

PLANNING & COMMUNITY DEVELOPMENT UPDATED STAFF REPORT

To: Plan Commission
Prepared By: Keith R. Sbiral, AICP, Director of Planning & Community Development
 Jeff O'Brien, AICP, Planner
Date Prepared: September 7, 2005 & *Updated December 5, 2005*
Meeting Date: September 12, 2005, *October 3, 2005, & December 12, 2005*
Project Title: PC 25-05; Nelson Meadows Subdivision

BACKGROUND INFORMATION:

Petitioner: Joel Andersen Homes, Ltd. By James F. Russ, Jr.
Property Address: 5737 Brookbank Road, east side of Brookbank Road, north of Jefferson Avenue and west of Carpenter Street.
Existing Zoning: R-3, Single Family Residence
Application/Notice: The application has been filed in conformance with applicable procedural and public notice requirements.

Requested Action:

1. Approval of proposed Final Plat of Subdivision per Chapter 20, Section 20-504, *Final Plat – Petition* for an eleven (11) lot residential subdivision.
2. Required Exceptions:
 - a) An exception from Chapter 20, *Subdivision Ordinance*, Section 20-303(d)(3), *Street Widths* to allow right-of-way exceptions for
 - i) Brookbank Road to allow right-of-way width of less than the required seventy (70) feet
 - ii) Carpenter Street to allow right-of-way width of less than the required seventy (70) feet
 - iii) Proposed Nelson Court to allow right-of-way width of less than the required seventy (70) feet.
 - b) An exception from Chapter 20, *Subdivision Ordinance*, Section 20-401, *Required Public Improvements* to not provide a sidewalk over portions of Lots 8, 9, 10, and 11 along the west side of Carpenter Street.
 - c) An exception from Chapter 20, *Subdivision Ordinance*, Section 20-401, *Required Public Improvements* to not provide street lights along Carpenter Street.
 - d) An exception from Chapter 20, *Subdivision Ordinance*, Section 20-401, *Required Public Improvements* to not widen the pavement or provide curb and gutter along Carpenter Street.

BACKGROUND

General Description

The subject property is approximately 4.8 acres and is located on the east side of Brookbank Road, north of Jefferson Avenue and west of Carpenter Street. The petitioner is seeking Final Plat Approval with Exceptions to allow an eleven (11) home residential subdivision. The proposed Final Plat of Subdivision depicts the dedication and construction of a new cul-de-sac street, Nelson Court, stemming north from Jefferson Avenue.

The petitioner submitted revised plans on September 30, 2005. The plans eliminate the need for the previously requested Jefferson Avenue right-of-way exception. The petitioner complied with staff's recommendation to construct a walking path south of the detention area on Lot 8. The retaining wall also on Lot 8 has been relocated further to the north. Finally, two (2) additional stormwater catch basins have been added on Brookbank Avenue. All of the pertinent sections of the original staff report issued for the September 12, 2005 meeting have been updated to reflect these modifications.

ANALYSIS

Zoning and Future Land Use Plan

Table 1: Surrounding Land Uses and Zoning

	Existing Zoning	Existing Use	Future Land Use Plan
North	R-3, Single Family Residence	Single Family Residences	Residential @ 0-6 du per acre
South	R-3, Single Family Residence	Single Family Residences	Residential @ 0-6 du per acre
East	R-3, Single Family Residence	Single Family Residences	Residential @ 0-6 du per acre
West	R-3, Single Family Residence	Single Family Residences	Residential @ 0-6 du per acre

The site is zoned R-3 Single Family Residence. The Future Land Use Plan designates the subject property as Residential at 0-6 dwelling units per acre. The proposal is consistent with the existing Future Land Use designation. The proposed eleven (11) residences would constitute an effective density of 2.3 dwelling units per acre, also consistent with the Future Land Use designation.

Planning

Site Characteristics

The property is comprised of one parcel of land with approximate overall dimensions of 330 feet as measured north to south along Brookbank Road and 632 feet as measured east to west. The total land area is 4.8 acres. The existing topography of the property has a gentle slope with the low points being in the southeast and southwest corners. The high point is in the northern part of the site where the house was situated. The single family residential structure and accessory buildings that occupied the subject property were demolished earlier this year. The property is within the floodplain limits in the southwest and southeast corners of the property.

Proposed Plat of Subdivision / Yards and Setbacks

The proposed Final Plat of Subdivision depicts eleven (11) lots; each of the lots will contain a residence, and one lot (Lot 8) will contain the stormwater detention as well as a residence. The stormwater detention area is proposed to be located on a single family lot (Lot 8) covered by a permanent drainage and detention easement. The proposed new cul-de-sac street, Nelson Court, will extend north from Jefferson Avenue. Additionally, the remaining portions of Jefferson Avenue and Brookbank Road rights-of-way will be dedicated to the Village and improved by the petitioner. The petitioner is requesting right-of-way width exceptions as outlined below. No lot dimension exceptions are required. *However, staff believes the right-of-way width exceptions help the proposed lots (in their current configuration) to meet the minimum depth (140 feet) requirements.* Variations for any future structures should not be required as they can be designed to address minimum applicable setbacks.

Bulk Characteristics

All lots are proposed to meet or exceed lot area requirements of the R-3 zoning district, with lot areas ranging from 10,500 square feet to 33,578 square feet. All lots will meet or exceed the minimum lot width requirement of seventy-five (75) feet in the proposed R-3 zoning district with widths ranging from seventy-five (75) feet to 161.30 feet. All lots will meet or exceed the minimum lot depth requirement of 140 with widths ranging from 140 feet to 267.62 feet. The proposed bulk characteristics of each lot are as follows:

Table 2: Bulk Requirements

Lot Number	Proposed Lot Width (75' Required)	Proposed Lot Depth (140' Required)	Proposed Lot Area (10,500 sq.ft. req'd)
1	77.81'	140'	10,905 sq.ft.
2	77.81'	140'	10,894 sq.ft.
3	117'	140'	16,380 sq.ft.
4	126.52'	148.52'	17,265 sq.ft.
5	75'	141'	15,536 sq.ft.
6	99'	140'	20,328 sq.ft.
7	75'	142'	16,124 sq.ft.
8*	161.30'	267.62'	33,578 sq.ft.
9	75'	140'	10,500 sq.ft.
10	75'	140'	10,500 sq.ft.
11	75'	140'	10,500 sq.ft.

*Lot 8 Contains the stormwater detention area.

Public Improvements/Engineering

Staff has reviewed the proposed plans and has the following comments.

Site Engineering and Public Improvements

Rights-of-Way and Streets

The petitioner is proposing to dedicate a sixty-six (66) foot wide right-of-way for proposed Nelson Court. The petitioner is requesting a four (4) foot exception to reduce the required right-of-way width from seventy (70) feet. The pavement, curbs, sidewalks, and turning radius of the cul-de-sac conform to the Village's standards. Lots 4, 5, 6, 7, and 8 will have frontage on Nelson Court.

Per the Subdivision Ordinance, the petitioner is also required to provide for the dedication and/or improvement of any substandard street rights-of-way adjacent to the subject property. The petitioner is proposing to dedicate thirty-three (33) feet for the east half of the Brookbank Road right-of-way, which requires a two (2) foot exception. The west thirty-three (33) feet were previously dedicated to the Village. The resulting right-of-way width for Brookbank Road will be sixty-six (66) feet, which is consistent with the other portions of the right-of-way to the north and south. Per the Subdivision Ordinance, the petitioner is required to dedicate thirty-five (35) feet therefore an exception is requested to not dedicate an additional two (2) feet to the eastern half of the right-of-way. Upon dedication, the petitioner is proposing to open and improve Brookbank Road from the northern property line of Lot 1 to Jefferson Avenue. Lots 1, 2 and 3 will front on Brookbank Road.

The petitioner is not proposing to dedicate any additional land to the Carpenter Street right-of-way. The existing right-of-way is sixty-six (66) feet. Lots 9, 10 and 11 will front on Carpenter Street.

The petitioner is also proposing to dedicate thirty-five (35) for the north half of the Jefferson Avenue right-of-way. The south thirty-five (35) feet were previously dedicated to the Village. The resulting right-of-way width for Jefferson Avenue will be seventy (70) feet. Per the Subdivision Ordinance, the petitioner is required to dedicate thirty-five (35) feet. This street will also be opened and improved upon dedication, but will not connect to Carpenter Street. Rather, it will terminate at the new cul-de-sac (Nelson Court). Lots 3, 4 and 8 will have frontage along Jefferson Avenue.

Currently, thirty-five (35) feet are dedicated to the south half of the Jefferson Avenue right-of-way. The petitioner is proposing to dedicate an additional thirty-five (35) feet to the right-of-way, which meets the Village requirements. The entire roadway will be resurfaced as part of this proposal.

Sidewalks

The petitioner is proposing to install sidewalks on the east side of Brookbank Road and the north side of Jefferson Avenue. Sidewalks will also be installed in the Nelson Court right-of-way. The petitioner is not proposing to install sidewalks on the east side of the development, adjacent to Carpenter Street. This item has been identified as an exception from the public improvement requirements, to be considered by the Plan Commission and the Village Council. Staff believes that installing a partial sidewalk on the west side of Carpenter Street is not practical or desirable as there is an existing sidewalk on the opposite (east) side of Carpenter Street. Staff believes this exception is appropriate provided that the petitioner complies with the Village's fee-in-lieu provision.

In lieu of requiring the petitioner to dedicate Jefferson Avenue through to Carpenter Street for vehicular traffic, staff recommended that a five (5) foot wide pedestrian path be installed from Jefferson Avenue to Carpenter Street along the south property line, adjacent to the detention area. The petitioner is proposing to construct a five (5) foot wide path in a seven (7) foot, six (6) inch easement along the south property line of Lot 8. Staff believes that this path is important to provide a pedestrian connection between the new development and the existing neighborhoods to the east as well as provide a formal walkway for school children. The path is proposed to be constructed of crushed limestone screenings (similar to the existing path on Brookbank Road).

Street Lighting

The petitioner is proposing to install four (4) street lights as part of this development. Two (2) street lights will be placed

on the Nelson Court right-of-way, one will be installed on the east side of Brookbank Road and one will be installed on the north side of Jefferson Avenue. The petitioner is not proposing any street lights along Carpenter Street. An exception is required for not providing street lighting on the west side of Carpenter Street. *A photometric plan was submitted for approval with the September 30, 2005 plans. This plan will verify that the proposed lighting on Jefferson Avenue, Brookbank Road and Nelson Court meets the Village's standards.*

It should be noted that the residents along Carpenter Street have indicated to staff that they would like to have street lights installed. Staff believes that lights should be installed on the west side Carpenter Street to improve the safety of pedestrians and motorists.

Stormwater Management/Wetlands

The petitioner and staff are continuing to finalize the stormwater management and detention plans. The Village is concerned about the location of the detention area on Lot 8. Staff is recommending that the petitioner redesign the subdivision to be a ten (10) home development with a separately dedicated stormwater outlot to accommodate this concern. As proposed by the petitioner, staff believes that the detention area may become the Village's responsibility in the future. Because the Village is responsible for the quality of water exiting the Village's stormwater system, staff believes that the detention area should be located on a separate outlot. Staff recommends that the petitioner provide a stormwater detention outlot and create a homeowners association in order to ensure the private maintenance of the detention area. The petitioner should provide the homeowners association documents to staff for review prior to approval of the subdivision.

Consequently, should the Plan Commission concur with staff's recommendation, the proposed subdivision would likely lose a residential lot (Lot 8). As proposed, with the detention easement and the required setbacks, the buildable area of Lot 8 is effectively reduced to fifty-four (54) feet wide by 102 feet deep. Staff believes that building a home on this lot will be difficult given the proximity of the detention pond and the grading that is required to allow the stormwater to drain properly.

Traffic

The Traffic Division has reviewed the proposed plans and the traffic study submitted by the petitioner's traffic consultant. The Traffic Division has found that the submitted traffic study is acceptable. The Traffic Division is concerned that there are not enough streetlights being proposed. Staff is requesting that streetlights be installed along Carpenter Street (a requested exception).

Forestry/Landscaping

The Forestry Division has calculated that thirty-six (36) new parkway trees will be required for this subdivision. Staff notes that the hawthorn and black locust trees that exist in the Brookbank right-of-way are in poor condition. The Forestry Division staff has considered saving the trees; however, it is most likely that the trees will need to be removed due to their condition and proximity to the new road.

The Forestry Division also notes that new water and sanitary services will need to avoid disturbing the preserved trees. The black walnuts that are on the adjacent property to the south (east of the existing Jefferson Avenue right-of-way) are in good condition. The petitioner is proposing to install an eight (8) inch water main along the south property line (adjacent to these trees). Staff is requesting that the petitioner avoid disturbing the root system for these trees by moving the proposed water main away from the critical zone for the trees. Re-engineering may need to be considered as part of the modification for Lot 8. Should the Plan Commission agree with staff's recommendation, revised plans should be provided prior to Council consideration.

Fire Department

The Fire Prevention Division of the Fire Department has reviewed the proposed plans, and has no additional comments provided that all Village requirements for fire access, safety and water distribution contained within the August 23, 2005 memorandum (attached as background information) are met. Included in these comments are the minimum distances between fire hydrants (300 feet) and minimum pavement widths and radius for the cul-de-sac.

Neighborhood Comment

The surrounding neighbors have provided the Village and the petitioner with several recommendations to make the project more compatible with the existing neighborhood character. A neighborhood meeting was held on July 28, 2005 and was moderated by Village staff. Several neighbors have provided the Village with information (attached documents from John Schofield and Michael Crowley) to be considered as part of the record for the Plan Commission public hearing. The neighbors concerns are *briefly* outlined below:

Summary:

1. *Air Quality and Health Concerns:* The residents are concerned that the construction activity will create an increased level of air pollution due to the exhaust of heavy construction machinery and dust. These concerns will need to be monitored during the development of the site.
2. *Brookbank Road right-of-way:* The neighbors have noted that the existing plan will destroy the existing trees within the thirty-three (33) foot right-of-way. They also indicate that there is a path that is used by children walking to Hillcrest School. The neighbors suggested “jogging” the road to the east to protect the trees and buffer the property at 1202 Jefferson Avenue. As noted above, staff believes that the existing trees are not high-quality species. Staff believes that the new plantings will be superior to the existing plantings. The preferred path for the road, from a public safety, maintenance, and planning perspective, would be to make a straight connection to the existing portions of Brookbank Road. New sidewalk will be installed on the east side of Brookbank Road to replace the existing informal path.
3. *Brookbank Road Sidewalk.* There is a concern about the new sidewalk on the east side of Brookbank Road because it will not connect to the sidewalk on the north side of Blanchard Street. Staff believes that sidewalk connectivity is an important part of neighborhood planning; however, the Subdivision Ordinance does not allow the Village to require that the petitioner construct sidewalks in areas that are not adjacent to the property being subdivided. The portion of the sidewalk that is being installed by the petitioner will be an important piece of the network so that the Village can complete the sidewalk in the future.
4. *Cul-de-Sac Entrance:* The Jefferson Avenue residents are concerned about the location of Nelson Court. They recommend moving the entrance to Carpenter Street as opposed to Jefferson Avenue. The neighbors on Carpenter Street are opposed to moving the entrance of the cul-de-sac. Staff has reviewed the plans and the proposal meets the Village’s codes for radii and emergency access.
5. *Detention Pond:* The neighbors have commented on the location of the detention pond. The location and fact that the pond will be part of a buildable lot are problematic from the Village’s point of view. As stated above, staff believes the detention area should not be part of a buildable lot. Furthermore, the design of the pond and its infrastructure should not impact the trees on the neighboring (to the south) property.
6. *Intersection of Blanchard Street and Brookbank Road:* The comment has been made to staff that a four-way stop should be used at the intersection of Brookbank Road and Blanchard Street. Staff will have to review this request after the development is completed. Stop signs should not be installed unless the intersection meets warrants. At this time it is difficult to say if traffic through the intersection will warrant stop signs.
7. *Jefferson Avenue Infrastructure:* The neighbors have noted that the current Jefferson Avenue infrastructure has several deficiencies. For the most part, these issues have been addressed. There will be some disruptions in services as construction progresses. Staff believes that petitioner should inform the neighborhood of disruptions of services and provide alternative accommodations for parking during the reconstruction of Jefferson Avenue.
8. *Jefferson Avenue Setbacks:* The developer removed trees on the property along Jefferson Avenue. Although there was no wrong-doing by the petitioner, the trees provided a buffer between the property and the neighbors on the south side of Jefferson Avenue. The neighbors are requesting an increased level of plantings. Additionally, the residents would like an increased setback. Staff believes, as mentioned above, that requiring a full right-of-way dedication of thirty-five (35) feet will improve the development’s consistency with the existing characteristics of the immediate neighborhood. Additionally, the petitioner is proposing to meet the Village’s requirements for new plantings.
9. *Location of the construction entrance:* The neighbors are concerned that the construction traffic and the location of the site access will have a negative impact on the safety of the neighborhood and the existing traffic patterns. A certain level of disruption will occur during the development of this property. Staff believes that the proposed construction entrance off of Carpenter Street is the most logical point for the start of construction. However, the

location of the access point will likely change as the project is completed. Staff notes that the petitioner is required to install the proper fencing and signage to ensure the safety of the neighborhood residents.

10. *New Water Main on Brookbank Road.* The neighbors have expressed concerns about the existing water main on the west side of Brookbank Road. Specifically, the request has been made to have the main replaced from 55th Street to the south side of Brookbank Road. The petitioner is complying with staff's requests to provide new water mains to service the development. It is not practical for the large portion of water main to be completely replaced at this time.
11. *Stormwater Management:* The neighbors are concerned about increased flooding on Jefferson Avenue and in the existing homes. Staff has reviewed the findings and recommendations are summarized above.
12. *Traffic Control for Construction Traffic:* The neighbors have indicated that they would like to see extra traffic controls placed at the surrounding intersections to increase the level of safety. Staff has reviewed the plans and is confident that adequate measures for traffic control are in place both during and after construction.

Other

Required School and Park District Donations

The Subdivision Ordinance establishes the schedule of School and Park District donations to offset the impact of new residential uses. Credit is given for the existing residences which will be demolished within one (1) year of a site development permit application for the proposed subdivision. The petitioner has stated the intent to construct eleven (11) five-bedroom residences. With credit being given for the existing residence (four-bedroom house), the required total donation obligation is as noted below.

BR Type	Total to District 58	Total to District 99	Total To Park District	Total Donations per BR Type
11 Proposed 5 BR Units	\$ 12,759.67	\$ 7,682.40	\$ 24,991.34	\$ 45,433.41
Credit for Demolished 4 BR Home	\$1,668.59	\$784.80	\$2,283.33	\$4,736.72
Total Donations	\$ 11,091.08	\$ 6,897.60	\$ 22,708.01	\$ 40,696.69

Note: Chapter 20, Subdivision Ordinance, Section 20-300, Park and School Donation, establishes the schedule of school and park district donations.

Payment of these donations must be made to the Village prior to the granting of final plat approval and are subject to confirmation by the Code Services Department upon application for building permits. Please note that the donations may be change if the number of single family lots is reduced.

Standards for Approval of Exceptions

Section 20-602, *Exceptions* of the Subdivision Ordinance establishes the standards for approval of an exception. The petitioner is requesting the exceptions noted under "Requested Action".

The standards for approval of an Exception are as follows:

An Exception shall be recommended by the Plan Commission only if it finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Chapter. In its consideration of the standards of practical difficulties or particular hardships, 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;

(5) Whether the Exception will alter, or be consistent with, the essential character of the locality.

Right-of-way Width & Improvement Exceptions

Staff believes that the exception to reduce the right-of-way width for Nelson Court from the required seventy (70) feet to sixty-six (66) feet is appropriate because the petitioner is providing the necessary public improvements (e.g., sidewalks, streetlights, fire hydrants, etc.) and the necessary radius for fire access.

Staff believes that the exception to reduce the required right-of-way dedication for Brookbank Road from the required thirty-five (35) feet to thirty-three (33) feet is appropriate because the petitioner is providing the necessary public improvements within the proposed right-of-way. Additionally, the proposed dedication is consistent with the current configuration and dedication of Brookbank Road.

The petitioner is requesting an exception to not dedicate two (2) feet to the west half of the Carpenter Street right-of-way. Staff believes that the exception to not dedicate additional land to the Carpenter Street right-of-way is appropriate because sixty-six (66) feet are already dedicated for this street. The width of the right-of-way is consistent with the other portions of Carpenter Street. The exception to not widen the pavement or provide curb and gutter along Carpenter Street is also acceptable as the street is already constructed without curb and gutter, and a re-construction is not proposed or necessary at this time.

Sidewalk Exception

As mentioned above, staff believes the exception to not provide sidewalks on the west side of Carpenter Street is appropriate provided that the petitioner contributes a fee-in-lieu of installing sidewalks. Currently, a sidewalk exists on the east side of Carpenter Street.

Streetlight Exception

Staff believes that the petitioner should provide additional streetlights along Carpenter Street to increase pedestrian and motorist safety. Staff does not believe that this exception should be granted as streetlights have been provided along the other right-of-ways in the development.

PLAN COMMISSION COMMENTS

The Plan Commission had several questions and comments following public participation at the October 3, 2005 hearing. Staff's responses are below:

1. *Sidewalk gap on Brookbank Road: The segment of Brookbank Road from Blanchard Street south to the end of the dead end is currently on the Village's Sidewalk Matrix. The development of the Nelson Meadow subdivision will include the addition of new sidewalk along the east side of the new street along the entire frontage being developed between Jefferson Avenue and the end of the current dead-end of Brookbank Road. The sidewalks will be installed most likely toward the end of the period when the individual homes are built. The scoring of the segment of Brookbank Road was based on the current condition as a dead-end street. With the low traffic volumes and non-connectivity of this segment it was scored very low and is placed at project 111 out of 117 on the Sidewalk Matrix. Based on the proposed subdivision, staff will reevaluate the scoring of this segment of sidewalk on the Sidewalk Matrix.*

The adopted 2005 Sidewalk Matrix also established a fixed listing of work for the first five (5) years of the plan. Sidewalk projects based on the 2005 Sidewalk Matrix are already scheduled through 2009. The amount of work completed each year is based on the amount of funds available annually. Unless funding is adjusted or bid pricing changes, it is not anticipated there will be any changes in the work scheduled for the next four (4) years. Staff will be completing the annual update of the Sidewalk Matrix in the spring of 2006 and reporting to Village Council (after Parking & Traffic Commission review) on any changes to the scheduled projects for the fifth year (2010).

The Sidewalk Gap Program was eliminated early in 2005, and all larger segments missing sidewalk were rolled into the Sidewalk Matrix so the Village could work from one listing of sidewalk projects.

2. Stop sign at the intersection of Blanchard Street and Brookbank Road: Because this development will create a through-street (Brookbank Road) between Jefferson Avenue and Blanchard Street, the Village Traffic Engineer will review the new conditions to determine whether warrants are met for a new yield or stop sign at the intersection of Brookbank Road and Blanchard Street. The Engineer's recommendation will then be forwarded to the Parking and Traffic Commission for review. This review process will be separate from the subdivision approval.
3. Thirty-five (35) foot building line along Carpenter Street and Brookbank Road: Staff does not believe the Village should require the petitioner to place a restriction on the plat of subdivision. The Subdivision Ordinance does not require building lines to be placed on plats. There is some question as to whether building lines are (or should) be enforced by the Village. Staff recommends that the Plan Commission not place a further restriction on the plat and allow the petitioner to use the Zoning Ordinance's front yard setback (thirty feet).
4. Water main on the east side of Brookbank Road: The water main will remain on the west side of Brookbank Road to match the existing utility alignment and to avoid conflict with the existing and proposed sanitary lines on the east side of the right-of-way.
5. Walnut trees along the south property: The Walnut trees south of the detention basin will survive if construction activities stay more than five (5) feet away from the roots and off of the neighboring property. The two (2) Silver Maples in the Carpenter Street right-of-way will be protected. Further no soil will be disturbed in an area measuring twenty (20) feet by ten (10) feet surrounding the trees.
6. 100-year flood elevation: Staff continues to recommend placing the detention basin on a separate outlot to avoid any future flooding problems for potential structures on Lot 8. It is important to note the regulatory flood plain does not extend onto Lot 8. The base flood elevation (100-year) in this area is 744 feet. The high water level (HWL) of the detention basin (100-year, 24-hour storm) is 750.66 feet. No information was provided regarding the elevation of the basement floor. However, staff will review the building permit for Lot 8 to ensure that the structure is "reasonably safe from flooding" for the 100-year storm regardless of the basement floor elevation. This will require a minimum ground surface elevation of at least one (1) foot above the detention HWL surrounding the foundation. This is consistent with the current proposed finished lot grade of 751.66 adjacent to the south foundation wall. Soil specifications for fill adjacent to the foundation must ensure that the structure is "reasonably safe from flooding" as certified by the petitioner's Licensed Professional Engineer. No unsealed pipe penetrations will be permitted in the south foundation wall below the detention HWL.
7. Mountable ("roll") curbs: Staff does not object to the use of mountable curbs for the new cul-de-sac. An advantage of using mountable curbs is the curb can be installed with the street without the need for future cutting and sealing for driveway installation.

RECOMMENDATION

Staff believes the Plan Commission should discuss the petition in light of staff's, the petitioner's and the neighbors' comments and recommend any revisions to the plan the Commission feels will make it better meet the standards for approval. Staff recommends the Plan Commission make a positive recommendation to the Village Council with 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. The separation of the detention area from a buildable lot (i.e., Lot 8) and placement on an outlot as required by Section 26.94 of Chapter 26 of the Municipal Code. Homeowners Association documents should be presented to staff for review.
 - 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 planting will be done by the

Village of Downers Grove.

- 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.*

STAFF REPORT APPROVED BY:



Keith R. Sbiral, AICP
Director of Planning and Community Development

Attachments