noted that Mr. Nicholaou made a motion different than Staff's recommendation, and asked how to proceed. Clarification followed that the motion was simply to recommend denial of the proposed text amendment.

THE MOTION WAS SECONDED BY MR. WEBSTER.

Mr. Nicholaou commented that if one watches what is currently occurring in the community, there is a movement to make it very difficult to do and stop the reconstruction of the Village. Personally, he believes it was a very small group of individuals that were not supportive of the Village's infrastructure of downtown stores, etc. He believed it was time to stop.

Chairman Jirik added that the amendment does create a higher hurdle and controversy but stated he would leave it up to the elected officials to see through the "red herring" of controversy and move the good projects forward even though controversy can sometimes be manufactured artificially. He believed that where a true issue existed, the higher standard would be appropriate.

Mr. Griesbaum agreed many good points were raised but personally, there was not sufficient information as to why the text needed to be changed. He strongly believed that the rules were set up for a reason years ago, but without knowing what impacts would occur, he would not support the change at this time.

Ms. Riordan clarified that the Village's Zoning Ordinance is currently silent on the matter of protests against rezonings; it is the State Statutes that currently govern this issue. Therefore, no history exists in our Zoning Ordinance, no language is being amended per se, but language is being proposed to be added into the Ordinance.

Mr. Waechtler voiced his concerns about the calculations being used for voting.

Mrs. Rabatah confirmed with staff as to why this amendment was being brought forward now and not earlier, wherein staff reminded her of the two cases -- the Maple Avenue townhouse rezoning and the Golfview Estates subdivision, which have recently brought this issue to light. As to whether earlier cases had written protests, Ms. Riordan said that there may have been, but not within recent memory.

Mr. Quandt asked whether the Mayor's vote would have changed the outcome of the two recent rezonings if this text amendment had existed. Ms. Riordan said she could not confirm what the impact would have been, because she does not have their voting record in front of her. Discussion followed regarding the impacts of the Mayor's vote on these petitions continued.

Ms. Riordan said that the votes on those petitions are not at issue, and recommended that the commission to look forward and not back at previous petitions.

Due to the two recent cases that may have been affected by the amendment, Mr. Waechtler believed that due to the commission's minimal experience on this matter, it was probably wise to follow the State statute as it exists. He questioned whether this matter would become a larger problem.

Chairman Jirik expressed his concern about the fact that one elected official could not vote, which he believed was unfair.

Ms. Riordan pointed out that it is not that the Mayor could not vote, it is whether his vote counts for a motion to approve a rezoning petition when a written protest is filed. If four of the other commissioners have already voted in favor of the petition, the statute requirement would have already been met whether his vote was aye or nay. If, however, only three other commissioners vote in favor, the Mayor's vote can not constitute the fourth vote.

Mr. Nicholaou clarified that the above motion made by him was not predicated upon who sits on the council today nor was it predicated upon the two recent situations. It was predicated upon what he viewed as one Plan Commission member as something he saw happening and making it difficult for residents.

Dialog followed regarding the voting requirements as they exist and as they are proposed, specifically concerning the impact of the Mayor's vote.

Chairman Jirik asked the commissioners whether this matter should be continued. Further discussion followed regarding the required number of votes necessary to make a quorum if less than seven members show up; the fact that further discussion was complicating the matter; and the fact that some commissioners wanted more information as to why this text amendment was necessary.

ROLL CALL:

AYE: MR. NICHOLAOU, MR. WEBSTER, MR. QUANDT, MR. GRIESBAUM, MRS. RABATAH, MR. MATEJCZYK, AND MR. WAECHTLER

NAY: CHAIRMAN JIRIK

MOTION TO DENY PASSED. VOTE 7-1.

The commissioners were polled on their vote:

Mr. Webster stated there was not enough background regarding the intent of the text amendment, or an answer to why it is necessary to change the way that these rezoning matters were voted on at the Council level.

Mr. Quant asked to see the benefits of a different structure set up and questioned why the commission need to change it. He asked how does it impact the Village and its residents.

Mr. Griesbaum voted in favor of the denial noting he understood the point of having the Mayor's vote counted, but he preferred to see the text revised in such a way as to help this Commission determine how petitions would pass. Having it read that a vote of 4 rather than 5 to pass or deny a petition would be better. If five members showed up as a quorum to the Council, he believed it meant that all five members needed to vote positively. Otherwise, it would send a wrong message to the residents.

Mr. Nicholaou, in addition to his previous comments, stated the statute applies to these types of petitions, and questioned why it should be changed for our community. Personally, he felt there is no necessity to make a change away from the current Statute provisions on this subject, which was why he made the motion to deny the proposal

Mrs. Rabatah said she voted to deny the motion for all of the previous reasons stated.

Mr. Matejczyk said he found Mr. Nicholaou's comments persuasive and voted to deny because the proposal because he was not convinced as to the reason for this proposal being brought before the Plan Commission. He would like to see the text amendment return with more background information as to why it was needed.

Mr. Waechtler said he agreed with Mr. Griesbaum's comments, and also believed that the Mayor should be allowed to vote. However, rather than looking at this as five affirmative votes, the it might be better served to require a two-thirds vote of the Village Council members present, including the mayor, which he felt would be more fair.

Chairman Jirik said he voted against the motion to deny because of his previous comments regarding the Mayor's vote not being allowed to count, and he believes this text amendment would have remedied that. He said he also believes it is important to hold matters of significant controversy to a higher standard. He added that he voted against the motion for denial because he was not prepared to deny it. He felt a continuation to allow more investigation on this matter would have been more productive. He also agreed with the comments that the term "then holding office" should be reviewed for alternative language so as not to make a mandatory five-vote to pass regardless of proposition. However, in general, the improvements that this has with re-enfranchising an elected official, and holding controversial matters to a higher standard were reasonable and appropriate.

FILE NO. PC-18-05 A Petition for Rezoning from R-1, Single Family Residence to Village R-3, Single Family Residence per Chapter 28, *Zoning Ordinance*, Section 28.1701, *Amendment to Zoning Classification*; approval of a lot split per Chapter 20, *Subdivision Ordinance*, Section 20.600, *Lot Splits*; and Approval of an Exception to allow the easterly lot with a lot depth of 100 feet in lieu of the minimum required 140 feet, per Chapter 20, *Subdivision Ordinance*, Section 20.602, *Exceptions*.

Chairman Jirik asked Staff whether a motion to accept the withdrawal of this petitioner was necessary wherein Ms. Riordan believed it was not really necessary. For the Record, Chairman Jirik stated that File No. PC-18-05 was voluntarily withdrawn. There being no objection from the commission, the matter was withdrawn without prejudice.

Staff noted the next meeting was August 1, 2005 with three petitioners on the agenda. August and September would be very busy.

MR. GRIESBAUM MOVED TO ADJOURN THE MEETING AND MR. QUANDT SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

The meeting adjourned at 8:33 p.m.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, JUNE 6, 2005, 7:30 P.M.

Chairman Jirik called the June 6, 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. McCormick, Mr. Nicholaou, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Mr. Matejczyk and Mr. Quandt

STAFF

PRESENT: Keith Sbiral, Director of Planning; Amanda Riordan, Planner; Alice Dornan, Recording Secretary

Chairman Jirik welcomed Mr. Brett Webster to the Plan Commission. Mr. Webster discussed his personal and professional background. He thanked the Commissioners for the opportunity to serve on the Commission.

MAY 2, 2005 MINUTES. MINUTES WERE APPROVED ON MOTION BY MR. NICHOLAOU, SECONDED BY MRS. RABATAH. MOTION CARRIED BY VOICE VOTE OF 7-0.

FILE NO. PC-10-05 A petition seeking 1) annexation of a portion of the subject property; 2) rezoning from R-1, Single Family Residence District to R-3, Single Family Residence District; and 3) Final Plat of Subdivision with certain Exceptions for the Walnut Grove Subdivision; property located on the south side of 66th Street, approximately 133 feet west of St. James Court, commonly known as 515 66th Street, Downers Grove, IL (PIN 09-20-211-008, 09-20-408-015; Prairie Design & Build, Petitioner; Miroslav Gronych Family Trust, Owner.

Mr. Sbiral indicated the above petition had been placed on the agenda as a placeholder in the event a public hearing needed to be held; however, no hearing is required. Therefore, no vote by the Plan Commission is necessary.

On another matter, Chairman Jirik informed those in attendance that copies of informal guidelines are on the shelves on each side of the Chamber for their review. Chairman Jirik explained that the protocol of polling each Commissioner on how they voted was revised to take place prior to the Motion rather than after the Motion. However, after the Motion, should a split vote exist, or if anyone was in the position of the minority vote, that person would have an opportunity to state his or her position after the Motion. Asked whether this would be a new protocol for all cases or just those that required it as explained by the Village Attorney, Chairman Jirik explained the duplicity of steps was merged, and he was willing to try the new process to see how it worked. Per Mr. Sbiral, the Village Council was following the same process. As for clarification on whether the polling took place prior to the motion or prior to the vote, Mr. Sbiral indicated it could be clarified at a future meeting.

The Chairman reviewed the procedures and purpose of the Plan Commission's public hearings and read the oath to those individuals who would be speaking on behalf of File No. PC-16-05.

FILE NO. PC-16-05 A petition seeking 1) annexation into the Village; 2) Rezoning upon annexation from County R-4, Single Family Residence District to Village R-6, Multiple Family Residence District; 3) Approval of a Special Use to authorize the existing office building in the proposed R-6 Zoning District to allow the construction of a new accessory parking area; and 4) Variation to allow the required vegetative screen for the parking area to be located within the required setback; property located on the east side of Belmont Road, approximately 220 feet north of Maple Avenue; commonly known as 5505, 5507 and 5509 Belmont Road, Downers Grove, IL (PIN Nos. 08-13-201-003 through 008); Tracy D. Kasson, Attorney/Petitioner; Argianas Family LLC & Sanaigra LLC, Owners

Mrs. Riordan reviewed the Petitioner's Requested Action. She noted that the 1.3 acre subject property is located on the east side of Belmont, north of Maple Avenue and is comprised of six parcels of land currently zoned County R-4, Single Family Residential. The property is subject to a County Special Use, which authorized the construction of the existing office building. She explained the existing conditions, noting that the northerly parcel is currently occupied by a single-family residential structure. The middle lot is vacant, and the single-story, 10,500 sq. ft. office building and two accessory parking areas occupy the four southerly parcels.

As designated on the Future Land Use Map, the subject property is zoned Residential with 6 to 11 dwelling units per acre, which most closely correlates to the Village's R-5A Townhouse Zoning District. The Joint Strategic Land Use Planning Committee, as well as the Village's Economic Development Commission, reviewed and discussed the concept of an office/transitional designation for the subject area and at that time, agreed that an office could function as a transition between Commercial and Residential use. Rather than rezoning the property to Commercial, the applicant decided to rezone the property to R-6 and seek the Special Use authorization from the Village, which allows the Village to retain control over site planning-related issues for the office development.

Displaying the plans on the overhead screen, Mrs. Riordan noted the detail of the northern parking lot area and the proposed expansion of the parking lot. The requested Variation pertains to the screening of the proposed parking lot along Belmont Road. The petitioner is proposing to satisfy the screening requirement by installing a landscaped screen, however, the leading edge of the landscaped screen is proposed to have a setback of less than the minimum 25 feet required. This requires consideration of a setback Variance.

Also regarding screening of the parking lot expansion, Mrs. Riordan noted that Staff is recommending that the proposed row of arborvitaes north of the parking lot should be extended the full length of the property, up to the required setback, so as to fully screen the parking lot from the residential properties to the north. Mrs. Riordan explained that along the east property line, the Petitioner is installing a solid, board-on-board fence along the expanded parking area, and is proposing some additional landscaped materials interior to the fence.

As to bulk characteristics, landscaped green space, and parking requirements, Mrs. Riordan noted that the proposed plan meets or exceeds the minimum requirements of the Zoning Ordinance. Staff

does recommend that the Petitioner be required to provide a photometric plan of the property regarding site lighting, in order to ensure that the proposed lighting plan provides safe but unobtrusive lighting.

Mrs. Riordan continued, noting that the Public Works Department has commented that the Petitioner will be required to submit a complete stormwater management submittal prior to the issuance of any construction permitting for the parking lot expansion.

Mrs. Riordan noted that the standards for approval for both the requested Special Use and the Variation were provided in Staff's report. Staff recommends the Plan Commission forward a favorable recommendation to the Village Council regarding the proposal, subject to the seven conditions outlined in the Staff Report.

Comments and questions followed. In response to Mr. Waechtler's question regarding photometric plans and landscaping plans, Mrs. Riordan indicated the Petitioner might have additional information as it pertains to these issues this evening, but Staff has had no opportunity to review the plans. Therefore, Mrs. Riordan recommended the Commissioners include the submission of these items as a condition in any motion recommending approval of the plan.

Mr. Tracy Kasson, 300 E. Roosevelt Road, Wheaton, Illinois, attorney for Petitioners Argianas Family LLC and Sanaigra LLC, introduced himself and explained the Petitioner will submit a revised landscape plan reflecting the recommended landscaping by Staff, and will also submit a photometric plan reflecting foot-candles of zero at all property lines as recommended by Staff.

Other introductions followed: Mr. Charles Argianas, manager/member of both LLC companies; Mr. Joseph Abel, Planning Consultant; and Mr. Jim Koziol, engineer for the project.

Mr. Kasson stated that the reason the Petitioner was proposing to rezone the property to R-6 with a Special Use was to alleviate Village concerns about opening up Belmont Road to commercial development. He explained that the Village provided water to the subject office development subject to a pre-annexation agreement in the 1990's.

Mr. Charles Argianas, on behalf of the Argianas Family, LLC and the Sanaigra LLC, discussed his background and the reasons why he purchased the property four years ago; he said he did so as an investment and to have his own office on the site. The reason for this request is to improve the property in general, and to develop something that is consistent with the area. He reiterated that his proposed plan complies with or exceeds the requirements of the Village, with the exception of the setback of the hedge. He added that his property is probably the best-kept property in the area. While the 3.3 parking spaces per 1,000 square feet meets Code, he believes additional parking would be more effective for everyone at the site; i.e., the tenants, the garbage trucks, the Fed-X trucks, etc.

Mr. Jim Koziol, Koziol Engineering, 1709 Ogden Avenue, Lisle, Illinois, confirmed the Petitioner meets all the setbacks with the exception of the hedge, and pointed out the ingress and egress on the site. He said that proposed lighting would include a regular shoebox type fixture attached to 24-foot poles with rear glare shields to direct the lighting straight down at the property lines. While the utilities will remain the same, the parking lot curbs will be pitched to the center inlet for drainage to the existing storm sewer.

Mr. Joe Abel, 200 Forest Avenue, Glen Ellyn, Illinois, Planning and Economic Development Consultant, reviewed his professional background. He briefly reviewed the standards for zoning, and how the site fits within the Village's Comprehensive Plan as a transitional site. He explained that no negative impacts to adjacent uses will occur, and the use is compatible with the surrounding area. If the site were to be developed in the default R-1 zoning district upon annexation, it would be contrary to the Village's plan and the trend of the development in the area.

Mr. Abel commented that only one parcel remains vacant, while the office building has been there for six years, and the northern single-family residential home has outlived its usefulness. Regarding a community need for the parcel, additional parking is being provided with the hope to attract additional healthcare facilities to service the area. Mr. Abel addressed each of the four Special Use Standards noting that no negative effects would occur.

Regarding the request for Variation, Mr. Abel explained the lots are not very deep, and create a hardship when trying to plan a conforming parking lot with conforming setbacks for the required screening of the parking lot. While the parking lot could have been pushed further to the east in order to allow the setback to be satisfied for the screening on the west, it was not because of their desire to provide as much greenspace as possible next to the adjacent residential properties to the east. The Petitioner did not want to locate the parking any closer to the residential area.

Mr. Abel summarized that in his opinion, the Petitioner has met all of the standards of the Zoning Ordinance for rezoning property from R-1 to R-6; the Special Use standards; and the Variation standards based on the fact that a hardship existed as it related to the depth of the lots as well as meeting the other requirements within the Ordinance.

Mr. Argianas reiterated his proposal would beautify the existing office property, take care of the drainage on his property and improve the area in general. He said that he was willing to work with everyone in order to make this plan the best it can be.

Chairman Jirik opened up the discussion to the Commissioners.

Mr. Nicholaou suggested that the Petitioner review the lighting at the Prospect School in Clarendon Hills, as this development had lighting that had no impact on residential neighbors.

Other questions followed regarding the history of the required pre-annexation agreements in this area, as they relate to water contamination issues. Mrs. Riordan explained the Ellsworth industrial area and its surrounding residential neighborhoods have been subject to contaminated well water. The State of Illinois has required residents to hook up to the available public water system and to not use the well water for household purposes. Therefore, the residents requested to be able to enter into an agreement with the Village, so that pre-annexation agreements would no longer be required in order to hook up to our water service. Additionally, any existing signed pre-annexation agreements are not going to be enforced. Therefore, any annexation into the Village in these areas is purely voluntary.

Further clarification followed on the landscaping setback and the required screening or fencing necessary. Staff indicated the Ordinance requires either a fence or a landscaped screen, and the Petitioner opted to provide the solid landscape screening in certain areas and solid fencing in other

areas. Regarding the screening along Belmont Road, Staff is of the opinion that the requested setback Variation is minimal, and the screening meets the intent of the Ordinance.

Mr. Kasson indicated the trade-off was to try to create as big of a rear yard setback as possible adjacent to the residential properties to the east. Without the Variation, the Petitioner would have to move the parking lot closer to the residential properties to the east in order to meet the setback requirement, because the depth of the parking spaces and the width of the driveways are required by the Ordinance.

Mr. Kasson added that Public Works has directed the Petitioner to install a sidewalk across the entire front property line, which is being done mostly on the subject property and not within the right-of-way. Since the Village did not have sufficient right-of-way for a sidewalk, the Petitioner has agreed to grant an easement to the Village to install the sidewalk mostly on the Petitioner's property. Details of this easement will be worked out with the Village Attorney regarding liability.

Regarding a question from Mrs. Rabatah concerning the non-conformities in the existing parking areas, Mr. Kasson confirmed that no re-stripping or re-sizing of spaces in the two existing parking lots would occur.

Chairman Jirik opened the discussion up to the public.

Mrs. Shirley Wren, 5514 Hillcrest Avenue, Downers Grove, stated she resides east of the area and asked the Petitioner to provide a covenant to preclude any more development and just install a parking lot. She believed the parking lot would provide opportunity for more development. She did not support the request. She discussed the old field tiles in the area and stated the engineer did not address the tiles that were in her subdivision. No provision existed in the plan as it relates to retention/detention and neighbors currently get water in their basements. She did not want to see multiple family in this area, and Belmont Road is not wide enough.

Mr. Kasson stated if the Petitioner came in requesting R-1 single-family zoning, the office would be considered a legal non-conforming use. He added that R-6 zoning was the most appropriate request, taking into account the direction of Belmont Road and its development, as R-6 requires Special Use approval for any proposed changes to the office.

Chairman Jirik explained to Mrs. Wren that the request was for a non-residential use. Mr. Kasson also explained the multiple-family zoning was more consistent with the Comprehensive Plan than a commercial zoning district.

Regarding the stormwater issues raised by Mrs. Wren, Mr. Kasson indicated a detailed review would follow as required by Public Works. He added that there will be some parking lot detention provided. Water would drain into the current stormwater system and the guidelines under the DuPage County Stormwater Ordinance have to be met. If Belmont Road were ever widened in the future, any removed detention would have to be replaced.

Mr. Koziol explained if a field tile is located during construction, the Petitioner is required to pick up the tile and tie it into the storm system.

The Chairman asked for clarification of Mrs. Wren's concern about the R-6 zoning whether she preferred an alternative zoning that was less of a concern. Mrs. Wren responded she preferred to leave the property as is currently zoned.

Mr. Ray Kristufek, 5503 Belmont Road, Downers Grove, Illinois, stated he lived immediately north of the proposed parking lot expansion. He expressed concern about the proposed landscaping, since it may affect sight lines as he exits his driveway onto Belmont Road. He requested the plantings be low or be moved back so as to not obstruct his vision when he pulls out onto Belmont. He asked that a six-foot solid wood fence be installed along the north property line in addition to the proposed landscaping to distinguish between the properties.

Mr. Kasson responded a sight distance triangle exists, and that based upon Staff's suggestion, there will be no screening plantings from the 25-foot setback to the road. Discussion regarding tree locations followed, and it was agreed that the proposed trees would be set back sufficiently to provide adequate visibility at the driveway. Regarding the installation of a fence along the north property line, it was agreed that the Petitioner should submit a revised plan to Staff prior to this plan being presented to Council.

Mr. Kristufek confirmed with the Petitioner that the lighting would not reflect on his property. Should it become an issue, Mr. Kasson stated timers would be installed on the lights. The Petitioner has every intent of working with the neighbors.

Hearing no further comments from the audience, Chairman Jirik closed the public portion of the hearing. No further comments were received from the Plan Commissioners. Mr. Kasson respectfully requested approval from the Commission.

Chairman Jirik explained two Motions should be made: the first Motion for the annexation and rezoning of the property and the second Motion for the Special Use and Variation request.

MOTION: WITH RESPECT TO FILE NO. PC-16-05, MRS. RABATAH MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL WITH RESPECT TO THE ANNEXATION AND THE REZONING OF THE PROPERTY TO R-6 MULTIPLE FAMILY ZONING. MR. GRIESBAUM SECONDED THE MOTION.

Chairman Jirik agreed with the concept that the R-6 zoning provides a measure of protection. He stated it was accurate, realistic, and reasonable, and R-6 zoning would provide control as to what could be constructed on the property. Mr. McCormick concurred.

ROLL CALL:

**AYE: MRS. RABATAH, MR. GRIESBAUM, MR. MCCORMICK, MR. NICHOLAOU,
MR. WAECHTLER; MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION PASSED. VOTE: 7-0

Chairman Jirik then called for a motion regarding the Special Use and Variation requests.

MOTION: WITH RESPECT TO FILE NO. PC-16-05, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE SPECIAL USE TO AUTHORIZE THE EXISTING OFFICE BUILDING AND TO ALLOW THE CONSTRUCTION OF THE NEW ACCESSORY PARKING AREA; AND FOR THE APPROVAL OF THE VARIATION TO ALLOW THE REQUIRED VEGETATIVE SCREEN FOR A PARKING AREA TO BE LOCATED WITHIN THE REQUIRED SETBACK ALONG BELMONT ROAD; ALL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. SUBMISSION OF A REVISED PLAN INDICATING A SOLID SIX FOOT TALL FENCE ALONG THE NORTHERLY PROPERTY LINE AS REQUESTED BY THE NEIGHBOR. THE FENCE SHALL CONFORM TO ALL APPLICABLE ORDINANCE REQUIREMENTS, INCLUDING FRONT SETBACK AND VISIBILITY STANDARDS;**
- 2. CONFIRMATION THAT THE PROPOSED LANDSCAPING MATERIALS WILL NOT IMPAIR VISIBILITY AT THE INTERSECTION OF THE NORTHERLY NEIGHBOR'S DRIVEWAY AND BELMONT ROAD;**
- 3. PROPERLY PERMITTED DEMOLITION OR REMOVAL OF THE EXISTING RESIDENCE PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT FOR THE PROPOSED PARKING LOT EXPANSION;**
- 4. COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JANUARY 1, 2005;**
- 5. COMPLIANCE WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED MARCH 10, 2005;**
- 6. SUBMITTAL OF A PHOTOMETRIC SITE PLAN PRIOR TO COUNCIL CONSIDERATION, INDICATING SAFE AND EFFECTIVE LIGHTING LEVELS, MOST NOTABLY INDICATING LIGHTING LEVELS OF 0.0 FOOTCANDLES AS THE PROPERTY LINE ADJACENT TO THE RESIDENTIAL USES TO THE EAST;**
- 7. SUBMITTAL OF A REVISED LANDSCAPE PLAN PRIOR TO COUNCIL CONSIDERATION, INDICATING EXPANDED SCREENING ALONG THE NORTHERLY PROPERTY LINE;**
- 8. ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW; AND**
- 9. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.**

Mr. McCormick commented the Petitioner has kept the property in good condition, and he considered him a good neighbor. Should the Village Council approve the recommendation, he would welcome the Petitioner into the Village of Downers Grove.

Mr. Waechtler stated after visiting the site he concurred with Mr. McCormick. He stated the Petitioner appeared to be working cooperatively with Staff. He commended Staff for their thorough and detailed report.

Chairman Jirik stated the standards as outlined by the Petitioner were reasonable, rational and logical. The Special Use was justified by the evidence presented. The Variation also was justified considering the nearby residents.

ROLL CALL:

**AYE: MR. GRIESBAUM, MR. NICHOLAOU, MRS. RABATAH, MR. MCCORMICK,
MR. WAECHTLER; MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION PASSED. VOTE: 7-0

Chairman Jirik recessed the meeting at 9:00 p.m. The commission reconvened at 9:08 p.m.

FILE NO. PC-15-04 A petition seeking Final Plat of Subdivision with Lot Area and Certain Public Improvement Exceptions for the Golf View Estates Subdivision; property located on the west side of Puffer Road at the terminus of Chicago Avenue, commonly known as 4606 Puffer Road, Downers Grove, IL (PIN 08-01-408-006); Steve McSweeney, Petitioner; CBC Development, LLC, Owner

Chairman Jirik called the Public Hearing for PC-15-04 to order and noted the petition is for Golf View Estates, a four-lot subdivision with certain Exceptions from Code. He noted the Petitioner and location of the property, and swore in all members of the public who intend to speak this evening regarding this petition.

Amanda Riordan, Planner, presented the Staff Report. She explained the Petitioner is seeking approval of a Final Plat of Subdivision for a four lot, single-family residential subdivision with certain Exceptions. The requested Exceptions pertain to the lot areas of each of the four proposed lots, as well as public improvements of curb and gutter, street pavement width, and parkway width.

This petition was originally presented to the Plan Commission in August of 2004 and included a request to rezone the subject property from R-1 to R-3 as well as a Final Plat of Subdivision for a five-lot subdivision with certain public improvements Exceptions. Ms. Riordan noted that background information regarding the original petition was included as a separate packet in the Staff Report.

Ms. Riordan indicated the Plan Commission had recommended the Village Council approve the Petitioner's original request, including rezoning the subject property from R-1 to R-3. The Village

Council tabled the petition in September of 2004. In March of this year, the Petitioner submitted a revised Final Plat of Subdivision to the Village Council for consideration reducing the number of lots from five to four. The Village Council expressed concerns regarding rezoning the property and remanded the petition back to the Plan Commission for consideration of the four lot subdivision without rezoning the property. Absent the rezoning request from R-1 to R-3, each of the four proposed lots requires a Lot Area Exception from the minimum R-1 requirement of 20,000 square feet.

Ms. Riordan recalled the Plan Commission also previously recommended two additional conditions of approval in addition to those as originally recommended by Staff: 1) The Code requirement to construct a sidewalk should be waived, for which the Petitioner should pay a fee-in-lieu of constructing the sidewalk; and 2) The Petitioner redesign the cul-de-sac turn-around so that it is closer to the subject property than the adjacent residential properties to the east.

The Petitioner's revised Plat satisfies the Plan Commission's recommendation regarding the redesign of the cul-de-sac turn around; however, because construction of sidewalks on at least one side of the street is a Council priority, the Village Council concurred with the previous Staff recommendation that the Petitioner construct the sidewalk as required, and the Petitioner's revised plans include the provision of the sidewalk on the west side of the street adjacent to the subject property.

Ms. Riordan concluded her presentation by stating a complete analysis of the petition was included in the updated Staff Report. Ms. Riordan called the Commission's attention to the recommended conditions should the Plan Commission recommend approval of the Petitioner's request.

Chairman Jirik called for questions of the Staff.

Commissioner Nicholau asked if in the Northwest section, specifically the Oakwood area, if the Zoning is R-1, Single Family. He explained he was discussing areas north of Chicago Avenue. Ms. Riordan responded that area is zoned R-1, Single Family.

Hearing no other questions for Staff, Chairman Jirik called for the Petitioner to present his application.

Steve McSweeney, CBC Development, noted he had been sworn in. He stated the Village Council requested he come back to the Plan Commission with the modified zoning. He recalled that the neighborhood representatives as well as the Council have requested keeping the zoning R-1. He noted he felt he has done everything possible to appease everyone and asked that the PC recommend approval.

Commissioner Waechtler pointed out the sidewalk issue had previously been discussed by the Plan Commission and asked the Petitioner whether the sidewalks were still proposed.

Mr. McSweeney responded he would rather put in the sidewalks, as it adds to the value of the homes he will be putting up. He added the cul-de-sac looping to the left inwards toward Lot 1 is a problem for him. He recalled the cul-de-sac bulb was originally designed to be centered within the right-of-way, but one of the neighbors complained that it would reduce the green space on their side of the right-of-way. He noted with five lots, reorienting the cul-de-sac bulb to cut into Lot 1 was a

reasonable request, but with four lots, he felt this requirement should be eliminated, and this was a fair request to make.

The Chair called for public participation.

Ms. Janet Barr, 4605 Puffer Road, stated she lives directly across the street from the bulb of the cul-de-sac. She opposes the bulb being put back into the center of the right-of-way as was originally presented. She noted she felt threatened by the Petitioner during meetings with him. She said the Petitioner told her if she spoke against the petition, then he would ask for the bulb to be changed back closer to her lot.

Chairman Jirik advised Mrs. Barr that the Commission does not entertain characterizations of ex parte communications. He noted; however, feeling threatened is a separate issue the Commission would be interested in knowing about, but attributing comments to someone else is considered ex parte.

Ms. Barr stated the change in the bulb would not hurt the Petitioner; however, it would eliminate several trees and decorations they have placed in the right-of-way. She pointed out it would also make it more difficult to back out of their driveway. She recalled that the Plan Commission recommended the location of the bulb be changed in the first place.

Chairman Jirik asked Staff about the area the neighbor is discussing. Ms. Riordan utilized the overhead projection of the site plan to denote the properties owned by the Petitioner, the Village, and the neighbors. She explained the design of the original plan and how it was revised. In response to a question from Mr. Waechtler, Ms. Riordan noted any tree located within the right of way is a Village parkway tree. Ms. Barr stated she planted those trees.

Commissioner Waechtler asked what the width of the right-of-way is. Ms Riordan noted it is 66 feet wide, and the Petitioner is proposing to dedicate two feet of width to the right-of-way, as well as the additional area for the cul-de-sac bulb. Further discussion of the bulb continued. Ms. Riordan then reviewed the Public Improvements Exceptions being requested.

Mr. Sbiral, Director of Planning, clarified the plan being considered by the Plan Commission is the 9-shaped cul-de-sac. He noted the proposal to put the cul-de-sac back into the center of the right of way is not what is being proposed tonight.

Mr. McSweeney stated he is paying for all the public improvements, and the neighbors do not want these improvements. He acknowledged he had not gone to Staff to request that the cul-de-sac bulb be changed back to the center.

Ms. Barr stated she would like to hear how the bulb would be proposed to be changed back. She stated she does not understand what is being proposed. Chairman Jirik explained the Plan Commission is fact finding this evening. The meeting minutes and recommendation will go to the Village Council for their final approval, and the Plan Commission can recommend approval, denial, or approval with changes.

Ms. Barr stated she asked the Village Council the same question and the Council responded once the approval is granted there would not be a way to change that once it is platted. She asked for the

legal significance of platting. Ms. Riordan explained when a Final Plat is approved, the approval of the subdivision includes approval of the engineering plans. The eventual construction of the street improvements must meet the approved engineering design.

Mr. Phillip Barr, 4605 Puffer Road, asked why the bulb does not go all the way to the north of the right-of-way to the end of the fence. Mr. Barr commented the space is wasted. Ms. Riordan explained the extra space at the tip of the cul-de-sac is considered parkway.

Commissioner Waechtler asked if there is a minimum required turning radius for emergency vehicles. Ms. Riordan recalled the Fire Department reviewed the proposed cul-de-sac configuration in the shape of a number 9, and they felt it was sufficient.

Mr. Jerry Kiluk, 4733 Puffer Road, asked what the reason was for putting in the sidewalk. He stated there is no way to extend the sidewalk anywhere else. He noted he would prefer additional green space.

Ms. Riordan reiterated the Village Council policy is to construct sidewalk for safe public access on at least one side of every public street. She said the Council has also adopted a sidewalk matrix. Additionally, the sidewalk may eventually be extended to the south or to the east along Chicago Avenue to Belmont Road in order to provide safe pedestrian access to the nearby Puffer School. Mr. Kehl suggested there is no way a sidewalk could be extended, and he did not see any need for sidewalks along this street. Ms. Riordan noted any time pedestrian access can be removed from the street, it is safer than having pedestrians walk on the street.

Commissioner Waechtler commented had he realized the sidewalk policy existed he would have probably felt differently the first time this case was presented to them. Commissioner Nicholaou noted the Council was extremely clear on the sidewalk issue.

Hearing no other public comments or questions, Chairman Jirik closed public comment.

Mr. McSweeney indicated he would like the recommendation to change, and the cul-de-sac should be different. He stated he would ask for it to be changed. He acknowledged the considerable opposition from the neighborhood and requested feedback from the Plan Commission.

Chairman Jirik noted this would be a point to be discussed in deliberations. He pointed out the Plan Commission has some room to make modifications or suggestions for modifications to the plan. Mr. McSweeney recalled the first time this case was considered, it was unanimously approved. He asked the Commission to do the same thing tonight and modify the proposal.

The Petitioner had no further closing statements.

Commissioner Griesbaum asked about the Public Works comments regarding sump pumps discharging to the rear yard. Ms. Riordan stated these issues would be addressed at construction permitting in order to ensure that drainage is designed appropriately based upon the final design and location of the house. Commissioner Waechtler asked if there are situations where the sump pumps can drain into the storm sewer. Ms. Riordan noted she was not able to answer such an engineering question.

Commissioner Nicholaou stated he had a very serious concern that this is being requested to remain zoned R-1. He noted they are now talking about four proposed lots and allowing significant Exceptions to these lots. By doing this, the Commission would open up many R-1 lots to potential lot splits with Exceptions. These have previously been denied based on the 20,000 square foot requirement not being met. He feels the R-3 zoning makes a lot more sense, particularly with the 9-shaped cul-de-sac and the sidewalks. Now that this is being proposed as R-1 with lot area Exceptions, he has a very serious concern that this is going to jeopardize the integrity of R-1 Zoning.

Commissioner Griesbaum concurred if the property were rezoned to R-3, there would be no Exceptions. He agreed there is a significant issue with loosening the R-1 zoning and allowing Exceptions like this. He stated he did not understand why the zoning should not be changed to an R-3 to eliminate the need to approve really significant Exceptions.

Commissioner Nicholaou stated he does not feel he can vote in favor of this. Commissioner Waechtler asked what Council's opinion was on this issue.

Ms. Riordan said the Council expressed concern if the R-3 zoning was approved, even if the Plat indicated four lots, there was nothing preventing the Petitioner or anyone else from coming back to the Plan Commission and asking for a 5-lot subdivision with no Exceptions.

Commissioner McCormick asked if the inclusion of the bulb would be a requirement either way. Ms. Riordan responded it would be required because the Subdivision Ordinance requires any dead end street to end in a turn around of a minimum diameter. She indicated Public Works and Fire Department Staff agree it is necessary and desirable in this case.

Commissioner Waechtler stated in the R-2 district the lot width requirement is 85 feet and asked whether more than four lots could be placed on the property if it were zoned R-2. Ms. Riordan said five lots in R-2 could not be authorized due to lot area and width Exceptions.

Mr. McSweeney recalled R-2 zoning had been talked about, and one of the Council members had suggested there is not much R-2 zoning.

Chairman Jirik stated there are two ways to look at this. If you look at this only from a zoning standpoint, you could easily see an island of R-3 being created. He noted some Council members looked at it that way. He then said if you look at the actual lot sizes, there is not a true difference between the R-1 and R-3 zoned lots in this area. He said the zoning distinction is not supported by the existing lot sizes.

Chairman Jirik continued, if you zone the property R-1 or R-3, either approach achieves a similar outcome where the physical lots are consistent. If you leave the property zoned R-1, you maintain the homogeneity of the R-1 zoning. He said if you look at the means to address this particular issue, then to him the solutions are equal. Because in this situation the outcome is the same, he is slightly indifferent to the options.

Commissioner Nicholaou expressed the opinion that if you leave this property zoned R-1, you have opened up a Pandora's Box for Exceptions to other R-1 properties. Chairman Jirik responded he

believes each case, whether it includes Exceptions or not, is evaluated on its own merits. He stated the Plan Commission would look at case specific issues and evaluate each of them.

Commissioner Nicholaou pointed out if you look at the Fairview cul-de-sac where no other cul-de-sacs existed, it was determined because there were some cul-de-sacs two or three blocks away that it was okay. He stated if they send this back approved, it would open up the box for significant Exceptions to R-1 zoned properties.

Chairman Jirik reiterated each petition stands on its own merits. Commissioner Nicholaou interjected R-3 makes so much sense, and the remand back to the Plan Commission without the rezoning makes no sense.

Commissioner Waechtler asked about the lot width of the parcels on Puffer Road south of Chicago Avenue. Ms. Riordan indicated the lot on the corner is likely around 85 feet wide, and the next three lots are roughly 60-65 feet wide.

Commissioner Griesbaum asked about the R-3 zoning and the possibility of the fifth lot being requested. Ms. Riordan responded the concern raised by the Council was that if the property is rezoned to R-3, even if the four-lot subdivision is approved, there is a possibility that a future petition could abandon the four-lot concept and petition for approval of a five-lot subdivision without any Exceptions.

Commissioner Griesbaum recalled there were no Exceptions before; it was only a rezoning from R-1 to R-3. Ms. Riordan explained the Village Council was very concerned about this possibility, and also that the proposed rezoning would constitute an island of R-3 zoning completely surrounded by R-1 zoning.

Commissioner Waechtler pointed out the Golf Course is zoned R-1. He then indicated the Golf Course could be sold off and developed. Commissioner McCormick advised no Park District property could be sold without a public referendum.

Chairman Jirik stated the record is creating an affirmative defense. Mr. Sbiral stated the Commission's decision must be based on the standards for granting Exceptions.

Commissioner Nicholaou reiterated it is in the purview of the Council to remand this petition. He stated he believes professionally he has to send back a clear warning that keeping the zoning of this property R-1 is not protecting the R-1 zoning district.

Commissioner Waechtler stated you have to be careful if Exceptions are granted in this case, because in the future a builder will throw the concept of setting a precedent back in the face of the Plan Commission and the Council.

Commissioner Webster asked if the Petitioner voluntarily reduced the number of lots from five to four. Ms. Riordan advised the Petitioner voluntarily brought back the petition to reduce the number of lots from five to four. At that time, the petition still included the request to rezone the property from R-1 to R-3. The Council remanded the petition back to the Plan Commission for consideration without the rezoning. She explained the Council did not have the authority to vote on the four-lot subdivision without rezoning the property because that requires consideration of Exceptions, and a public hearing had not been conducted, which is required to be noticed and held when any Exception is considered.

Commissioner Webster explained his issue is that, not being personally involved in the first time this petition was presented, it is a strange statement from the Council's point of view that if you make this R-3 you create a situation where a person could propose five lots.

Commissioner Webster stated this is a "what if" thought process, but that is not what is being requested; however, he can understand the Council's perspective. Is the compromise to put four lots and call it R-1 with a lot of Exceptions and move on? With regard to Mr. Nicholaou's point, Mr. Webster commented he understood where other places might be threatened by this, but if such a request were made, there is no reason that the Plan Commission could not just say no at that point.

Chairman Jirik stated the Council's concern is the island of R-3. He inferred that were the R-3 granted, the Village might be in a weaker position to deny a five lot subdivision if it were proposed. He noted this is likely the reason the Council remanded this petition.

Commissioner Waechtler pointed out based on the Council minutes, two Council members specifically noted this is not spot zoning.

Commissioner Nicholaou stated the Commission accepted the remand, reviewed it all and they have not changed it from before. He asked why they could not just note they do not approve of leaving the zoning R-1 and granting Exceptions.

Mr. Sbiral clarified the Commission has the options of recommending approval, approval with conditions, or denial.

Commissioner Griesbaum pointed out the other outstanding issue is the orientation of the cul-de-sac. He said he would not be in favor of changing the bulb of the cul-de-sac from the 9-shaped style. The cul-de-sac should stay facing Lot 1.

Commissioner Waechtler asked how many trees are in the parkway in the area of the cul-de-sac bulb. Ms. Riordan commented there would be a few trees; however, it is not completely clear on the plans how many trees would be affected if the bulb were centered in the right-of-way.

Commissioner Waechtler stated the sidewalks should be included as the developer wants sidewalks, and everyone should be able to agree on that.

Commissioner Rabatah recalled the bulb was not moved closer to the ROW to save the trees; it was done to bring it further away from the neighbor's property. She noted she does not believe the bulb should be changed from the 9-shape.

Commissioner Waechtler asked if the property were zoned R-3, what impact would that have on the property south of Chicago and east of Puffer. Ms. Riordan responded, in the context of requesting rezoning, anybody at any point could make a proposal to change zoning.

Chairman Jirik asked if there was any further deliberation or questions. He noted he would entertain motions at this time.

COMMISSIONER GRIESBAUM MOVED WITH RESPECT TO FILE PC-15-04, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED FINAL PLAT OF SUBDIVISION, INCLUDING THE REQUESTED PUBLIC IMPROVEMENTS EXCEPTIONS PERTAINING TO CURB AND GUTTER, STREET PAVEMENT WIDTH AND PARKWAY WIDTH, AND INCLUDING A RECOMMENDATION THAT THE PROPERTY BE REZONED TO R-3, SINGLE FAMILY RESIDENCE, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) PROPERLY PERMITTED DEMOLITION OR REMOVAL OF THE EXISTING RESIDENCE PRIOR TO ANY DEVELOPMENT ON PROPOSED LOTS 1 AND 2;**
- 2) COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS PRIOR TO THE ISSUANCE OF PERMITS AS OUTLINED IN THEIR MEMORANDUM DATED APRIL 14, 2005;**
- 3) COMPLIANCE WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED APRIL 14, 2005;**
- 4) PAYMENT OF REQUIRED SCHOOL AND PARK DISTRICT DONATIONS IN THE AMOUNT OF \$13,556.12 PRIOR TO VILLAGE COUNCIL CONSIDERATION OF THE PROPOSED FINAL PLAT OF SUBDIVISION;**
- 5) ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. THE VILLAGE RESERVES THE RIGHT TO RE-OPEN ITS REVIEW PROCESS UPON RECEIPT OF SUCH INFORMATION;**
- 6) IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.**

COMMISSIONER NICHOLAOU SECONDED THE MOTION.

Commissioner Nicholaou clarified the intent of this motion is to rezone the property to R-3 and to not grant lot area Exceptions in the R-1 District.

Mrs. Riordan and Mr. Sbiral noted the Public Hearing for the rezoning has already been published and heard as part of the original petition, so this motion would be the Plan Commission's purview this evening.

Commissioner Waechtler asked if the bulb configuration needed to be clarified. Ms. Riordan noted the motion includes compliance with the engineering plans dated March 31, 2005, which show the cul-de-sac facing towards proposed Lot 1.

Commissioner McCormick stated he has an issue with recommending R-3. Although he agrees R-3 is appropriate, he feels the Plan Commission is going beyond what has been remanded to them from the Council. He believes the motion makes sense and is appropriate; however, the remand was to consider R-1 zoning.

Commissioner Waechtler pointed out the key issue is the amount of Exception required for the lots if the zoning remains R-1.

Commissioner Griesbaum noted if they were asking for a motion specific to this, he would make a motion to deny the petition under R-1 zoning. Commissioner McCormick noted he did not disagree with the result; however, he is slightly uncomfortable with the formatting of the motion.

Ms. Riordan said perhaps the question should be called as it was remanded by the Council.

Chairman Jirik clarified the motion on the floor. Ms. Riordan stated she felt the motion could be voted on, but to avoid confusion, the motion could be stated so as to directly answer the question from the Council.

Commissioner Nicholaou stated the motion can be voted on because they have reviewed it, voted on it again, and if they disagree with the R-1, they can vote to rezone it to R-3. Either way, the Council can review the Plan Commission's record of their deliberations.

For clarification, Mr. Sbiral restated the motion.

ROLL CALL:

**AYE: MR. GRIESBAUM, MR. NICHOLAOU, MR WAECHTLER, MR. WEBSTER,
MRS. RABATAH, CHAIRMAN JIRIK**

NAY: MR. MCCORMICK

MOTION PASSED. VOTE: 6-1

Commissioner McCormick explained he believes the R-3 zoning made good sense, but recommending rezoning was beyond the Commission's purview.

Commissioner Waechtler noted the important thing is that the Commission dealt with the issue of rezoning the property R-3 versus granting significant Exceptions in the R-1 district. He noted 15% Exceptions are too large.

Commissioner Griesbaum stated once you set these precedents it does exactly that, and the Village would have to live with these precedents if the Exceptions were granted in the R-1 district. He would recommend denial of the Exceptions and that would have continued to frustrate everyone involved.

For the record, Commissioner Nicholaou stated he would concur and that is why he brought up the initial issue. He indicated he would have recommended denial of the requested Exceptions. Commissioner Rabatah indicated her concurrence.

Chairman Jirik stated the Commission's actions on this Petition are now complete. The Plan Commission's recommendation along with the Minutes will be forwarded to the Village Council for its Workshop meeting of June 14, 2005. Mrs. Riordan advised the Workshop meeting will be held here in the Council Chambers at 6:30 p.m.

Chairman Jirik pointed out the revised meeting schedule for the remainder of the year was included in this evening's packet. He asked Staff if there is anything scheduled for the July 11, 2005 meeting. Mr. Sbiral responded there would be petitions but nothing specific yet.

Chairman Jirik asked the Commission members if they would be interested in some Planning training regarding procedures, protocol, issues, etc. Chairman Jirik stressed this type of discussion/training would take place on an evening that had a light Agenda. Everyone was in agreement.

MR. GRIESBAUM MOVED TO ADJOURN THE MEETING AND MRS. RABATAH SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

The meeting adjourned at 10:40 p.m.

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