

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
6/21/2016

SUBJECT:	SUBMITTED BY:
Preliminary Plat of Subdivision - 5527 - 5531 Fairmount Avenue	Stan Popovich, AICP Director of Community Development

SYNOPSIS

A resolution has been prepared to approve a plat of subdivision to subdivide two residential properties into three lots with a lot width exception for each lot.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the June 7, 2016 Village Council meeting. At the June 14, 2016 meeting, the Council tabled the item to June 21. Based on Council discussion, the resolution now includes one lot width exception. Under the resolution, there will be two 75-foot lots and one 65-foot wide lot. All lots will be required to have a 7.5-foot sideyard setback. Conditions have been added to the resolution regarding 7.5 foot sideyard setbacks for all lots, a requirement for the petitioner to submit engineering drawings at the time of submission for final plat approval, and a requirement to place an easement over the floodplain.

BACKGROUND

Property Information & Zoning Request

The subject properties are located on the east side of Fairmount Street, approximately 300 feet south of 55th street and are zoned R-3 (Residential Detached House 3). The properties are improved with three single family residential homes on two lots of record. A detached garage is located on the northern property. The petitioner is requesting approval of a Preliminary Plat of Subdivision with three lot width exceptions to consolidate and subdivide the two existing parcels at 5527-5531 Fairmount Avenue (215 feet in width) into three residential lots (71.65 feet in width) where 75-foot-wide lots are required.

Compliance with the Comprehensive Plan

The Residential Areas Plan section of the Comprehensive Plan identifies the subject properties as being within the Estate Residential area containing detached single family residences. Estate residential is characterized by large lots. The Comprehensive Plan also notes that redevelopment should be carefully

regulated to ensure compatibility with the scale and character of the surrounding and adjacent residential neighborhoods.

The lot widths in this area vary from 55 feet wide to over 100-foot wide lots. There is no standard lot width in this neighborhood. In total, approximately 74% of the lots are more than 75 feet in width. Therefore, the proposed subdivision is not consistent with the immediate vicinity or the rest of neighborhood with frontage on Fairmount between 55th and 59th streets.

Compliance with the Zoning Ordinance

The properties are zoned R-3, Residential Detached House 3. The subdivision of the subject properties into three lots with the existing zoning classification would allow for the construction of three single family homes provided all other zoning regulations are met. The new lots will comply with the minimum lot area (10,500 square feet) per Section 2.030 of the Zoning Ordinance, but exceptions are being requested to permit lot widths of 71.64 & 71.65-feet where 75-feet is required per Section 2.030 of the Zoning Ordinance. Without the exceptions, the proposed subdivision does not comply with the Zoning Ordinance.

Compliance with the Subdivision Ordinance

The petitioner is providing the required five-foot wide public utility and drainage easements along the side lot lines and the ten-foot wide public utility and drainage easements along the rear lot lines. Park and school donations are required for the new single family homes and will be calculated prior to executing the Final Plat of Subdivision if the applicant were to receive entitlement.

Three lot width exceptions are requested to reduce the required lot widths from 75-feet to approximately 71.65 feet for Lots 1 through 3. The reduction of the required lot width allows the construction of three new single family homes, but there are no required public improvements or unique circumstances that would cause the reduction in the lot width. The proposed lots are not consistent with the majority of the surrounding lot widths in the block.

Public Comment

Nine neighbors spoke about the petition. Seven were in favor of the proposal because of the opportunity for stormwater management improvements, quality of homes already constructed by the builder, and the replacement of older homes. One neighbor was neutral but had concerns with the side setbacks and setting a precedent of increasing density. Another resident did not support the proposal due to stormwater concerns and the code requirements not being met.

ATTACHMENTS

Resolution

Aerial Map

Staff Report with attachments dated May 2, 2016

Draft Minutes of the Plan Commission Hearing dated May 2, 2016

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant DATE: June 21, 2016
(Name)

RECOMMENDATION FROM: _____ FILE REF: 16-PLC-0020
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "A RESOLUTION APPROVING THE PRELIMINARY PLAT OF SUBDIVISION WITH EXCEPTIONS FOR 5527-5531 FAIRMOUNT AVENUE", as presented.



SUMMARY OF ITEM:

Adoption of the attached resolution shall approve the preliminary plat of subdivision for the property located at 5527-5531 Fairmount Avenue.

RECORD OF ACTION TAKEN:

RESOLUTION _____**A RESOLUTION APPROVING THE
PRELIMINARY PLAT OF SUBDIVISION WITH AN EXCEPTION
FOR 5527-5531 FAIRMOUNT AVENUE**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of a Preliminary Plat of Subdivision to subdivide two lots into three lots for the Park View Resubdivision, located on the east side of Fairmount Avenue, approximately 500 feet south of 55th Street, commonly known as 5527-5531 Fairmount Avenue, Downers Grove, Illinois, legally described as follows:

Parcel 1

THE WEST 225 FEET OF THE NORTH 115 FEET OF LOT 2 IN HIGHLAND'S ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 21, 1912 AS DOCUMENT 109123, IN DuPAGE COUNTY, ILLINOIS.

Parcel 2

THE SOUTH 100 FEET OF THE NORTH 215 FEET OF LOT 2, EXCEPT THE EAST 403 FEET THEREOF, IN THE HIGHLANDS ADDITION TO DOWNERS GROVE, A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIPS 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF HIGHLANDS ADDITION RECORDED ON AUGUST 21, 1912 AS DOCUMENT 109123, IN DuPAGE COUNTY, ILLINIOS.

Commonly known as: 5527-5531 Fairmount Avenue, Downers Grove, IL 60516
PINs: 09-17-201-011; -012

WHEREAS, at the Plan Commission hearing of May 2, 2016, the Petitioner requested exceptions pursuant to Section 20.602 of the Downers Grove Municipal Code to permit the following:

1. An Exception from Chapter 20, *Subdivision Ordinance*, Section 20.301; *Lot Widths*, to reduce the required right of way width of 75 feet to 71.65 feet for Lot 1.
2. An Exception from Chapter 20, *Subdivision Ordinance*, Section 20.301; *Lot Widths*, to reduce the required right of way width of 75 feet to 71.64 feet for Lot 2.
3. An Exception from Chapter 20, *Subdivision Ordinance*, Section 20.301; *Lot Widths*, to reduce the required right of way width of 75 feet to 71.64 feet for Lot 3.

WHEREAS, notice has been given and a public hearing held on May 2, 2016 regarding this final plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended denial of the petition for Preliminary Plat of Subdivision of Park View Resubdivision with Exceptions, located at 5527-5531 Fairmount 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 Preliminary Plat of Subdivision of Park View Resubdivision, located at 5527-5531 Fairmount Avenue,

Downers Grove, Illinois, is hereby approved subject to the following conditions:

1. The Final Plat of Subdivision shall substantially conform to the Preliminary Plat of Subdivision prepared by Professional Land Surveying, Inc. dated 10-21-2015, last revised on June 16, 2016, depicting Lot 1 and Lot 2, each having a lot width of seventy-five feet (75'), and Lot 3 as having a lot width of sixty-five feet (65') and thereby granting the following exception:
 - a. An exception from Chapter 20, *Subdivision Ordinance*, Section 20.301; *Lot Widths*, to reduce the required right of way width of seventy-five feet (75') feet to sixty-five feet (65') feet for Lot 3.
2. Park and school donations must be paid prior to approval of a Final Plat of Subdivision.
3. Each of the three lots in Park View Resubdivision shall have a side yard setback of no less than 7.5 feet. The side yard setback shall be indicated on the Plat of Subdivision as building lines.
4. The petitioner shall prepare and file engineering drawings in accordance with Section 20.504.c of the Municipal Code in conjunction with the final plat approval request. The drawings must be in conformance with Village ordinances as confirmed by the Village Engineer.
5. Upon completion of engineering drawings establishing the 100-year floodplain location, the applicant shall place upon the final plat a stormwater easement over the 100-year floodplain in accordance with Village easement standards.

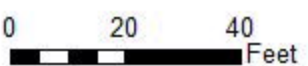
BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat.

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



5527-5531 Fairmount Ave-Location Map



PRELIMINARY PLAT OF SUBDIVISION

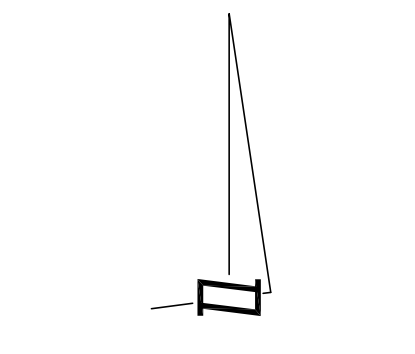
PARK VIEW RESUBDIVISION

OF

PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PROFESSIONAL LAND SURVEYING, INC.

3080 OGDEN AVENUE SUITE 307 LISLE, ILLINOIS 60532 PHONE: 630-778-1757 PROF. DESIGN FIRM # 184-004196 E-MAIL: info@plslisle.com



SCALE: 1" = 30' PERMANENT TAX INDEX NUMBER 09-17-201-011 09-17-201-012

PLAN COMMISSION OF THE VILLAGE CERTIFICATE

STATE OF ILLINOIS) COUNTY OF DUPAGE) APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE THIS DAY OF , A.D. 20

CHAIRMAN

VILLAGE COLLECTOR'S CERTIFICATE

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

COLLECTOR

OWNER'S CERTIFICATE

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

OWNER:

ADDRESS:

ADDRESS:

NOTARY CERTIFICATE

STATE OF ILLINOIS) COUNTY OF DU PAGE) I HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE ARE KNOWN TO ME AS SUCH OWNERS.

NOTARY PUBLIC

SURVEYOR'S NOTES

IRON PIPES OR SURVEYOR'S NAIL ARE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.

ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

ALL EASEMENTS ARE HERETOFORE DEDICATED UNLESS OTHERWISE NOTED.

ALL EASEMENTS DEPICTED ON THE PLAT MAP ARE FOR PUBLIC UTILITIES UNLESS OTHERWISE NOTED.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED COORDINATE SYSTEM AND ARE INTENDED ONLY TO SHOW THE ANGULAR RELATIONSHIP BETWEEN LINES.

AREA OF SURVEY

CONTAINING 48.367± SQ. FT. = 1.110 ACRES

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) COUNTY OF DU PAGE) THIS IS TO CERTIFY THAT I, JEFFREY R. PANKOW, ILLINOIS PROFESSIONAL LAND SURVEYOR #3483 HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION; ALL DIMENSIONS ARE IN FEET OR DECIMALS THEREOF:

THE WEST 225 FEET OF THE NORTH 115 FEET OF LOT 2 IN HIGHLANDS ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 21, 1912 AS DOCUMENT 109123, IN DUPAGE COUNTY, ILLINOIS.

AND THE SOUTH 100 FEET OF THE NORTH 215 FEET OF LOT 2, EXCEPT THE EAST 403 FEET THEREOF, IN THE HIGHLANDS ADDITION TO DOWNERS GROVE, A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF HIGHLANDS ADDITION RECORDED ON AUGUST 21, 1912 AS DOCUMENT 109123, IN DUPAGE COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE PROPERTY SHOWN ON THE PLAT HEREON DRAWN IS SITUATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, WHICH HAS ADOPTED A COMPREHENSIVE PLAN AND WHICH IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF ILLINOIS MUNICIPAL CODE AS HERETOFORE AND HEREAFTER AMENDED.

I FURTHER STATE THAT THE PROPERTY IN THIS SUBDIVISION IS IN ZONE 'AE' AS IDENTIFIED BY THE FEDERAL ENERGY MANAGEMENT AGENCY, AS SET FORTH ON THE FLOOD INSURANCE RATE MAP FOR THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS, COMMUNITY PANEL NUMBER 17043C0167A EFFECTIVE DATE JULY 7, 2010.

DATED THIS 21ST DAY OF OCTOBER, A.D., 2015.

ILLINOIS PROFESSIONAL LAND SURVEYOR #3483 LICENSE EXPIRATION/RENEWAL DATE: NOVEMBER 30, 2016

PREPARED FOR: CYPRESS HILL ADDRESS: 5527/5529 FAIRMOUNT AVENUE, DOWNERS GROVE, IL BOOK & PG: 146/66 DATE: 10-21-2015 JOB NO: 1511123 DRAWN BY: SMR CHECK BY: KJA REVISED: JHH 4/4/2016 LOT CONFIGURATION: 6-08-16/URP SUB NAME REVISED: JHH 6/16/2016 LOT CONFIGURATION

SCHOOL DISTRICT BOUNDARY STATEMENT

STATE OF ILLINOIS) COUNTY OF DU PAGE) THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND KNOWN AS TO THE BEST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF THE HIGH SCHOOL DISTRICT, AND ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

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

BY:

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS) COUNTY OF DU PAGE) I, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS.

THIS DAY OF , A.D. 20

COUNTY CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS) COUNTY OF DU PAGE) THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE DAY OF , A.D. 20

AT O'CLOCK M. AS DOCUMENT NUMBER

RECORDER OF DEEDS

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS) COUNTY OF DUPAGE) APPROVED THIS DAY OF , A.D. 20 BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

MAYOR

VILLAGE CLERK

VILLAGE OF DOWNERS GROVE DIRECTOR OF COMMUNITY DEVELOPMENT

STATE OF ILLINOIS) COUNTY OF DUPAGE) APPROVED BY THE VILLAGE OF DOWNERS GROVE DIRECTOR OF COMMUNITY DEVELOPMENT

THIS DAY OF , A.D. 20

DIRECTOR OF COMMUNITY DEVELOPMENT

VILLAGE CLERK

SANITARY DISTRICT CERTIFICATE

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

DATED THIS DAY OF , A.D. 20

COLLECTOR

DRAINAGE CERTIFICATE

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

DATED THIS DAY OF , A.D. 20

ILLINOIS REGISTERED PROFESSIONAL ENGINEER

STATE REGISTRATION NUMBER

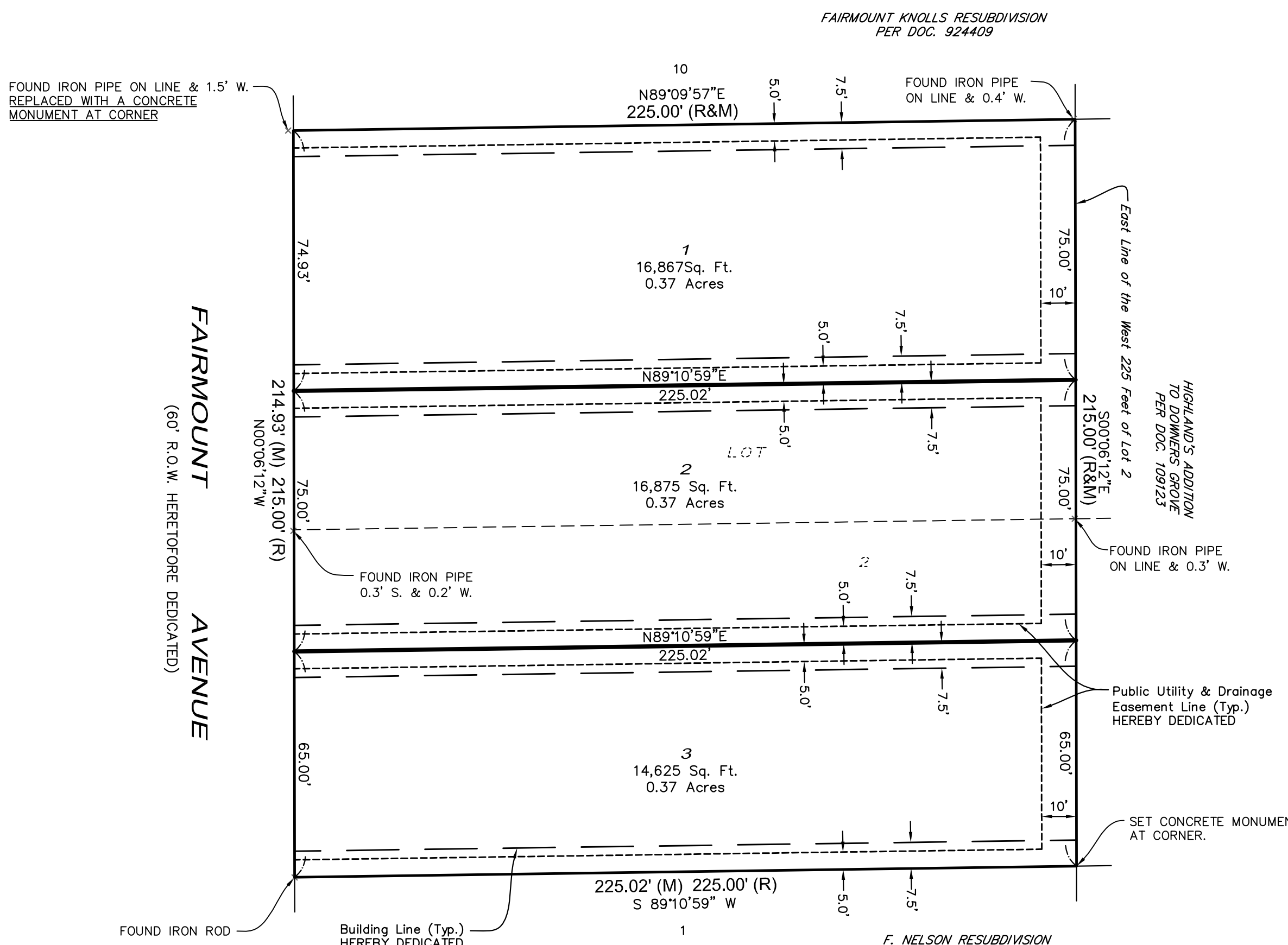
REGISTRATION EXPIRATION DATE

PROPERTY OWNER'S SIGNATURES

BY: OWNER OR ATTORNEY BY: OWNER OR ATTORNEY

PRINT NAME

PRINT NAME





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
MAY 2, 2016 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
16-PLC-0020 5527-5531 Fairmount Avenue	Preliminary Plat of Subdivision	Scott Williams Planner

REQUEST

The petitioner is requesting preliminary plat of subdivision approval to subdivide two residential properties into three residential lots with an exception for each lot to be approximately 71.65 feet in width.

NOTICE

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

GENERAL INFORMATION

OWNER: Dan and Michelle Buie
5541 Fairmount Avenue
Downers Grove, IL 60516

John Helms
5529 Fairmount Avenue
Downers Grove, IL 60516

APPLICANT: Cypress Hill Development
Dan Buie
1000 Maple Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-3, Residential Detached House 3
EXISTING LAND USE: Single Family Residential
PROPERTY SIZE: 48,367 square feet
PIN: 09-17-201-011, -012

SURROUNDING ZONING AND LAND USES**ZONING**

NORTH: R-3, Residential Detached House 3
SOUTH: R-3, Residential Detached House 3
EAST: R-3, Residential Detached House 3
WEST: R-3, Residential Detached House 3

FUTURE LAND USE

Single Family Residential
Single Family Residential
Parks & Open Space
Single Family Residential

ANALYSIS

SUBMITTALS

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

1. Application/Petition for Public Hearing
2. Location Map
3. Plat of Survey
4. Preliminary Plat of Subdivision
5. Project Narrative
6. Zoning and Lot Width Exhibit
7. Floodplain Map Exhibit

PROJECT DESCRIPTION

The petitioner is requesting approval of the Preliminary Plat of Subdivision to subdivide two existing parcels into three lots of record at 5527-5531 Fairmount Avenue. The subject properties are located on the east side of Fairmount Avenue, approximately 300 feet south of 55th Street and are zoned R-3, Residential Detached House 3.

The subject properties are 48,367 square feet and improved with 3 single family homes. Two of these dwellings are located on one lot. The petitioner is proposing to subdivide the existing 215' wide by 225' deep lots into one 71.65' wide and two 71.64' wide lots. As described by the petitioners, two of the proposed homes would be approximately 3,000 square feet with the third being 2,500 square feet. The petitioner is requesting exceptions to permit lots less than 75-feet wide as required per Section 20.301 of the Subdivision Ordinance and Section 2.030 of the Zoning Ordinance.

All properties surrounding the subject site with frontage on Fairmount Avenue are zoned R-3. Fairmount Avenue between 55th Street and 59th Street is divided into a north half and a south half by a wetland and open space. For the purposes of lot width analysis, the widths of the properties in the immediate vicinity are defined as being north of the park land and located on Fairmount. The widths in this area vary, ranging from 58' up to 178'. The average lot width for these lots located in the immediate vicinity is 89', with 75% of the lots having a lot width of at least 75 feet. A table summarizing the lot widths is shown below:

Table 1. Immediate Vicinity Lot Widths-North of the Park on Fairmount

Lot Width	Number of Lots	%
55-64 feet	2	12.50%
65-74 feet	2	12.50%
75-84 feet	3	18.75%
85-94 feet	4	25.00%
95-104 feet	3	18.75%
105 feet +	2	12.50%
Total	16	

The rest of the block south of the park is another area the applicant selected properties from as part of a lot width analysis. This section of the block has even more variety with widths ranging from 55' up to 132'.

16-PLC-0020, Preliminary Plat of Subdivision, 5527-5531 Fairmount Avenue
May 2, 2016

Page 3

The average lot width for lots in the southern portion of the block is 89', with 73% of the lots having a width of at least 75 feet. A table summarizing these findings is below:

Table 2. South of the Park on Fairmount

Lot Width	Number of Lots	%
55-64 feet	5	13.51%
65-74 feet	5	13.51%
75-84 feet	16	43.24%
85-94 feet	3	8.11%
95-104 feet	1	2.70%
105 feet +	7	18.92%
Total	37	

Along the entire length of Fairmount Avenue between 55th and 59th Streets, the average lot width is 89', with around 74% of lots having a lot width of at least 75 feet. The table below summarizes this data:

Table 3. Fairmount Avenue between 55th and 59th Streets

Lot Width	Number of Lots	%
55-64 feet	7	13.21%
65-74 feet	7	13.21%
75-84 feet	19	35.85%
85-94 feet	7	13.21%
95-104 feet	4	7.55%
105 feet +	9	16.98%
Total	53	

COMPLIANCE WITH COMPREHENSIVE PLAN

The Residential Areas Plan section of the Comprehensive Plan identifies the subject property as being within the Estate Residential area containing detached single family residences. This category is characterized by large lots that were developed in unincorporated DuPage County prior to annexation. The lot widths in this area vary from 55 feet wide to over 100-foot wide lots. There is no standard lot width in this neighborhood.

The Comprehensive Plan notes that redevelopment should be carefully regulated to ensure compatibility with the scale and character of the surrounding and adjacent residential neighborhoods. The surrounding neighborhood is a mix of lot widths. The mix of lot widths is significant, with approximately 36% of the total lot widths being 75 – 84 feet wide. In total, around 74% of the lots are over 75 feet in width. Therefore, the proposed 71.64 & 71.65-foot wide lots are smaller than the majority of the existing lots.

The Comprehensive Plan recommends that new infill development should be sensitive to local context, maintaining the setback, height, bulk, and orientation similar to that of neighboring properties. The proposed subdivision is not consistent with the immediate vicinity or the rest of neighborhood with frontage on Fairmount between 55th and 59th streets.

16-PLC-0020, Preliminary Plat of Subdivision, 5527-5531 Fairmount Avenue
May 2, 2016

Page 4

COMPLIANCE WITH ZONING ORDINANCE

The properties are zoned R-3, Residential Detached House 3. The subdivision of the subject properties into three lots with the existing zoning classification would allow for the construction of three single family homes provided all other zoning regulations are met. The new lots will comply with the minimum lot area (10,500 square feet) per Section 2.030 of the Zoning Ordinance, but exceptions are being requested to permit lot widths of 71.64 & 71.65-feet where 75-feet is required per Section 2.030 of the Zoning Ordinance. Without the exceptions, the proposed subdivision does not comply with the Zoning Ordinance.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The three residential lots will not meet the minimum lot width dimension requirements outlined in Section 20.301 of the Village's Subdivision Ordinance. The proposed lot dimensions are specified in the table below:

5527-5531 Fairmount Subdivision	Lot Width (req. 75 ft.)	Lot Depth (req. 140 ft.)	Lot Area (req. 10, 500 sq. ft.)
Lot 1	<i>71.65 ft. (exception requested)</i>	225 ft.	16,122 sq. ft.
Lot 2	<i>71.64 ft. (exception requested)</i>	225 ft.	16,122 sq. ft.
Lot 3	<i>71.64 ft. (exception requested)</i>	225 ft.	16,122 sq. ft.

Three lot width exceptions are requested to reduce the required lot widths from 75-feet to approximately 71.65 feet for Lots 1 through 3. The reduction of the required lot width allows the construction of three new single family homes, but there are no required public improvements or unique circumstances that would cause the reduction in the lot width.

The petitioner is providing the required five-foot wide public utility and drainage easements along the side lot lines and the ten-foot wide public utility and drainage easements along the rear lot lines. Park and school donations are required for the new single family homes and will be calculated prior to executing the Final Plat of Subdivision if the applicant were to receive entitlement.

ENGINEERING/PUBLIC IMPROVEMENTS

There is currently curb, gutter, and sidewalk at 5527-5531 Fairmount. If the preliminary plat is approved, the applicant will have to submit engineering plans with the Final Plat of Subdivision review and subsequent permit applications. Village engineers did note that these properties contain floodplain in the far eastern portion of the rear yards and if impacted, all codes regarding floodplains must be met. The proposed development will be required to meet all village stormwater ordinance regulations.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners within 250 feet of the subject property in addition to posting a public hearing notice sign onsite and publishing the notice in *Downers Grove Suburban Life*. Staff has not received any neighborhood comments regarding the proposal at this time.

FINDINGS OF FACT

The proposed Final Plat of Subdivision to subdivide the existing two parcels into three residential lots does not meet the lot width standards of Sections 20.301 Subdivision Ordinance and Section 2.030 of the Zoning Ordinance. The proposed subdivision meets the minimum lot area requirements of Sections 20.301 of the Subdivision Ordinance and Section 2.030 of the Zoning Ordinance

The petitioner is requesting an exception for three lots to permit 71.64 & 71.65 lot widths where a minimum of 75-feet is required. The petitioner's difficulty is that the subject properties are not wide enough to establish three 75-foot wide lots per the Subdivision and Zoning Ordinances. The standards of approval for the three requested lot width exceptions are outlined below.

Section 20.602 Exceptions

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;*

The redevelopment of the subject property could have an impact on the surrounding properties. By permitting the subdivision to create new lot widths under 75, it could lead to the subdivision of other lots within the neighborhood. The increase of buildable lots in the neighborhood could increase the density of the neighborhood and change the character of the neighborhood. This standard is not met.

- (2) *Whether the exception is consistent with the trend of development in the area and the surrounding uses;*

The area is primarily residential and the proposed lot widths are not consistent with existing lot widths in the area. Specifically, the immediate vicinity north of the park in which the subject property is located has an existing average lot width of 89' with only 25% of the lots being under the 75' width.

The area on Fairmount south of the park has an average lot width of 89' with 27% of the lots being under the 75' width.

Overall, average lot width for all properties with frontage on Fairmount is 89'. In total, 26.42% of the lot widths along this section of Fairmount Avenue are under 75'. This standard is not met.

- (3) *The characteristics of the property which support or mitigate against the granting of the exception;*

The petitioner is requesting the lot width exceptions for the three lots in order to create three buildable lots. The reasoning for requesting the exceptions is not supported by the need to provide public improvements or limiting physical characteristics of the land. Without unique characteristics, the approval of the request could lead to arbitrary approvals of other exceptions that increase density in the neighborhood or throughout the Village. This standard is not met.

- (4) *Whether the exception is in conformance with the general plan and spirit of this Chapter;*

The requested exceptions are not in conformance with the Comprehensive Plan nor are they in conformance with the spirit of the Subdivision Ordinance. The Comprehensive Plan looks to ensure compatibility with the adjacent neighborhood and the proposed exceptions do not accomplish this. The proposed lot widths are not consistent with the majority of the surrounding lot widths. The requested exceptions are not necessary to comply with other provisions of the subdivision ordinance, whether that is public utilities or easement provisions. This standard is not met.

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

The proposal is not consistent with the character of the locality. The majority of the lots on Fairmount Avenue are greater than 75 feet in width. If approved, the exception has the potential to change the essential character of the neighborhood by permitting other exceptions in the neighborhood where there are no unique site characteristics. If additional subdivisions occur, the density of the immediate area could increase. This standard is not met.

16-PLC-0020, Preliminary Plat of Subdivision, 5527-5531 Fairmount
Avenue
May 2, 2016

Page 6

RECOMMENDATION

The proposed preliminary plat of subdivision with three lot widths exceptions is not consistent with the character and development pattern of the neighborhood. Staff finds that the request is not consistent with the Comprehensive Plan and does not meet the lot width requirements of the Zoning and Subdivision Ordinances, including the lot width exception standards. Based on the findings listed above, staff recommends that the Plan Commission make a recommendation for denial to the Village Council.

Should the Plan Commission find that the lot width exception standards are met and forward a positive recommendation to the Village Council, the following conditions should apply:

1. The Final Plat of Subdivision shall substantially conform to the Preliminary Plat of Subdivision prepared by Professional Land Surveying, Inc. dated 10-21-2015, last revised on 4/4/16.
2. Park and school donations must be paid prior to approval of a Final Plat of Subdivision.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

SP:sw
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2016 PC Petition Files\16-PLC-0020- 5527,5529,5531 Fairmount Preliminary Plat of Subdivision\Staff Report 16-PLC-0020.docx



5527-5531 Fairmount Ave-Location Map





Custom Home Builders

www.cypresshilldevelopment.com

**1000 Maple Avenue
Downers Grove, IL 60515**

**Office: (630) 241-9330
Fax: (630) 241-9335**

**Petition for Lot Reconfiguration with Zoning & Subdivision Exception
5527, 5529 and 5531 Fairmount Avenue
Project Summary Narrative
April 6, 2016**

Project Overview

The project involves existing residential property comprised of two adjacent parcels located on the east side of the 5500 block of Fairmount Avenue. One of the parcels is owned by petitioners Mr. and Mrs. Daniel C. Buie, and the other parcel is owned by petitioner Mr. John A. Helms. The petitioners are proposing to re-subdivide their two existing parcels into three new parcels for the purpose of improving and re-developing the properties with three newly constructed single family dwellings. All petitioners and their families are long term residences of Downers Grove (20+ years).

The subject properties are zoned R-3 (single family) and back up to Patriot's Park with panoramic views of Barth Pond and the surrounding park lands. The two existing parcels now consist of three separate single family dwelling units with the commonly known street addresses as follows:

- Buie Property – PIN #09-17-201-011 – Lot Size 115' x 225' – 5527 Fairmount
- Helms Property – PIN #09-17-201-012 – Lot Size 100' x 225' – 5529 & 5531 Fairmount

Mr. Helms and his wife Kim currently reside in the existing dwelling at 5529 Fairmount Ave. The other existing dwelling on their property is a non-conforming, unoccupied dwelling at 5531 Fairmount Ave. Mr. Helms has lived on the property for the past 40 years.

Petition for Lot Reconfiguration
5527, 5529 and 5531 Fairmount Ave
April 6, 2016

Mr. and Mrs. Buie and their three children currently reside in an adjacent property located at 5541 Fairmount Ave (not a part of this petition for re-subdivision). They have owned and lived on that property for the past 15 years. They recently purchased the subject property at 5527 Fairmount Ave, which is currently rented and occupied by tenants.

The planned redevelopment will include the demolition and removal of all three existing dwellings along with any ancillary structures (detached garage, storage shed, above ground pool, etc.), which will be replaced by three brand new single family dwellings to be custom designed and built by Cypress Hill Development, a reputable Downers Grove based home building company owned and operated by Mr. and Mrs. Buie.

Of the three new dwellings, one will be a 3,000sf two story home constructed for personal use by Mr. and Mrs. Buie and their family and one will be a 2,500sf two story home constructed for personal use by Mr. and Mrs. Helms. The third remaining new dwelling will be a 3,000sf two story home constructed for resale.

Zoning & Subdivision Exception

Following are the lot dimensions and calculated areas of the three new parcels after the proposed re-subdivision:

- Lot 1 – 5527 Fairmount Ave – 72' x 225' – Lot Area of 16,122sf or 0.37 Acres
- Lot 2 – 5529 Fairmount Ave – 72' x 225' – Lot Area of 16,122sf or 0.37 Acres
- Lot 3 – 5531 Fairmount Ave – 72' x 225' – Lot Area of 16,122sf or 0.37 Acres

The reason for this petition is that R-3 zoning and the village subdivision ordinance require a minimum lot width of 75 feet. The combined total width of the subject properties is 215 feet, which is not quite sufficient to create three new 75' wide lots (a total of 225' would be required, leaving the petitioners only 10' short). Therefore, the petitioners require a zoning and subdivision ordinance exception.

Key Considerations

The petitioners would like to point out the following factors for consideration in their request:

1. All of the existing dwellings and other structures on the subject properties are very old and have considerable functional and aesthetic deficiencies which are much in need of addressing. In addition, these include an unsightly and unoccupied non-conforming dwelling unit at the 5531 Fairmount address

Petition for Lot Reconfiguration
 5527, 5529 and 5531 Fairmount Ave
 April 6, 2016

- (effectively a “grandfathered” unit with respect to current residential zoning regulations).
2. The two existing lots are unusually wide at 115’ and 100’ respectively, and the petitioners consider them to be too large for the average size new homes they intend to build (2500-3000sf). In addition, building average size homes on such large, valuable lots does not make economic sense and would effectively result in an under-improvement of the properties.
 3. The lot areas of all three proposed new lots will still far exceed the required minimum lot area for R-3 zoning of 10,500sf.
 4. This section of Fairmount Avenue already consists of a wide variety of lot widths. In fact, there are twelve existing lots in the 5500, 5600 and 5700 address blocks with non-conforming widths. All of these twelve lots are narrower than the designated minimum width of 75’ for R-3 zoning, and collectively they represent about one-third of the 40 total existing lots located within these three address blocks within the immediate area. Those twelve existing narrower lots are as follows:
 - 5541 Fairmount – 58’ wide (first adjacent lot south of the proposed exception)
 - 5543 Fairmount – 58’ wide (second adjacent lot south of the proposed exception)
 - 5548 Fairmount – 65’ wide
 - 5616 Fairmount – 70’ wide
 - 5621 Fairmount – 62’ wide
 - 5729 Fairmount – 60’ wide
 - 5731 Fairmount – 72’ wide
 - 5732 Fairmount – 71’ wide
 - 5734 Fairmount – 60’ wide
 - 5737 Fairmount – 68’ wide
 - 5740 Fairmount – 68’ wide
 - 5741 Fairmount – 55’ wide
 5. The planned re-development would improve and enhance the neighborhood and community by replacing several old, outdated and run-down structures (one of which is also a non-conforming dwelling unit) with attractive, new custom-built homes of a size and design that is well suited for the neighborhood and the community as a whole.
 6. The planned re-development would increase the assessed values of the subject properties significantly, and therefore provide the added benefit of an increase in property tax revenues for the community.

Petition for Lot Reconfiguration
5527, 5529 and 5531 Fairmount Ave
April 6, 2016

Review Consideration Factors

Under Section 20.602 of the Downers Grove Municipal Code, there are five factors that must be considered in determining whether a proposed zoning and subdivision exception should be recommended and approved. Those five factors and the petitioners' responses are as follows:

- (1) *The extent to which the proposed exception impacts on the value or reasonable use of surrounding properties.*** *Petitioner Response:* The proposed exception will have a positive impact on the value of surrounding properties because the planned re-development would involve replacing several old, run-down structures (one of which is also non-conforming) with attractive, new custom-built single family dwellings of a size and design well suited for the neighborhood and community as a whole. Reasonable use of the surrounding properties would not be affected.
- (2) *Whether the exception is consistent with the trend of development in the area and the surrounding uses.*** *Petitioner Response:* As demonstrated above, a wide variety of lot widths already exists on this block of Fairmount Avenue. One third of the existing lots are narrower than the required minimum width of 75' (as listed above), including two existing 58' wide lots to the immediate south of the proposed exceptions. Therefore the proposed exception is clearly consistent with the trend of development in the area. The surrounding uses would be unaffected.
- (3) *The characteristics of the property which support or mitigate against the granting of the exception.*** *Petitioner Response:* First, the two existing lots already contain three single family dwellings, so the re-development plan would not increase the total number of dwellings. Second, the two existing lots are extremely wide (115' and 100' respectively) and deep (225'). The large size of these lots makes them cost prohibitive to build on for the owners (as well as any potential buyers of the properties). And third, the average size homes that the owners intend to build (2500-3000sf) are much better suited, both aesthetically and economically, for the proposed new lot sizes.
- (4) *Whether the exception is in conformance with the general plan and spirit of this subdivision ordinance.*** *Petitioner Response:* The proposed exception is in conformance with the general plan and spirit of this subdivision ordinance because: 1) The petitioners intend to re-develop the aging existing properties with three new single family dwelling units, consistent with the Comprehensive Plan recommendation that existing housing units be rejuvenated throughout the community, 2) The planned re-development will include the replacement of three existing outdated and run-down dwelling units, including a non-conforming dwelling currently located at 5531 Fairmount, 3) The resulting lot area of the

Petition for Lot Reconfiguration
5527, 5529 and 5531 Fairmount Ave
April 6, 2016

proposed new "exception" lots is 16,122sf, which far exceeds the required minimum lot area of 10,500sf for R-3 zoning, 4) There are already numerous existing lots on this block of a similar width or smaller widths, and 5) the proposed re-subdivision and re-development plan will improve the area and fit well with the character of the surrounding neighborhood.

(5) Whether the exception will alter, or be consistent with, the essential character of the locality. *Petitioner Response: As previously pointed out, this section of Fairmount Avenue already consists of a wide variety of lot widths, including twelve existing lots that are narrower than the required minimum width of 75' (about one third of the total existing lots). Two of these narrower lots are actually situated to the immediate south of the proposed exception (i.e. the two existing 58' wide lots at 5541 and 5543 Fairmount). Therefore the proposed exception is clearly consistent with the essential character of the surrounding neighborhood.*

Summary

The petitioners are all long term residents of Downers Grove who are committed to remaining in the community and contributing to its overall improvement. The proposed re-subdivision and re-development plan will benefit the immediate neighborhood and community as a whole by rejuvenating and upgrading existing housing units, removing an existing non-conforming dwelling unit, increasing nearby property values, and providing additional property tax revenue. In addition, the proposed re-subdivision is compatible with the Comprehensive Plan and complies with the spirit of the Zoning and Subdivision Ordinances.











PLAT OF SURVEY

PROFESSIONAL LAND SURVEYING, INC.

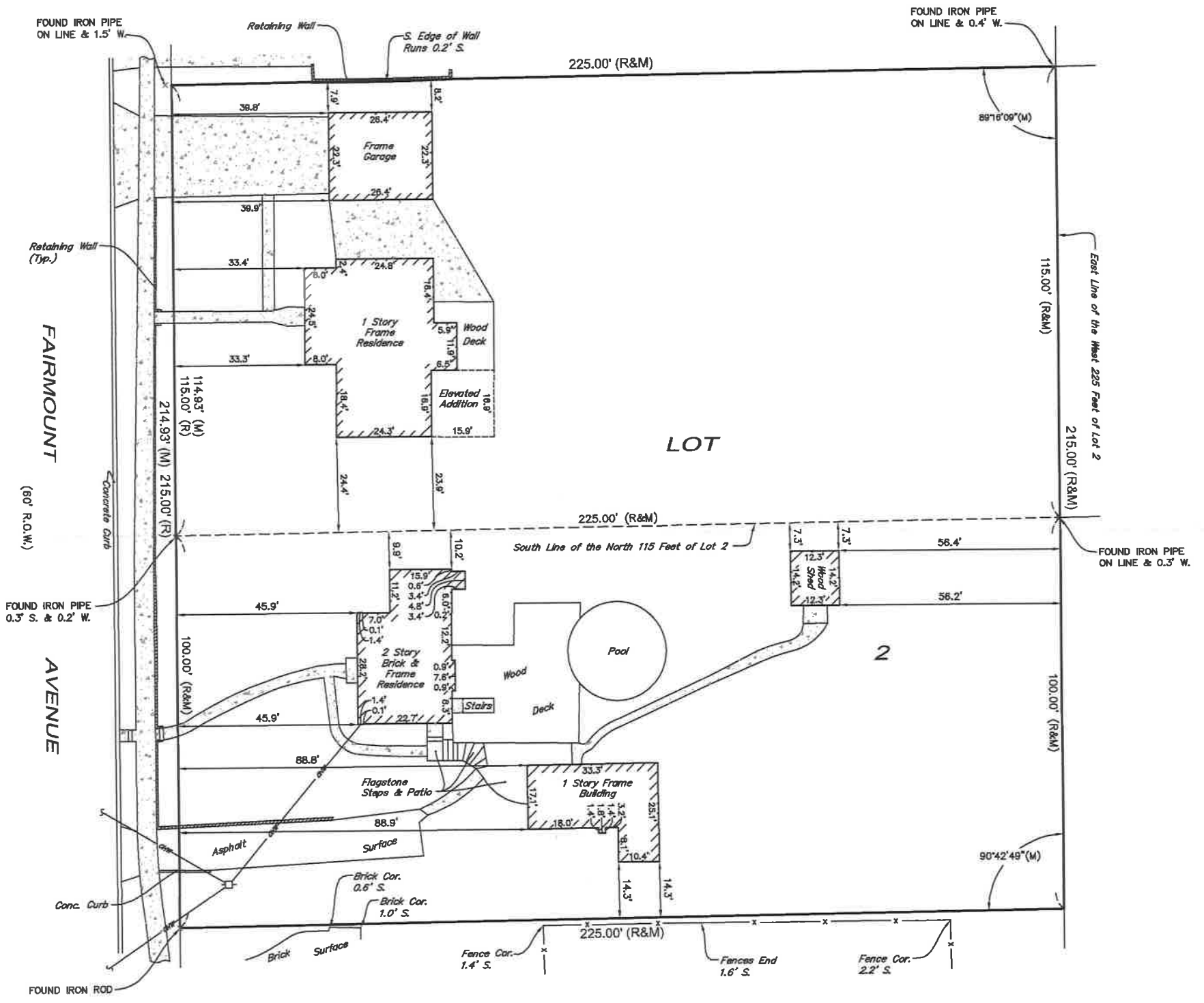
3080 OGDEN AVENUE SUITE 107
 LISLE, ILLINOIS 60532
 PHONE: 630-778-1757
 PROF. DESIGN FIRM # 184-004196
 E-MAIL: info@plslisle.com



SCALE: 1" = 20'

PERMANENT TAX INDEX NUMBER
 09-17-201-011
 09-17-201-012

10



LEGAL DESCRIPTION

THE WEST 225 FEET OF THE NORTH 115 FEET OF LOT 2 IN HIGHLAND'S ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 21, 1912 AS DOCUMENT 109123, IN DUPAGE COUNTY, ILLINOIS.

AND

THE SOUTH 100 FEET OF THE NORTH 215 FEET OF LOT 2, EXCEPT THE EAST 403 FEET THEREOF, IN THE HIGHLANDS ADDITION TO DOWNERS GROVE, A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF HIGHLANDS ADDITION RECORDED ON AUGUST 21, 1912 AS DOCUMENT 109123, IN DUPAGE COUNTY, ILLINOIS.

SURVEYED AREA: 48,367± SQ. FT.

REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND LOCAL BUILDING AND ZONING ORDINANCE FOR ITEMS OF RECORD NOT SHOWN.

NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING

STATE OF ILLINOIS
 COUNTY OF DUPAGE

PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

FIELD WORK COMPLETED AND DATED THIS 16TH DAY OF OCTOBER, 2015.

SYMBOL LEGEND

- CONCRETE SURFACE
- FENCE LINE
- (R) - RECORD DATA
- (M) - MEASURED DATA
- UTILITY POLE
- OVERHEAD WIRES

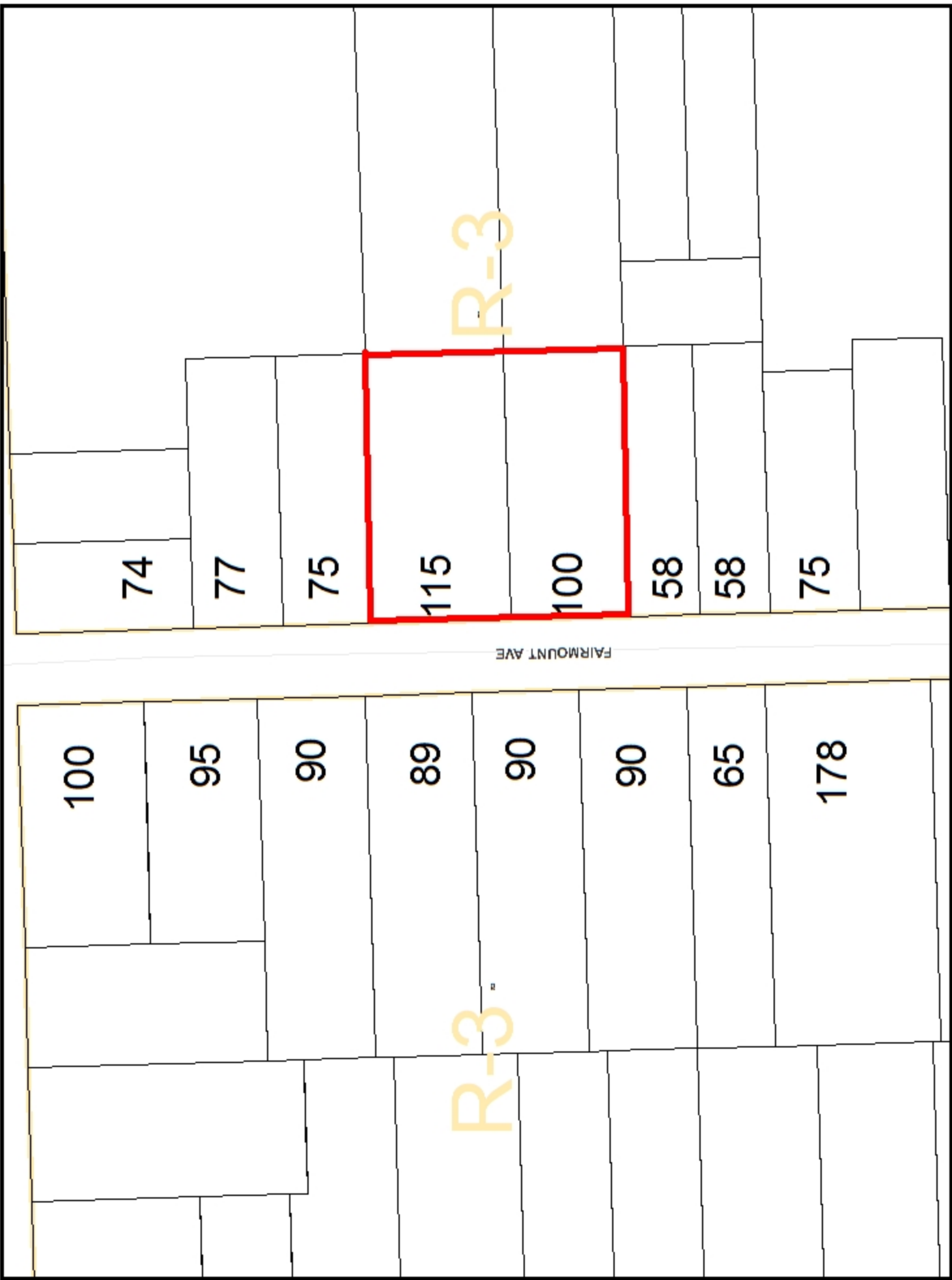


IPLS No. 3483
 MY LICENSE EXPIRES 11/30/16

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

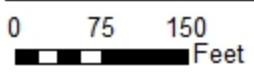
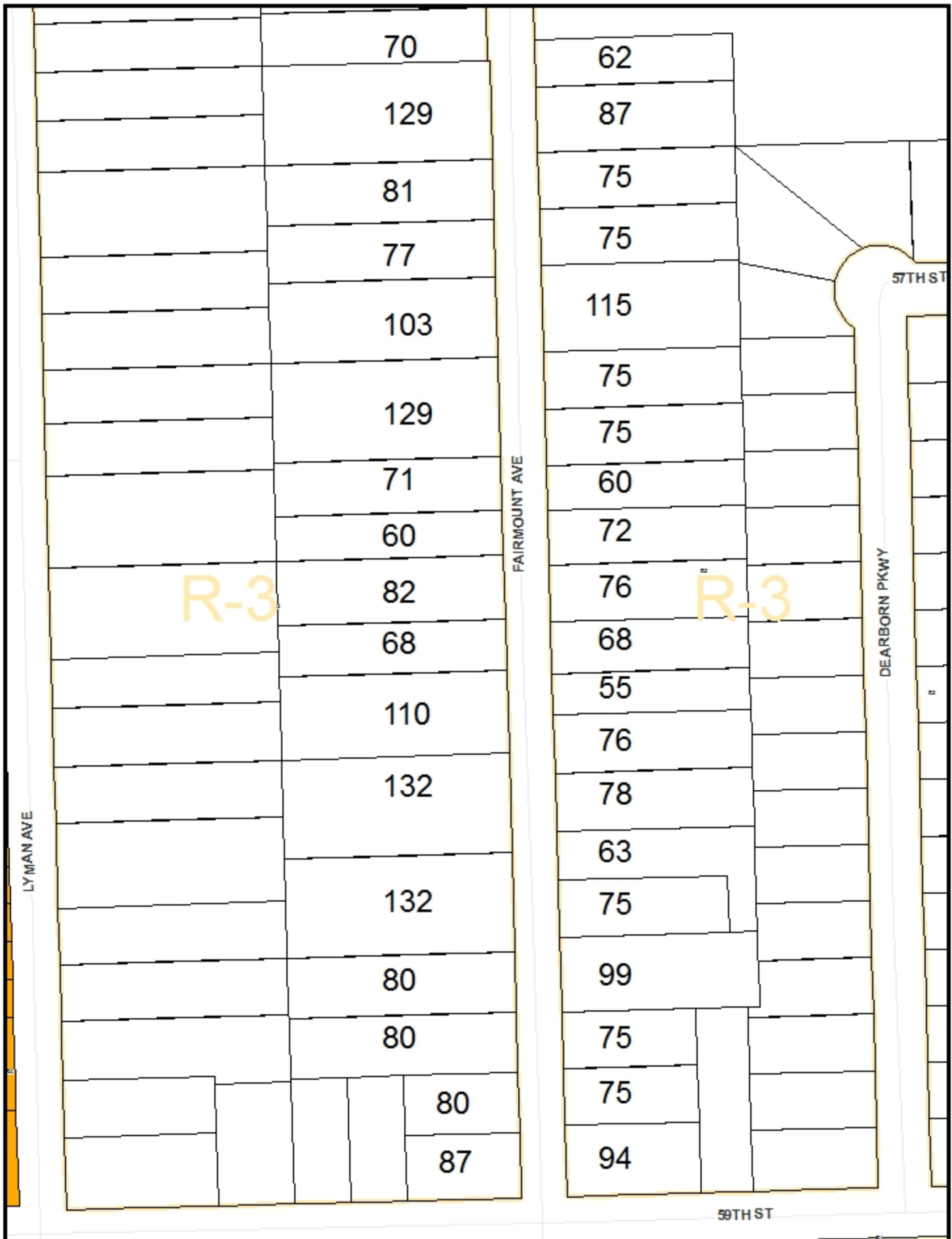
© 2015 PLS INC., ALL RIGHTS RESERVED

PREPARED FOR: CYPRESS HILL
 ADDRESS: 5527/5528 FAIRMOUNT AVENUE, DOWNERS GROVE, IL
 BOOK & PG: 146/86 DATE: 10-21-2015 JOB NO.: 1511123
 DRAWN BY: SMR CHECK BY: JHH
 REVISED:



**5527-5531 Fairmount Ave-Zoning and Lot Width
Exhibit A- Immediate Vicinity**





5527-5531 Fairmount Ave-Zoning and Lot Width Exhibit B-South of Park





Legend

- FloodWay
- FP 100 year
- FP 500 year

5527-5531 Fairmount Ave-Flood Plain Map



DRAFT

VILLAGE OF DOWNERS GROVE
 PLAN COMMISSION MEETING
 PUBLIC HEARING

MAY 2, 2016, 7:00 P.M.

Chairman Rickard called the May 2, 2016 meeting of the Downers Grove Plan Commission to order at 7:00 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. Gassen, Ms. Hogstrom, Ms. Johnson, Mr. Quirk, Mr. Thoman; ex-officio Ms. Lupesco

ABSENT: Mrs. Rabatah; ex-officios Mr. Livorsi, Mr. Menninga

STAFF: Community Development Director Stan Popovich, Village Planner Scott Williams

VISITORS: Mr. Dan Buie, 5541 Fairmount; Ms. Kim and Mr. John Helms, 5529 Fairmount; Mr. Mike Dunn, 5649 Fairmount; Mr. Joe Galvan, 5540 Fairmount; Mr. Robert Kinisinch, 5543 Fairmount; Mr. Dan Johnson, 5548 Fairmount; Mr. Jim Heiniger, 5545 Fairmount; Mr. Walter Carlquist, 5616 Fairmount; Mr. Greg Jermak, 5626 Fairmount; and Mr. Chris Custer, 5621 Fairmount; Mr. Rich Kulavaney, 6825 Camden

APPROVAL OF MINUTES:

APPROVAL OF MARCH 28, 2016 MINUTES – MOTION BY MR. CRONIN, SECONDED MR. THOMAN TO APPROVE THE MINUTES AS WRITTEN. MOTION CARRIED BY VOICE VOTE OF 8-0.

APPROVAL OF APRIL 4, 2016 MINUTES – A change was noted on page 6 of the minutes with Mr. Quirk asking staff to review the audio -- pointing out that the village's storm water ordinance, and not the petitioner, mandates that the storm water be made better, not worse. **MOTION BY MR. THOMAN, SECONDED BY MR. QUIRK TO APPROVE THE MINUTES AS REVISED. MOTION CARRIED BY VOICE VOTE OF 8-0.**

PUBLIC HEARINGS:

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

FILE 16-PLC-0020: A petition seeking approval of a Preliminary Plat of Subdivision with 3 exceptions. The property is zoned R-3, Residential Detached House 3. The property is located on the east side of Fairmount Avenue approximately 300 feet south 55th Street, commonly known as

DRAFT

5527-5531 Fairmount Avenue, Downers Grove, IL (PINs 09-17-201-011, --012). Dan Buie, Petitioner and John Helms, Owners.

Village Planner, Scott Williams, referenced an aerial photo of the existing site conditions, noting that two homes were located on one parcel. Surrounding zoning of the area was reviewed and a plat of survey for both properties was produced by Mr. Williams. The petitioner was seeking to combine the two parcels and then subdivide it into three parcels for new single-family homes with exceptions to allow the lot widths to be under 75 feet. The existing two combined properties totaled 215 feet wide by 225 feet deep. Upon conceptual review by the village's stormwater engineer, Mr. Williams reported that a flood plain existed on the site and, as a result, if the proposal was approved, the three-home proposal would have to comply with all flood plain codes and stormwater ordinance regulations.

Mr. Williams further explained that the petitioner was proposing on these newly created lots two 3,000 square foot homes and one 2500 sq. foot home. Since the area was zoned R-3, the Subdivision Ordinance and Zoning Ordinance overlapped and the same dimensional requirements applied for the underlying zoning -- 75 feet x 140 feet and 10,500 square feet for each lot.

A summary of how staff reviewed the exception criteria for the request followed in detail. Mr. Williams reported the majority of the surrounding properties averaged over 75 feet in width. South of Patriots Park 73% of the lots widths averaged at least 75 feet. A review of the village's Comprehensive Plan as it relates to the scale and surrounding community then followed. From 55th Street to 59th Street, 74% of the lots averaged at least 75 feet wide. Staff believed the proposal would increase density and; therefore, does not comply with the village's Subdivision Ordinance and Zoning Ordinance. Staff recommended denial. Mr. Williams further referenced a letter he received in support of the exception after the agenda packets were distributed.

Asked what the reasoning was for the 75-foot width requirement, Director Popovich explained it was the middle-ground for the R-3 zoning and allowed for a nice size home but still provided enough area for yard and storm water drainage. Ms. Gassen asked why the two original parcels were so narrow. Mr. Cozzo inquired about the latest "trend" for the neighborhood, wherein Mr. Williams was not aware of any trend but, at the same time, he stated staff does receive many general requests to subdivide with almost 90% requiring at least one exception.

Staff's concern was that the reduction in widths would set a precedent for the area as well as the village. At the same time, he stated the lots under discussion were annexed to the village in 1926 and there were no recent lot splits in the area. The structures were constructed during the 1930s-1940s.

Per Mr. Quirk's inquiry, Mr. Williams explained that the Greenscape proposal on 35th Street was one example of where lots were created that were less than 75 feet wide and approved by the Plan Commission because a portion of one of the lots was set aside for stormwater purposes.

Petitioner, Dan Buie, 5541 Fairmount Avenue and Kim and John Helms, 5529 Fairmount introduced themselves.

Mr. Dan Buie explained he and his wife purchased the northern 115 ft. wide lot, and Mr. John Helms and his wife live in one of the homes on the parcel with two structures. Mr. Buie stated he

DRAFT

currently owned Cypress Hill Development, a custom home development company, and constructed over 30 homes in the village over the past 12 to 13 years. Mr. Buie confirmed he would be reconfiguring the two lots into three lots with the lots averaging 72 feet wide by 225 deep. The current homes would be razed along with the other structures. Mr. Buie stated he and Mr. Helmes would be residing in the two homes; the third home would either be build-to-suit or resold. Current building standards would be followed.

Mr. Buie explained that his proposal would not produce more density; instead, the lot sizes would exceed the minimum 10,500 sq. feet because he was providing 16,000 sq. feet for each lot and the proposed lots were only three feet short of the minimum width requirement. He asked the commissioners to remember that there were varying lot widths, pointing out the current 58-foot lot widths that existed. Mr. Buie emphasized that the outdated/non-conforming structures were being replaced with new homes which would add value to the area, add to the tax base and the area's character would be preserved. Mr. Buie shared his own calculations for the lot widths.

Asked what the trend of development seemed to be, Mr. Buie stated that homes with less square footage appeared more common, due to cost, with the average home being 2,500 to 3,000 sq. feet.

Chairman Rickard opened up the meeting to public comment.

Mr. Mike Dunn, 5649 Fairmount, supported the request and believed the proposal was in character of the area. Modernizing the storm water flow would be helpful.

Mr. Joe Galvin, 5540 Fairmount, resided in the village since 1971 at three different locations within the village but chose his current home due to the character of the block, the families, and the new construction. He believed the storm water improvements would be beneficial. He supported the proposal.

Mr. Robert Kinisinch, 5543 Fairmount, said he resides on one of the 58-foot wide lots and agrees that the non-conforming structures on the lots under discussion were in need of "revamping." A number of storm water issues existed, and he believed addressing the current storm water runoff at its start versus where it ends, was beneficial. He supported the proposal.

Mr. Dan Johnson, 5548 Fairmount, lived in his house for the past 16 years and stated that 12 to 14 homes have been replaced. He believed the current structures on the lots were not appropriate for the area anymore. After seeing the types of homes the petitioner developed, he and his wife supported the proposal.

Mr. Jim Heiniger, 5545 Fairmount, said he and his wife have resided in their current home for the past 35 years. He stated that the comparison of the existing homes on-site to the homes the petitioner has constructed, the commissioners would much prefer the latter. Also, he stated the three-foot exception was minor and adhering to the strict code was doing the village a disservice. He supported the proposal.

Mr. Walter Carlquist, 5627 Fairmount has resided on Fairmount for 50 years and agreed it was a unique street. He inquired generally about the required side yard setbacks and voiced concern that not enough room existed between the homes when one mowed the grass from front to back. He explained that most of the properties started at 120 feet but the one property that was 178 feet was a

DRAFT

one-owner house and was located in the flood plain. As far as the lot widths, he voiced concern that the widths were becoming narrower, thereby setting a precedent and overbuilding of lots. He stated the calculations mentioned earlier were skewed because his lot was actually two lots – one 60 feet wide and the other 50 feet wide and declared as unbuildable due to it being in a flood plain.

Mr. Greg Jermak, 5626 Fairmount, recalled his mother-in-law tried to have a lot split some time ago but due to opposition from the neighbors, pulled it. He pointed out that only one person objected to the proposal tonight. He agreed the current homes were old and unsightly and the concrete retaining wall was a safety concern. He believed that because the petitioner lived in the neighborhood he would look out for the best interests of his neighbors and construct something that was consistent with the neighborhood.

Mr. Chris Custer, 5621 Fairmount, has a lot 62 feet wide and attested to the workmanship done by the petitioner. He fully supported the proposal.

Mr. Rich Kulavaney, 6825 Camden, opposed the proposal, mainly due to storm water issues. Addressing the earlier question as to why the lot widths in the R-3 district were 75 feet, it was because the village did not want homes constructed close together because the storm water issues were not being resolved. He pointed out that the ordinance was clear and that the commissioners did not have to split the lot into thirds but could, instead, split the lot into two lots and have two nice size homes, which he would support. He stated the village would be spending \$25M over the next 15 years to address storm water issues.

Applicant, Mr. Buie returned and addressed the last person's comments stating that he would not be constructing homes out of proportion and there would be extra land around the home when he was done. The storm water management would also improve.

Some commissioner questions followed regarding the history of the non-conforming house. Regarding the side yard setbacks, Mr. Buie stated the setbacks would be at least 7 feet off the property line. The front setback would be 35 to 40 feet in order to line up with the other homes.

The commissioners were reminded by one commissioner that a 3,600 sq. foot home was constructed next to a 3,000 sq. foot home and both homes were located on 58-foot wide lots. There was also room for the side yards to be mowed. Also, it was pointed out that the lot variance being requested was for two 3,000 sq. foot homes and a smaller home for the third lot, so more space would remain between these homes as compared to the two homes on the 58-foot wide lots.

The chairman reminded the commissioners that the key issue was for them to review the 71.64 feet lot width requirement with the size of the home being irrelevant because the builder could construct whatever was allowed by code.

Hearing no further comments, the chairman closed the public hearing portion.

Commissioners proceeded to review and discuss the five standards in staff's report.

Standard No. 1 – Commissioners raised concern about precedent setting, asked whether lot splitting was occurring in other parts of the village, and pointing out that the commission was attempting to squeeze more houses into less area. Ms. Gassen pointed out some important verbiage as it related to

DRAFT

practical difficulties or particular hardships in carrying out the strict letter of the provisions of the subdivision ordinance. Commissioners seemed to agree that this standard was met initially.

Standard No. 2 – Discussion followed that the trend of development was not consistent and did not meet the minimum standards for lot width. Splitting parcels was not a trend for the area. The average frontages for a number of parcels were reviewed as well as dialog on what the village was spending on stormwater issues. Mr. Quirk pointed out that taxes were increasing and that taking a common sense approach to what the trend was in the neighborhood, and maximizing the village's tax base was good common sense. He recommended that the village council take the increase in the storm water fee and spread it out over the entire tax base so it was less of a burden for the village's residents.

Standard No. 3 – Referencing the language in the first paragraph about practical difficulties and hardships, Mr. Cozzo had not heard a particular hardship to compel the commission to reduce the minimum 75 foot setback to 71.5 feet. He stated there were no limiting characteristics of the land to cause a hardship. Other commissioners concurred and shared positive comments about the lots in their current state. However, Mr. Cronin reminded the commissioners that the standards were guidelines, not the law and, the fact that the homes were smaller in square footage versus the very large homes, which he stated would not be in character of the neighborhood. Furthermore, he said only two neighbors did not support the proposal while the remainder did. The chairman, however, cautioned the commissioners that state law required a hardship to be identified.

After a thorough discussion among the commissioners, it was mentioned that since the third lot had a non-conforming use on it because more than two dwelling units were on the lot. Director Popovich explained that if the structure was vacated for a period of time, a request for an exception to re-establish the non-conforming use had to be filed. Mr. Quirk identified that as being the exception – the structure could not be used without going through a process, which he believed was a hardship. However, the chairman stated it was not the intent of the petitioner.

Standard No. 4- The exception was in conformance with the general plan and spirit of the chapter.

Standard No. 5 – The chairman referenced this standard as to whether the exception would alter or be consistent with the essential character of the locality. He pointed out that currently three structures existed and three were being proposed. But while the three structures were being proposed, he questioned whether the requests for narrower lot widths would end, citing that if the lots widths were 70 to 72 feet wide and were in the majority, he could then consider the matter differently; however, they were in the minority. Mr. Cronin believed each situation was unique and should be discussed just the same. Mr. Thoman pointed out the importance of the language written in Standard No. 1 and, again, stated there was no proven hardship. Mr. Quirk shared a difference of opinion explaining that there were three houses that existed currently on the lots and that was the hardship.

Again, the chairman reminded the commissioners that the extended period of vacancy had run out and dictated that the lots be brought into compliance. Mr. Thoman also reminded the commissioners about following municipal code while Mr. Quirk argued that the commission granted variances all the time, including for setbacks. He supported the proposal based on its uniqueness.

DRAFT

Referencing the hardship verbiage, Mr. Cozzo stated that while he understood there could be a hardship because the development would not be as profitable due to the developer having to construct two homes versus three; it does not stop him from carrying out the strict letter of the ordinance. However, Mr. Cozzo stated it was not enough of a compelling reason to disregard the code. He stated the commission was being asked to approve something that was against the ordinance and did not meet the standard for which the commission should grant an exception. For Standard Nos. 1, 4 and 5, he believed staff may be wrong in its findings. Director Popovich was then asked to provide some examples of a limiting physical characteristic where an exception had been granted. Mr. Cozzo stated he would have a difficult time supporting this proposal.

Mr. Quirk reiterated that there were many cases where the commission deviated from the ordinance -- bulk standards, etc. -- and proceeded to cite examples around the village. He stated there were three homes on the lots and three homes being proposed. Two of the bulk requirements were being met in terms of depth and area and they were certainly close with the lot widths.

WITH RESPECT TO FILE 16-PLC-0020 MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING TWO (2) CONDITIONS:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY PLAT OF SUBDIVISION PREPARED BY PROFESSIONAL LAND SURVEYING, INC. DATED 10-21-2015, LAST REVISED ON 4/4/16 AND**
- 2. PARK AND SCHOOL DONATIONS MUST BE PAID PRIOR TO APPROVAL OF A FINAL PLAT OF SUBDIVISION.**

SECONDED BY MR. CRONIN. ROLL CALL:

AYE: MR. QUIRK, MR. CRONIN

NAY: MR. COZZO, MS. GASSEN, MS. HOGSTROM, MS. JOHNSON, MR. THOMAN, CHAIRMAN RICKARD

MOTION FAILED. VOTE: 2-6

WITH RESPECT TO FILE 16-PLC-0020 MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A RECOMMENDATION FOR DENIAL TO THE VILLAGE COUNCIL.

SECONDED BY MS. GASSEN. ROLL CALL:

AYE: MR. THOMAN, MS. GASSEN, MR. COZZO, MS. HOGSTROM, MS. JOHNSON, CHAIRMAN RICKARD

NAY: MR. CRONIN, MR. QUIRK

MOTION PASSED. VOTE: 6-2

DRAFT

Explaining their reasons for why they voted nay, Mr. Quirk stated that a hardship existed and the standards to approve the lot split were met. Mr. Cronin stated the commission granted variances in the past; it was a minor variance request; the request met two of the three bulk requirements; and the proposal was almost unanimously supported by surrounding neighbors.

Director Popovich briefly reported that the Comprehensive Plan Ad hoc Committee is scheduled to meet on May 4, 2016 in the Community Room. The focus will be on Chapters 1 and 2 and the Downtown Focus Area Plan. Changes/revisions from that meeting will be brought to the Plan Commission's June 27th meeting. Further details followed. Two petitions are scheduled for the June 6th meeting.

THE MEETING WAS ADJOURNED AT 8:45 P.M. ON MOTION BY MR. COZZO, SECONDED BY MR. QUIRK. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 8-0.

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



DAVENPORT Architects

6636 Blackstone Drive Downers Grove Illinois 60516
tel: (630) 512-0917 email: mike@davenportarchitects.com
www.davenportarchitects.com

April 29, 2016

Mr. Stan Popovich
Director of Community Development Department, Village of Downers Grove

Dear Stan:

I am writing to voice my support of Preliminary Plat of Subdivision Request 16-PLC-0020 / 5527-5531 Fairmount Street. Unfortunately, I cannot attend the Plan Commission meeting in person due to my school board obligations on May 2nd. As such, please share this letter with the Plan Commission such that it can be included in the meeting record.

To be clear, I am not under contract to provide professional services for the petitioner. However, I am an advocate for good planning, as evidenced by my many years of service on the Architectural Design Review Board and my past service on the Comprehensive Plan Commission. As an architect, I endeavor to design projects that are compatible with their neighborhoods. I believe Cypress Hill's subdivision request accomplishes this important goal. I'm certain that the petitioner will present thoughtful arguments to this affect so I won't duplicate their message here, except to say that the result of this petition will simply allow 3 homes to be demolished and 3 new homes of modest size constructed in their place. No increase in density will be created. Further, the lot sizes will only be slightly narrower than the overlying zoning standard put in place after the lots were recorded.

We should stop fearing highly unlikely 'if / then' scenarios such as:

"If approved, the exception has the potential to change the essential character of the neighborhood by permitting other exceptions in the neighborhood where there are no unique site characteristics. If additional subdivisions occur, the density of the immediate area could increase."

This common sense petition does not create a precedential circumstance. It is truly a unique request born from the simple truth that there are 3 existing residences on two lots. Allowing for 3 replacement homes properly set back from lot lines with beneficial storm water management improvements and improved values benefits the neighborhood and our community as a whole. I encourage the Plan Commission to recommend Village Council approval of this petition because it truly does reflect the spirit and intent of our Comprehensive Plan. Not only is the essential character of the neighborhood preserved, it will be fundamentally enhanced.

Respectfully,

Michael J. Davenport, ALA, NCARB
Architect

Cc: Dan Buie