

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**1/12/2016**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
6035 Middaugh Avenue - Plat of Subdivision & Rezoning	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

An ordinance has been prepared to rezone the property from R-1, Residential Detached House 1 to R-3, Residential Detached House 3. A resolution has been prepared to approve a final plat of subdivision to subdivide the single 150-foot wide residential property into two 75-foot wide residential lots with a curb-and-gutter exception.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2011-2018 include *Exceptional Municipal Services*.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

This item was discussed at the January 5, 2016 Village Council meeting. Staff recommends approval on the January 12, 2016 Active Agenda.

**BACKGROUND**

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1, Residential Detached House 1, to R-3, Residential Detached House 3 in order to divide the single lot into two 75-foot by 292-foot lots. The property is surrounded by single family residential lots with various lot widths and lot areas. While the properties immediately to the north and south of the subject property are zoned R-1, the surrounding neighborhood to the north, south, and east is zoned R-3 with average lot widths of 75 feet and a range of lot area from 10,500 to 22,000 square feet. The existing use is single family and the proposed use will remain single family residential.

Compliance with the Zoning Ordinance

The property is currently zoned R-1, Residential Detached House 1, which permits single family detached dwellings. However, given the larger dimensions of the lot and the immediate proximity to other R-3 properties, the petitioner is requesting a zoning map amendment to rezone the property to R-3 and subdivide the existing lot into two buildable lots.

A comparative analysis of the lot requirements for both the R-1 and R-3 districts are found in the table below:

Zoning Ordinance Lot Regulations	R-1 District Lot Regulations	R-3 District Lot Regulations	Existing Measurements	Proposed Lot 1	Proposed Lot 2
Minimum Lot Area	20,000 sq. ft.	10,500 sq. ft.	44,020 sq. ft.	22,016 sq. ft.	22,004 sq. ft.
Minimum Lot Width	100 ft.	75 ft.	150 ft.	75.16 ft.	75.16 ft.

Because of the close proximity to other R-3 properties and because of the proposed lot dimensions, the requested rezoning is consistent with the Zoning Ordinance.

#### Compliance with the Comprehensive Plan

The Comprehensive Plan's Residential Areas Plan identifies the property as part of the Modified Grid type of residential development. This area contains both traditional grid style street layouts and curvilinear subdivisions with varying lot sizes and widths. The proposed rezoning will not have a significant impact on the existing development patterns of this area as the land use will remain single family residential, and a diversity of development patterns is typical of Modified Grid residential development. The proposed rezoning of the property from R-1 to R-3 is consistent with the Comprehensive Plan.

#### Compliance with the Subdivision Ordinance

The final plat of subdivision is in substantial compliance with Section 20.301 of the Subdivision Ordinance, except for the requested curb-and-gutter exception. The petitioner is requesting a curb-and-gutter exception as there are no existing curb-and-gutters along this portion of Middaugh Avenue, nor are there any immediate Village plans to upgrade the street. The petitioner will provide a 5-foot wide public utility and drainage easement along both side lot lines and a 10-foot wide public utility and drainage easement along the rear property line to accommodate future proposed stormwater infrastructure. A park and school donation of \$24,101.44 (\$8,724.24 District 58, \$4,094.61 District 99, \$11,282.59 Park District) will have to be paid prior to the Village executing the final plat of subdivision.

#### Public Comment

Three neighborhood residents shared concerns about localized stormwater runoff and the impact on their properties. They were concerned that by subdividing the property into two lots, more impervious surface would be constructed. All stormwater concerns will be addressed during the permit process and will ensure compliance with the Village's Stormwater Ordinance.

#### **ATTACHMENTS**

Resolution

Aerial Map

Staff Report with attachments dated December 7, 2015

Draft Minutes of the Plan Commission Hearing dated December 7, 2015

VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY

INITIATED: Applicant DATE: January 12, 2016  
(Name)

RECOMMENDATION FROM: \_\_\_\_\_ FILE REF: 15-PLC-0045  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION WITH EXCEPTIONS FOR 6035 MIDDAUGH AVENUE", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached resolution shall approve the final plat of subdivision for the property located at 6035 Middaugh Avenue.

**RECORD OF ACTION TAKEN:**

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**RESOLUTION \_\_\_\_\_****A RESOLUTION APPROVING THE  
FINAL PLAT OF SUBDIVISION WITH EXCEPTIONS  
FOR 6035 MIDDAUGH AVENUE**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of a Final Plat of Subdivision to subdivide one lot into two lots for the Sebaski Subdivision, located on the east side of Middaugh Avenue, approximately 250 feet south of 60<sup>th</sup> Place, commonly known as 6035 Middaugh Avenue, Downers Grove, Illinois, legally described as follows:

THE WEST HALF OF LOT 112 (EXCEPT THE NORTH 100.0 FEET THEREOF) IN BRANNIGAR BROTHERS DOWNERS GROVE FARMS, BEING A SUBDIVISION IN SECTIONS 17 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1920 AS DOCUMENT 141285 IN DUPAGE COUNTY, ILLINOIS

Commonly known as: 6035 Middaugh Avenue, Downers Grove, IL 60516  
PIN: 09-18-408-023

WHEREAS, exceptions have been requested pursuant to Section 20.602 of the Downers Grove Municipal Code to permit the following:

1. An Exception from Chapter 20, *Subdivision Ordinance*, Section 20.401(a)(1); *Curb and Gutter*, to eliminate such required public improvement.

WHEREAS, notice has been given and a public hearing held on December 7, 2015 regarding this final plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended approval of the petition for Final Plat of Subdivision of Sebaski Subdivision with Exceptions, located at 6035 Middaugh Avenue, Downers Grove, Illinois, as requested, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Final Plat of Subdivision of Sebaski Subdivision, located at 6035 Middaugh Avenue, Downers Grove, Illinois, is hereby approved subject to the following conditions:

1. The rezoning and plat of subdivision shall substantially conform to the staff report and the final plat of subdivision prepared by Intech Consultants dated October 20, 2015, except as such plans may be modified to conform to the Village codes and ordinances.
2. Post Construction and Volume Control Stormwater Best Management Practices (BMPs) shall be required for both lots in accordance with the Village Stormwater Ordinance.
3. The park and school donations, in the amount of \$24,101.44 (\$8,724.24 District 58, \$4,094.61 District 99, \$11,282.59 Park District), shall be paid prior to Village Council approval and signing the plat of subdivision.
4. A demolition permit shall be issued for the existing house prior to the Village signing the plat of subdivision.

5. The existing water service shall be disconnected at the main when the existing home is demolished.

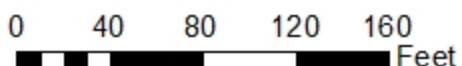
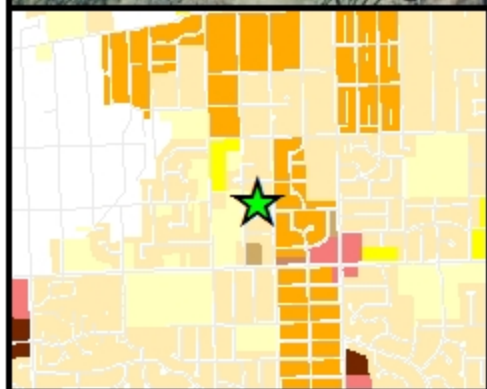
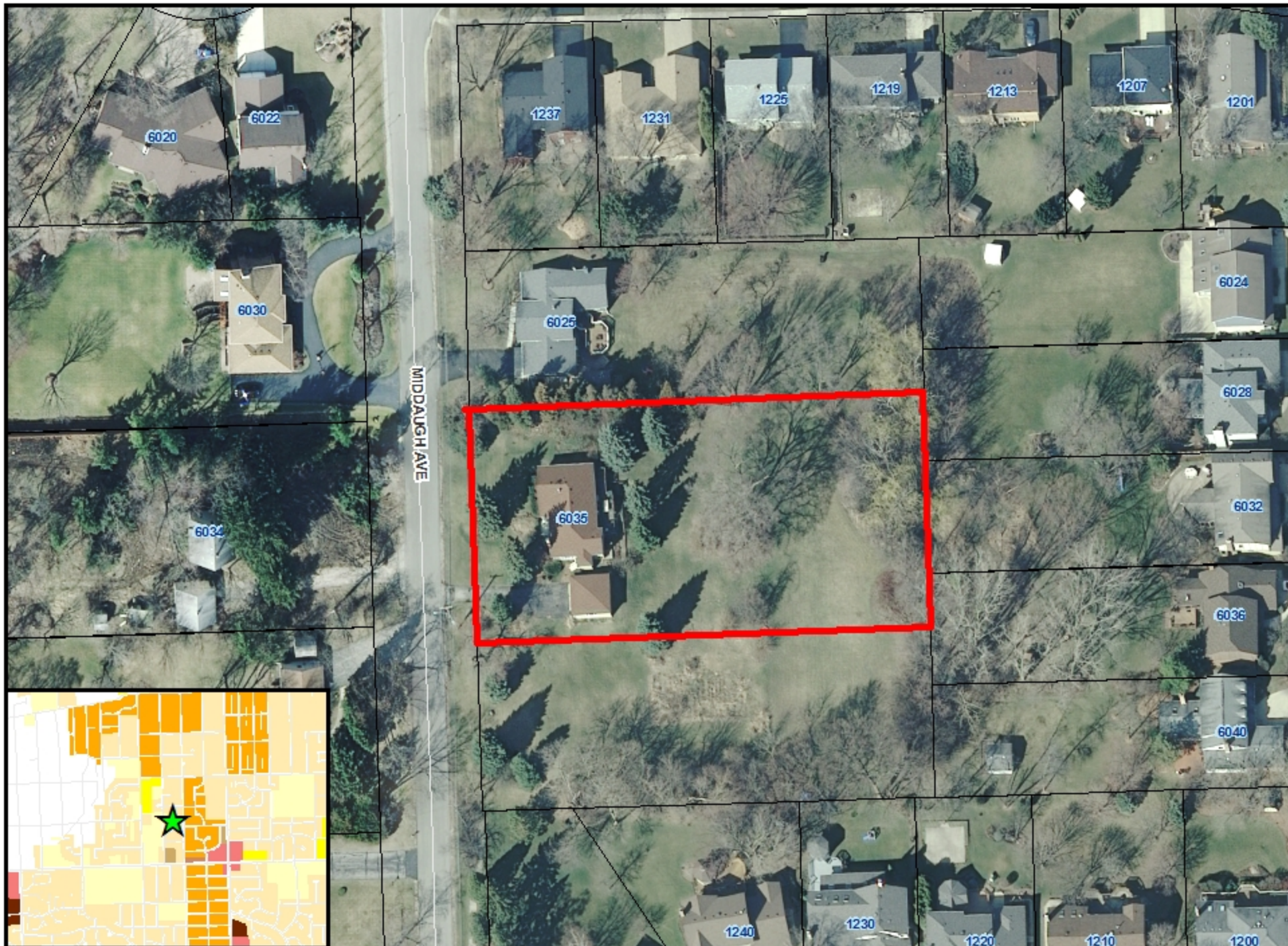
BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat.

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

\_\_\_\_\_  
Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk



**6035 Middaugh Avenue Location Map**





**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
DECEMBER 7, 2015 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
15-PLC-0045 6035 Middaugh Avenue	Zoning Ordinance Map Amendment and Final Plat of Subdivision	Rebecca Leitschuh, AICP Senior Planner

### REQUEST

The petitioner is requesting the following approvals:

- 1) Zoning Ordinance Map Amendment to rezone the subject property from R-1, Residential Detached House 1, to R-3, Residential Detached House 3; and
- 2) Final Plat of Subdivision, with an exception from curb-and-gutters, in order to create two lots.

### NOTICE

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

### GENERAL INFORMATION

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**OWNER/APPLICANT:** Charles J. Sebaski  
6115 Middaugh Avenue  
Downers Grove, IL 60516

### PROPERTY INFORMATION

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**EXISTING ZONING:** R-1, Residential Detached House 1  
**EXISTING LAND USE:** Single Family Residential  
**PROPERTY SIZE:** 1 acre (44,020 square feet)  
**PINS:** 09-18-408-023

### SURROUNDING ZONING AND LAND USES

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	R-1, Residential Detached House 1	Single Family Residential
<b>SOUTH:</b>	R-1, Residential Detached House 1	Single Family Residential
<b>EAST:</b>	R-3, Residential Detached House 3	Single Family Residential
<b>WEST:</b>	R-1, Residential Detached House 1	Single Family Residential

**ANALYSIS**

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**SUBMITTALS**

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

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

**PROJECT DESCRIPTION - OVERVIEW**

The subject property, commonly known as 6035 Middaugh Avenue, is located on the east side of Middaugh Avenue approximately 250 feet south of 60<sup>th</sup> Place. Currently the property is zoned R-1, Residential Detached House 1 and is 44,020 square feet in size, measuring 150 feet wide by 292 feet deep. The property is improved with a one-story single family detached house and a detached garage. The petitioner is requesting to rezone the property to R-3, Residential Detached House 3, in order to divide the single lot into two 75-foot by 292-foot lots.

Section 20.301 of the Subdivision Ordinance requires all new lots to be at least 75 feet wide with a minimum lot area of 10,500 square feet. The proposed subdivision meets these requirements.

Within the Zoning Ordinance, the minimum lot width is 100 feet under the current R-1 classification. The existing lot is 150 feet in width. Under the R-3 classification, the minimum lot width is 75 feet. The proposed subdivision is consistent with an R-3 zoning.

**COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan's Residential Areas Plan identifies the property as part of the Modified Grid type of residential development. This area contains both traditional grid style street layouts and curvilinear subdivisions with varying lot sizes and widths. The proposed rezoning will not have a significant impact on the existing development patterns of this area as the land use will remain single family residential, and a diversity of development patterns is typical of Modified Grid residential development.

**COMPLIANCE WITH THE ZONING ORDINANCE**

The property is currently zoned R-1, Residential Detached House 1 which allows for a single family structure. However, given the larger dimensions of the lot and the immediate proximity to other R-3 properties, the petitioner is requesting a zoning map amendment to rezone the property to R-3 and subdivide the existing lot into two buildable lots. A comparative analysis of the lot and bulk requirements for both the R-1 and R-3 districts are found in the tables below:

Zoning Ordinance Lot Regulations	R-1 District Lot Regulations	R-3 District Lot Regulations	Existing Measurements	Proposed Lot 1	Proposed Lot 2
Minimum Lot Area	20,000 sq. ft.	10,500 sq. ft.	44,020 sq. ft.	22,016 sq. ft.	22,004 sq. ft.
Minimum Lot Width	100 ft.	75 ft.	150 ft.	75.16 ft.	75.16 ft.



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December 7, 2015

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Because of the close proximity to other R-3 properties and because of the proposed lot dimensions, the requested rezoning is consistent with the Zoning Ordinance.

#### **COMPLIANCE WITH THE SUBDIVISION ORDINANCE**

The final plat of subdivision is in substantial compliance with Section 20.301 of the Subdivision Ordinance, except for the requested curb-and-gutter exception. The petitioner is requesting a curb-and-gutter exception as there are no existing curb-and-gutters along this portion of Middaugh Avenue, nor are there any immediate Village plans to upgrade the street.

The petitioner will provide a 5-foot wide public utility and drainage easements along both side lot lines and a 10-foot wide public utility and drainage easement along the rear property line to accommodate future proposed stormwater infrastructure.

If the final subdivision is approved, the petitioner will be required to pay park and school donations for the new lots. The petitioner will receive credit for the existing four bedroom single family home on the property to be demolished. A park and school donation of \$24,101.44 (\$8,724.24 District 58, \$4,094.61 District 99, \$11,282.59 Park District) will have to be paid prior to the Village executing the final plat of subdivision.

#### **ENGINEERING/PUBLIC IMPROVEMENTS**

The petitioner is not proposing any public improvements as part of this application. A sidewalk is currently located in front of the house and all utilities are currently provided. Beyond the curb-and-gutter exception request and the placement of public utility easements at time of subdivision, all other engineering and public improvements will take effect when an application is made to develop the parcels. The right-of-way trees will be provided by the Village after the property is developed, as was previously agreed to by the Village and applicant during a Village sidewalk improvement project.

#### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners within 250 feet from the property in addition to posting the public hearing notice sign and publishing the legal notice in *Downers Grove Suburban Life*. Staff spoke with one resident who inquired about the difference between the two zoning classifications, but there were no remaining concerns.

#### **FINDINGS OF FACT**

##### ***Section 28.12.030.I. Review and Approval Criteria for Zoning Map Amendments***

*The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, review and decision making bodies must consider at least the following factors:*

**(1) *The existing uses and zoning of nearby property.***

The property is surrounded by single family residential lots with various lot widths and lot area. The majority of properties to the north, south, and east are zoned R-3 with average lot widths of 75 feet and a range of lot area from 10,500 to 22,000 square feet, although the lot to the immediate north and south are zoned R-1. The properties to the west are zoned R-1 with lot widths ranging from 88 feet to 265 feet, and a range of lot area from 26,500 to 80,000 square feet. The existing use is single family and the proposed use will remain single family residential. The proposed use and zoning are consistent with the uses and sizes of the nearby properties. This standard has been met.

**(2) *The extent to which the particular zoning restrictions affect property values.***

The existing use is single family and the proposed use will remain single family residential. The proposed rezoning will not negatively affect property values. By rezoning from R-1 to R-3, two new

single family homes may built that will conform to the Zoning Ordinance. This standard has been met.

(3) ***The extent to which any determination in property value is offset by an increase in the public health, safety and welfare.***

The proposed rezoning will not impact property values or the public health, safety and welfare of the community. The existing use is single family and the proposed use will remain single family residential. This standard has been met.

(4) ***The suitability of the subject property for the zoned purposes.***

The property is currently zoned single family residential and will remain single family residential if rezoned from R-1 to R-3. However, the two zoning designations have different bulk zoning regulations. Properties located within the R-1 zoning classification require 100 feet in lot width and 20,000 square feet in lot area, where properties zoned R-3 require 75 feet in lot width and 10,500 square feet in lot area. The proposed subdivision and R-3 map amendment would result in two 75-foot lots with about 22,000 square feet in lot area each. This standard has been met.

(5) ***The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.***

The property has been vacant for two months, but the petitioner is proposing to tear down the existing house to facilitate redevelopment. The demolition of the existing house is a zoning ordinance requirement to subdivide the lot due to the proximity of the existing house being located across the future property lines. This standard has been met.

(6) ***The value to the community of the proposed use.***

The Comprehensive Plan identifies quality housing stock as being one of the most important factors that contribute to the Village's character and identity. The proposed lot split affords the opportunity for two modernized single family residences while remaining compatible with surrounding bulk zoning and lot conditions. This standard has been met.

(7) ***The Comprehensive Plan.***

The subject property is designated for detached single family residential use as identified in the Comprehensive Plan. The Comprehensive Plan further identifies this neighborhood as a Modified Grid residential area. The Modified Grid residential area is unique in that it "allows for a greater range of lot sizes than the traditional grid," providing a transition between traditional grid and subdivision/curvilinear developments. The petitioner is proposing to split the existing lot to enable the future development of two single family homes, still in line with the Comprehensive Plan's vision to continue reinvestment in residential neighborhoods and offer a broad variety of housing options while further encouraging single family detached residential neighborhoods. This standard has been met.

**Final Plat of Subdivision**

The proposed final plat of subdivision is in substantial compliance with Section 20.301 of the Subdivision Ordinance, apart from the requested curb-and-gutter exception. The proposal is consistent with surrounding uses and lot sizes. The request is consistent with the Comprehensive Plan and meets the requirements of the Subdivision Ordinance of the Village.

***Section 20.602.c Exceptions.***

*(c) 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;*  
The requirement to install curb-and-gutters is incompatible with existing conditions on surrounding Middaugh Avenue properties. The Village does not have immediate plans to upgrade the neighborhood with curb-and-gutters. The lack of curb-and-gutters will not impact the value or reasonable use of surrounding properties. This standard has been met.
- (2) *Whether the exception is consistent with the trend of development in the area and the surrounding uses;*  
The requested exception is consistent with the trend of development in the area and the surrounding uses. There are no curb-and-gutters on Middaugh Avenue in this location, so not requiring curb-and-gutters is consistent with the area. This standard has been met.
- (3) *The characteristics of the property which support or mitigate against the granting of the exception;*  
The requirement to install curb-and-gutters is incompatible with the conditions on surrounding properties. This standard has been met.
- (4) *Whether the exception is in conformance with the general plan and spirit of this Chapter;*  
The required exception is in conformance with the Comprehensive Plan, and the Zoning and Subdivision Ordinances. This standard has been met.
- (5) *Whether the exception will alter, or be consistent with, the essential character of the locality.*  
The proposal is consistent with the character of the locality. There are no curbs-and-gutters in this area, so the exception is consistent with the character of the area. This standard has been met.

## **RECOMMENDATIONS**

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The proposed rezoning and plat of subdivision with an exception of the property is compatible with the Comprehensive Plan and surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the following conditions:

1. The rezoning and plat of subdivision shall substantially conform to the staff report and the final plat of subdivision prepared by Intech Consultants dated October 20, 2015, except as such plans may be modified to conform to the Village codes and ordinances.
2. Post Construction and Volume Control Stormwater Best Management Practices (BMPs) shall be required for both lots in accordance with the Village Stormwater Ordinance.
3. The park and school donations, in the amount of \$24,101.44 (\$8,724.24 District 58, \$4,094.61 District 99, \$11,282.59 Park District), shall be paid prior to Village Council approval and signing the plat of subdivision.
4. A demolition permit shall be issued for the existing house prior to the Village signing the plat of subdivision.
5. The existing water service shall be disconnected at the main when the existing home is demolished.

15-PLC-0045; 6035 Middaugh Avenue  
December 7, 2015

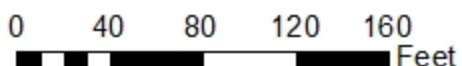
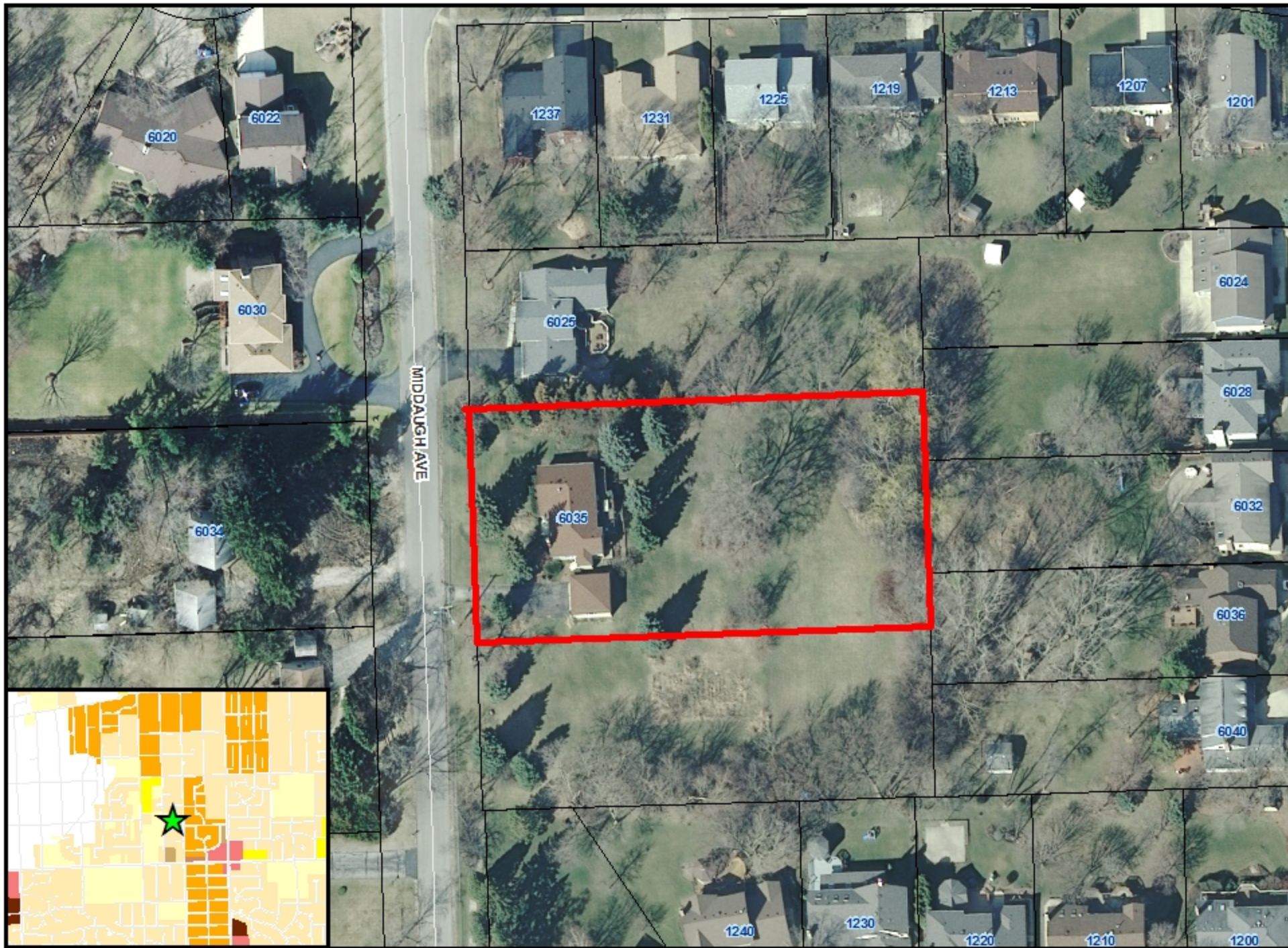
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Staff Report Approved By:

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Stanley J. Popovich, AICP  
Director of Community Development

SP:rl  
-att



**6035 Middaugh Avenue Location Map**



November 18, 2015

Downers Grove Plan Commission

I am submitting the required documentation to request approval from the Village of Downers Grove to rezone the property at 6035 Middaugh Ave. from R-1 to R-3, and subsequently split the lot into two equal 75 foot lots.

The property (Pin 09-18-408-023) has 150 feet of frontage on Middaugh Ave, and is 292 feet deep, the resulting two lots will then each be 75 feet wide. Downers Grove R-3 Zoning requires 75 foot width and a minimum of 10,500 square feet of area; the area of these two new lots will be 21,900 sq. ft. each. A four bedroom older home, which is approximately centered on the 150 foot width of the lot, will be torn down allowing for the construction of two new four bedroom homes. A payment of \$24,101.44 to the Village of Downers Grove for the School & Park District Donation will be made for the additional 4 bedroom single family home. We are requesting full credit for the existing four bedroom home that will be demolished.

The property is adjacent to both R-1 and R-3 properties, and with the 75 foot R-3 lot width both subdivided lots will have greater square footage than required for both R-1 and R-3. The expected outcome of the sub division is that new homes built on the lots would enhance the neighborhood property values. I am also requesting one exception for the curb and gutter requirement, currently there are no existing curbs and gutters on these blocks of Middaugh Ave.

Here are responses to both rezoning and exception requests-

**Responses to the Review & Approval Criteria (VODG Sect. 28.12.030.I:**

1. *the existing use and zoning of nearby property;*

**The property borders both R-1 and R-3 parcels.**

2. *the extent to which the particular zoning restrictions affect property values*

**The expectation is the subsequent two new homes will improve property values.**

3. *the extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;*

**A diminution in value is not anticipated.**

4. *the suitability of the subject property for the zoned purposes;*

**Property will be in concert with adjacent parcels.**

5. *the length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;*

**The property has been vacant for two months.**

6. *the value to the community of the proposed use;*

**The proposed change should improve property values and tax base.**

7. *the comprehensive plan.*

**The change is in concert with the comprehensive plan.**

**Responses to the curb and gutter exception (Sect. 20.602(c):**

**(1)** *With respect to the requirements of this subdivision ordinance for the construction of sidewalks, the Plan Commission shall only have the authority to recommend whether sidewalks are to be constructed or whether a fee is to be paid in lieu of construction, based on the recommendation of the Village Engineer in administering Village Council policy, as provided in this Code. The Plan Commission shall not have the authority to grant exceptions to such requirements or to waive the requirement for sidewalk construction without requiring payment in lieu of construction.*

**Sidewalks are in place.**

*(2) No exception may be granted from the minimum provisions of Section 20-302 regarding flag lots and front lots. (c) 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 subdivision ordinance. 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;*

**The exception should either have no effect or improve surrounding property values, and is consistent with all other properties in the area.**

*(3) The characteristics of the property which support or mitigate against the granting of the exception;*  
**I am aware of none.**

*(4) Whether the exception is in conformance with the general plan and spirit of this subdivision ordinance;* **Yes**

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

**The exception will keep the property consistent with existing properties.**

Regards,

Charles J. Sebaski

6115 Middaugh Ave

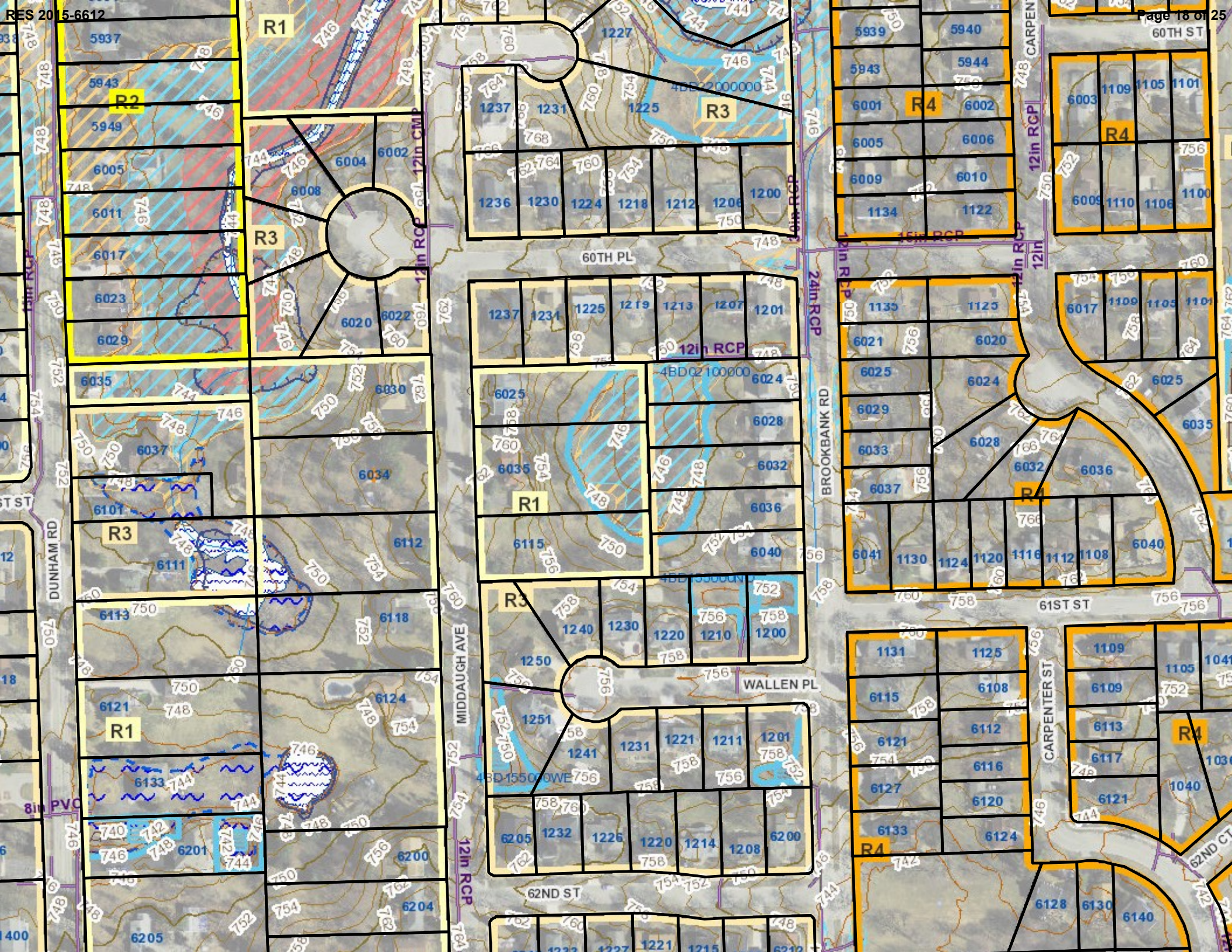
Downers Grove, IL 60516

630-852-2524









R1

R2

R3

R4

R4

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R1

R3

R3

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R4

R4

DUNHAM RD

MIDAUGH AVE

BROOKBANK RD

CARPEN

CARPENTER ST

60TH PL

WALLEN PL

62ND ST

60TH ST

61ST ST

62ND CT

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VILLAGE OF DOWNERS GROVE  
 PLAN COMMISSION MEETING  
 PUBLIC HEARING

DECEMBER 7, 2015, 7:00 P.M.

Chairman Rickard called the December 7, 2015 meeting of the Downers Grove Plan Commission to order at 7:03 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Mr. Cozzo, Mr. Cronin, Ms. Hogstrom, Mr. Quirk, Mr. Thoman

**ABSENT:** Ms. Rabatah and ex-officios Ms. Lupesco, Mr. McAdam, Mr. Menninga

**STAFF:** Community Development Senior Planner Rebecca Leitschuh

**VISITORS:** Mr. Chris Hayden, 1219 60<sup>th</sup> Pl., Downers Grove; Scott and Stacy Kulat, 1250 Wallen Pl., Downers Grove; Ms. Lisa Olmstead, 5936 Carpenter St., Downers Grove; Applicants Charles Sebaski and Carla Harrison, 6115 Middaugh, Downers Grove

**APPROVAL OF NOVEMBER 2, 2015 MINUTES**

**MINUTES OF THE NOVEMBER 2, 2015 MEETING WERE APPROVED ON MOTION BY MR. THOMAN. SECONDED BY MR. COZZO. MOTION CARRIED BY VOICE VOTE OF 6-0.**

**PUBLIC HEARINGS:**

Chairman Rickard explained the protocol for the public hearings and swore in those individuals that would be speaking on the petitions listed below.

**FILE 15-PLC-0045:** A petition seeking approval of a Final Plat of Subdivision with exceptions in order to create two new residential lots from the existing property. The petitioner is also requesting a Zoning Map Amendment to rezone the property from R-1, Residential Detached House 1 to R-3, Residential Detached House 3. The property is located on the east side of Middaugh Avenue, approximately 250 feet south of 60th Place, commonly known as 6035 Middaugh Avenue, Downers Grove, IL (PIN 09-18-408- 023). Charles Sebaski, Petitioner and Owner.

Senior Planner Rebecca Leitschuh explained the differences between the two lots being created, i.e., one being R-1 zoning and the other being R-3 zoning, each with different bulk standards. A final plat of subdivision was also being requested with an exception from curb and gutters. The two proposed lot widths would be 75.16 feet each by approximately 292 feet long. Currently, a single-family home sat on the parcel and no current curb or gutters existed. Ms. Leitschuh pointed out the nearby R-1 and R-3 zoned lots.

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A survey of the lot's existing conditions as well as floodplain figures followed, with Ms. Leitschuh noting that the request for the two lots had to meet FEMA's requirements as well as the Village's best management practices (BMPs) for stormwater and water quality. Bulk standards for R-1 zoning as compared to R-3 zoning were reviewed in more detail as well as utility easements.

Ms. Leitschuh confirmed the proposal met with the village's Comprehensive Plan, meeting the modified grid plan. She added that the parkway trees would be installed by the Village after the lot(s) is(are) developed, as agreed to by Public Works and the property owner during a previous sidewalk improvement project. The criteria for the zoning map amendment then followed, with staff confirming the seven standards were met and there were no variations being requested by the applicant for the map amendment.

Staff recommended approval of the petition with the five (5) conditions listed in its report.

The chairman invited discussion/questions from the commissioners.

Mr. Thoman asked if the square footage/buildable area of the proposed R-3 lot, minus the land located in the LPDA (localized poor drainage area), still exceeded the buildable requirements, wherein Ms. Leitschuh confirmed there was enough area to build. Mr. Quirk added that compensatory storage on the site could also be constructed, if necessary.

Asked if the village had future plans to include curb and gutter on Middaugh Avenue, Ms. Leitschuh said there was nothing planned in the immediate future. Mr. Cronin inquired about the amount of credit the petitioner would receive as it relates to the development.

Mr. Cozzo also confirmed with staff that the village's stormwater BMPs could not make water conditions any worse than what currently exists, i.e., the stormwater management either remains the same or it improves. Examples of BMPs followed.

Applicant, Mr. Charles Sebaski, 6115 Middaugh Ave., Downers Grove, came forward and made himself available to answer questions. None followed.

Chairman Rickard opened up the meeting to public comment.

Ms. Lisa Olmstead, 5936 Carpenter, Downers Grove, noted the new house to the south of the property looked very nice but she shared some issues of the water issues she had experienced since living on a lower portion of Carpenter Street. She believed sinking new foundations into the area only added to the problem and she preferred only one home to be constructed instead of two.

Mr. Chris Hayden, 1219 60<sup>th</sup> Place, Downers Grove, stated that in 2013 he saw water flood the area approximately 40 to 45 feet from the lot lines in the area -- from Carpenter as well as toward Middaugh. While he acknowledged the petitioner constructed a beautiful home, Mr. Hayden said he did see more standing water this past summer. He shared his concerns that the current stormwater infrastructure would not be able to accommodate any new hardscapes added to the area. He preferred "a more definitive stormwater plan" be in place to limit water run-off. He asked staff to comment.

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Ms. Leitschuh could not confirm what the village's plans were for additional stormwater initiatives in the neighborhood, but confirmed that stormwater engineers do review each permit application and provide comments, if any, as they did with the Plan Commission application.

In response, Mr. Hayden asked that consideration be made for those neighbors abutting the proposed lot before any zoning was approved.

Mr. Scott Kulat, 1250 Wallen Place, stated his home backs up to the last home constructed by the petitioner. He discussed his concerns about water and asked staff for confirmation about the exact square foot of buildable area on the two lots regarding building coverage and setbacks. He shared how the petitioner took extra steps with regard to water run-off when the last home was constructed and preferred the petitioner doing it again.

In response to the above question, Ms. Leitschuh stated that 32 percent of the lot was buildable and that figure did not change whether it was one entire lot or two lots. The same potential maximum building coverage exists whether split into two lots with two homes, or a very large home was built on one large lot. She explained that in scenarios with smaller lots, building setbacks do sometimes restrict the potential buildable size of a home, but because the proposed subdivided lots were still so large, the building setbacks would not prevent future homes from maximizing the 32 percent building coverage. She explained in this situation, the setbacks were more for aesthetic purposes and a consistent neighborhood character.

Mr. Chris Hayden, 1219 60<sup>th</sup> Place, Downers Grove, returned and pointed out that if staff reviewed the old zoning (1832 thru 1915) for the area, it would see that the area was a farm with old peat bogs to the rear of the homes and some of the homes were constructed on pylons. He explained how peat bogs affected the area's homes.

Ms. Lisa Olmstead, 5936 Carpenter, returned and stated she also gets standing water in her back yard after heavy rains and it remains for a week or so. She believed it was a disservice to the residents if there was no cap placed on how large a home's foundation could be.

Mr. Quirk asked to identify the 8-inch storm pipe on the site plan. Chairman Rickard then explained to the public that stormwater issues are addressed as part of the permit review process and done by the engineering department once a structure is proposed. Details followed on what this commission reviewed.

Given that many neighbors were affected by water issues, Mr. Quirk believed it was an ideal time to mention the village's cost-sharing program to address/mitigate such LPDA issues.

Petitioner, Mr. Charles Sebaski, responded to the above questions/comments, specifically explaining the background of the initial installation of the storm drain behind the east half of 112. He clarified that while the drain was the village's responsibility, the neighbors would probably want to come together to clear any debris. Mr. Sebaski stated that he still lives on the southern half of 112 and would be sharing the same water issues as his neighbors. However, said he was able to mow the grass in the rear of his property after any standing water drained within a few days.

Applicant, Ms. Carla (Sebaski) Harrison, was sworn in by the chairman. Ms. Harrison, 6115 Middaugh, stated she and her husband had to meet the newly increased requirements for stormwater

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runoff with the completion of their recent new home and that she could speak to the village's requirements to treat stormwater onsite. She and her husband even installed a rain garden to address such issues.

Hearing no further comment, the chairman closed the public hearing.

Commissioner Cozzo believed the standards were met, given what the commission's purview was, and he agreed the exception was fine, given that there were no current curbs or gutters now. He recommended approval of the exception. Again, he said he raised the topic of BMPs only to point out that the stormwater issue could not be made worse than what currently existed. He supported a positive recommendation. Ms. Hogstrom also recommended that the neighbors plant native wetland plants in the rear area to absorb some of the water rather than mow the lawn.

**WITH RESPECT TO FILE 15-PLC-0045, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE REZONING AND PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT AND THE FINAL PLAT OF SUBDIVISION PREPARED BY INTECH CONSULTANTS DATED OCTOBER 20, 2015, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES;**
- 2. POST CONSTRUCTION AND VOLUME CONTROL STORMWATER BEST MANAGEMENT PRACTICES (BMPS) SHALL BE REQUIRED FOR BOTH LOTS IN ACCORDANCE WITH THE VILLAGE STORMWATER ORDINANCE;**
- 3. THE PARK AND SCHOOL DONATIONS, IN THE AMOUNT OF \$24,101.44 (\$8,724.24 DISTRICT 58, \$4,094.61 DISTRICT 99, \$11,282.59 PARK DISTRICT), SHALL BE PAID PRIOR TO VILLAGE COUNCIL APPROVAL AND SIGNING THE PLAT OF SUBDIVISION;**
- 4. A DEMOLITION PERMIT SHALL BE ISSUED FOR THE EXISTING HOUSE PRIOR TO THE VILLAGE SIGNING THE PLAT OF SUBDIVISION; AND**
- 5. THE EXISTING WATER SERVICE SHALL BE DISCONNECTED AT THE MAIN WHEN THE EXISTING HOME IS DEMOLISHED.**

**SECONDED BY MR. QUIRK. ROLL CALL:**

**AYE: MR. COZZO, MR. QUIRK, MR. CRONIN, MS. HOGSTROM, MR. THOMAN,  
CHAIRMAN RICKARD**

**NAY: NONE**

**MOTION CARRIED. VOTE: 6-0**

Staff stated there will be a January meeting. An explanation followed regarding the school/park districts fees and the applicant's credit.

**THE MEETING WAS ADJOURNED AT 8:05 P.M. ON MOTION BY MR. CRONIN, SECONDED BY MS. HOGSTROM. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 6-0.**



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/s/ Celeste K. Weilandt  
Celeste K. Weilandt  
(As transcribed by MP-3 audio)