

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.

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.

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. Waechter 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

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

APPROVED

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)