

VILLAGE OF DOWNERS GROVE
Report for the Village
3/5/2019

SUBJECT:	SUBMITTED BY:
Plat of Subdivision - 1508 Warren Ave and 4940 Seeley Ave	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioner is requesting final plat of subdivision approval to subdivide the subject property into two lots of records with a lot width exception for each lot.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 include *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the February 19, 2019 Village Council meeting. Staff recommends approval on the March 5, 2019 Active Agenda.

BACKGROUND

Property Information & Zoning Request

The subject property, commonly known as 1508 Warren Avenue and 4940 Seeley Avenue, is located at the northwest corner of the intersection of Warren Avenue and Seeley Avenue. The property includes two parcels, both zoned R-3, Residential Detached House 3. The first parcel, 1508 Warren Avenue, is improved with a one-story single family house and detached garage. The second parcel, 4940 Seeley Avenue, is also improved with a one and a half story single family house and a detached garage.

The petitioner is petitioning to subdivide the subject property to allow two new detached single family homes. The current subdivision of the two parcels is divided vertically, resulting in an east lot and a west lot; with the proposed subdivision the orientation of the lots will be divided horizontally, with a north lot and a south lot. Both existing homes will be demolished.

Compliance with the Comprehensive Plan

The Comprehensive Plan's Residential Areas Plan identifies the property as being within the Traditional Grid type of residential development. Defining characteristics of this area include a uniform layout, sidewalks on both sides of the street, and vehicular connectivity. Although the proposed widths of both lots are less than the required minimum (75 feet), the residential properties located north and east from the subject property

along Seeley Avenue have an average lot width of 60 feet. The requested relief for both lot widths of 56.29 feet will maintain the existing neighborhood character.

Compliance with the Zoning Ordinance

The subject property is zoned R-3, Residential Detached House 3. Both proposed Lots 1 and 2 will meet the underlying zoning district depth (140 feet) and area requirements (10,500 square feet), but exceptions are being requested to permit lot widths of 56.29 feet where 75 feet is required.

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. The school and park donation fees do not apply because two homes currently exist on the properties, and two are proposed as part of this proposal.

Public Improvements

The petitioner is not proposing any public improvements as part of this application. A sidewalk is currently located in front of both proposed lots and all utilities are provided. All other engineering and public improvements will take effect when both lots are developed with new single family residences.

Public Comment

Prior to the hearing staff received three calls inquiring about the proposal. One resident expressed support for what they deemed reinvestment in their neighborhood. Two other residents shared their concerns about the lot width exception and local stormwater impacts. Staff explained that both lots will be developed in accordance with the Village's stormwater ordinance and subdivision ordinance.

At Plan Commission three members of the public inquired about the requested relief in the lot width, stormwater management, and loss of private trees. At the public hearing the petitioner explained that the proposed lot widths were consistent with the surrounding character of the neighborhood. Staff also noted that both lots will be developed in accordance with the Village's stormwater ordinance as depicted in the submitted conceptual engineering plan. Lastly, staff shared that the removal of the existing trees is up to the property owner's discretion as these trees are located on private property and the Village does not have a private tree protection ordinance.

ATTACHMENTS

Resolution

Aerial Map

Staff Report with attachments dated January 7, 2019

Approved Minutes of the Plan Commission Hearing dated January 7, 2019

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: _____ Applicant _____ DATE: _____ March 5, 2019 _____
(Name)

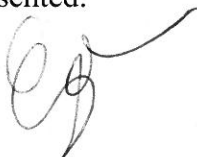
RECOMMENDATION FROM: _____ FILE REF: _____ 18-PLC-0035 _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 1508 WARREN AVENUE AND 4940 SEELEY AVENUE", as presented.



SUMMARY OF ITEM:

Adoption of the attached resolution shall approve the final plat of subdivision for the property located at 1508 Warren Avenue and 4940 Seeley Avenue.

RECORD OF ACTION TAKEN:

1508 Warren
4940 Seeley
Final Plat of Subdivision
18-PLC-0035

RESOLUTION _____

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION WITH EXCEPTIONS FOR 1508 WARREN AVENUE AND 4940 SEELEY 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 Massey Re-Subdivision, located at the northwest corner of the intersection of Warren Avenue and Seeley Avenue, commonly known as 1508 Warren Avenue and 4940 Seeley Avenue, Illinois, legally described as follows:

LOT 92 (EXCEPT THE EAST 120 FEET THEREOF) IN BRANIGAR BROTHERS' WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH ½ OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT 144598, IN DUPAGE COUNTY, ILLINOIS

Commonly known as: 1508 Warren Avenue, Downers Grove, IL 60515
PIN: 09-07-208-040

THE EAST 120 FEET OF LOT 92 IN BRANIGAR BROS' WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH ½ OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH ½ OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT 144598, IN DUPAGE COUNTY, ILLINOIS

Commonly known as: 4940 Seeley Avenue, Downers Grove, IL 60515
PIN: 09-07-208-041

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 20.301; *Lot Widths*, to reduce the required lot width of seventy-five feet (75') to 56.29 feet for both lots.

WHEREAS, notice had been given and a public hearing before the Plan Commission on January 7, 2019 for this final plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, Village staff has reviewed and recommends approval of the petition for Final Plat of Subdivision for the Massey Re-Subdivision with Exceptions, located at 1508 Warren Avenue and 4940 Seeley Avenue, Downers Grove, Illinois, as requested, subject to certain conditions; and,

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Final Plat of Subdivision for the Massey Re-Subdivision, located at 1508 Warren Avenue and 4940 Seeley Avenue, Downers Grove, Illinois, is hereby approved subject to the following conditions:

1. The plat of subdivision shall substantially conform to the staff report dated January 7, 2019 and the final plat of subdivision prepared by Lincolnway Engineering and Land Surveying LTD revised December 7, 2018, 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 (PCBMPs) shall be required for both lots per the Stormwater and Floodplain Ordinance.
3. A demolition permit for both existing homes shall be issued prior to the Village signing the plat of subdivision.
4. The homes constructed on the lots shall substantially conform to the engineering site plan prepared by Parmar Engineering as attached in the staff report dated January 7, 2019.

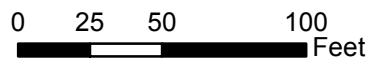
BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat.

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



1508 Warren Avenue & 4940 Seeley Avenue - Location Map

-  Subject Properties
-  Project Location

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED AND GRANTED TO:

COMMONWEALTH EDISON COMPANY AND AT&T TELEHOLDINGS INCORPORATED, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES,

THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE FROM TIME TO TIME, POLES, GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION OVER-HEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED LINES (OR SIMILAR DESIGNATION), ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN A DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS "COMMON AREA OR AREAS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WEATHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES, OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE CONDOMINIUM PROPERTY ACT, CHAPER 765 ILCS 605/2, AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

DECLARATION OF RESTRICTIVE COVENANTS

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF SUBDIVISION SHALL BE HELD, TRANSFERRED, SOLD, CONVEYED AND OCCUPIED SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:

(A.) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.

(B.) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SEWAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DASHED LINES ON THE PLAT MARKED "PUBLIC UTILITY AND/OR DRAINAGE EASEMENT", OR SIMILAR LANGUAGE DESIGNATING A STORMWATER OR SEWER EASEMENT, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION OF RESTRICTIVE COVENANTS AND RESTRICTIONS WHICH SHALL INURE TO THE BENEFIT OF EACH AND ALL OF THE PURCHASERS OF SUCH LOTS WHETHER THEY SHALL HAVE BECOME SUCH BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS, AND

WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND

WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNERS OR OWNER OF ANY OF THE LOTS COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREAFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECTED TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED TO WIT:

OWNER HEREBY GRANTS TO THE VILLAGE OF DOWNERS GROVE A STORMWATER MANAGEMENT EASEMENT FOR THE USE AND BENEFIT OF THE VILLAGE, OVER THE STORMWATER FACILITIES WITHIN THE PROPERTY AND A RIGHT OF ACCESS TO PRIVATELY-OWNED LAND FOR THE REASONABLE EXERCISE OF THE RIGHTS GRANTED TO THE VILLAGE.

EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE TO INSPECT AND MAINTAIN THE STORMWATER FACILITIES ON THEIR LOT. NO BUILDINGS OR STRUCTURES OF ANY KIND SHALL BE PLACED ON SAID EASEMENT NOR SHALL ANY CHANGE BE MADE ON THE PROPERTY THAT MIGHT MATERIALLY AFFECT THE PROPER MANAGEMENT, OPERATION OR CONTINUED MAINTENANCE OF ANY STORMWATER FACILITY; IMPEDE STORMWATER DRAINAGE IN OR ON THE PROPERTY; NEGATIVELY IMPACT THE WATER QUALITY OF THE STORMWATER FACILITIES; OR MATERIALLY REDUCE THE STORMWATER DETENTION OR RETENTION CAPACITY THEREOF AS PROVIDED IN THE APPROVED PLANS.

IN THE EVENT THE VILLAGE DETERMINES, IN ITS SOLE AND ABSOLUTE DISCRETION, THAT THE PROHIBITIONS OF THE PRECEDING PARAGRAPH HAVE BEEN VIOLATED OR THAT PROPER MAINTENANCE OF THE STORMWATER FACILITIES IS NOT BEING PERFORMED OR THAT PROPER OPERATION OF THE STORMWATER FACILITIES IS NOT OCCURRING, ON THE PROPERTY AT ANY TIME, THE VILLAGE OR ITS CONTRACTORS OR AGENTS, AFTER TEN (10) DAYS PRIOR WRITTEN NOTICE, TO THE OWNER, MAY, BUT SHALL NOT BE OBLIGATED TO ENTER UPON ANY OR ALL OF THE PROPERTY FOR THE PURPOSES OF (A) CORRECTING ANY VIOLATION AND (B) PERFORMING MAINTENANCE WORK ON AND TO OR THE STORMWATER FACILITIES.

IN THE EVENT THAT THE VILLAGE SHALL PERFORM, OR CAUSE TO BE PERFORMED ANY WORK PURSUANT TO THE STORMWATER MANAGEMENT EASEMENT, THE VILLAGE SHALL HAVE THE RIGHT TO CHARGE THE OWNER AN AMOUNT SUFFICIENT TO DEFRAY THE ENTIRE COST OF SUCH WORK, INCLUDING ADMINISTRATIVE COSTS EITHER BEFORE OR AFTER SUCH COST IS INCURRED. IF THE AMOUNT SO CHARGED IS NOT PAID BY THE OWNER WITHIN THIRTY (30) DAYS FOLLOWING A DEMAND IN WRITING BY THE VILLAGE FOR SUCH PAYMENT, SUCH CHARGE, TOGETHER WITH INTEREST AND COSTS OF COLLECTION, SHALL BECOME A LIEN UPON THE PROPERTY AND THE VILLAGE SHALL HAVE THE RIGHT TO COLLECT SUCH CHARGE, WITH INTEREST AND COSTS, AND TO ENFORCE SUCH LIEN AS IN FORECLOSURE PROCEEDINGS AS PERMITTED BY LAW.

IN WITNESS WHEREOF, THE OWNERS HAVE SET THEIR HANDS UPON THE ATTACHED PLAT THE DAY AND DATE FIRST WRITTEN THEREON.

DATED THIS ____ DAY OF _____ A.D. 20____

MANAGER OF 4940 SEELEY LLC., KATHERINE MASSEY

AND
MANAGER OF 1508 WARREN LLC., KATHERINE MASSEY

NOTARY CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, _____, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT KATHERINE MASSEY, THE MANAGER OF BOTH 4940 SEELEY LLC. AND 1508 WARREN LLC. IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO'S NAME IS SUBSCRIBED TO THE FOREGOING PROVISIONS AND DECLARATIONS, APPEARED BEFORE ME THIS DAY IN PERSON AS SAID MANAGER OF BOTH 4940 SEELEY LLC. AND 1508 WARREN LLC., ACKNOWLEDGED THAT SHE SIGNED THE ABOVE INSTRUMENT AS HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF BOTH 4940 SEELEY LLC. AND 1508 WARREN LLC. FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS

____ DAY OF _____ A.D. 20____

NOTARY PUBLIC MY COMMISSION EXPIRES _____

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNER OF THE PROPERTY DESCRIBED IN THE ABOVE PROPERTY, AND KNOWN AS 1508 WARREN AVE. AND 4940 SEELEY ST., DOWNERS GROVE, ILLINOIS TO THE BEST OF THEIR KNOWLEDGE IS LOCATED WITHIN THE BOUNDARIES THE NO. 99 HIGH SCHOOL DISTRICT AND NO. 58 ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

DATED AT _____ ILLINOIS. THIS ____ DAY OF _____ A.D. 20____

BY: MANAGER OF BOTH 4940 SEELEY LLC. AND 1508 WARREN LLC., KATHERINE MASSEY:

VILLAGE OF DOWNERS GROVE PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE,

THIS ____ DAY OF _____ A.D. 20____

DOWNERS GROVE PLAN COMMISSION CHAIRPERSON

MASSEY RE-SUBDIVISON

A SUBDIVISION OF:

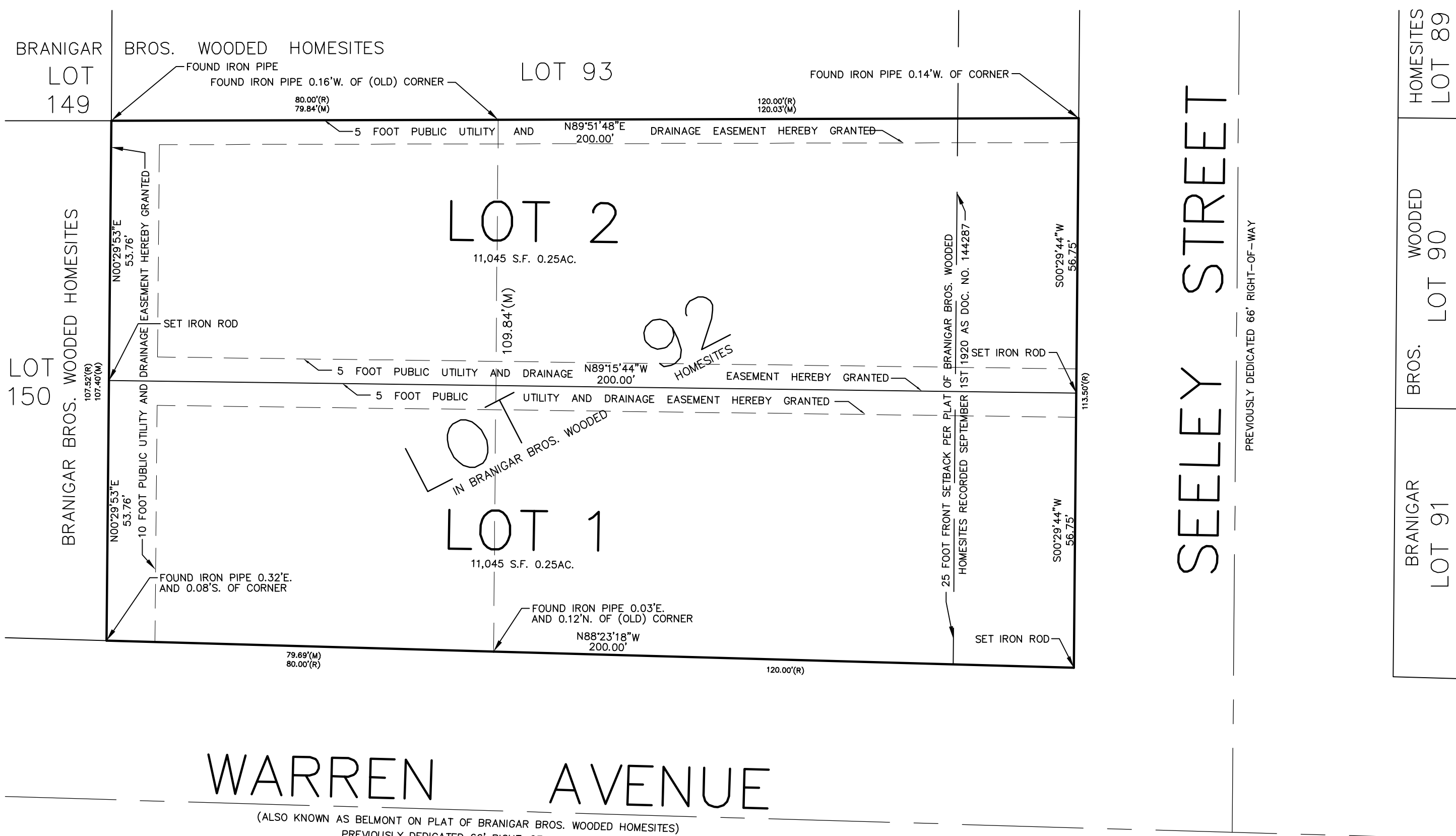
LOT 92 (EXCEPT THE EAST 120 FEET THEREOF) IN BRANIGAR BROTHERS WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH 1/2 OF TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH 1/2 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT 144598, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS: 1508 WARREN AVENUE, DOWNERS GROVE, ILLINOIS. PIN 09-07-208-040

AND

THE EAST 120 FEET OF LOT 92 IN BRANIGAR BROS. WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH 1/2 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH 1/2 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT 144598, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS: 4940 SEELEY AVENUE, DOWNERS GROVE, ILLINOIS. PIN 09-07-208-041



OWNERS CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, KATHERINE MASSEY, HEREBY CERTIFIES THAT SHE IS THE MANAGER OF 4940 SEELEY LLC, THE OWNER OF PART OF THE ABOVE DESCRIBED PROPERTY THAT HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HERON DRAWN.

DATED THIS ____ DAY OF _____ A.D. 20____

KATHERINE MASSEY; MANAGER OF 4940 SEELEY LLC.

NOTARY CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, _____, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT KATHERINE MASSEY, THE MANAGER OF 4940 SEELEY LLC. IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO'S NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AS SAID MANAGER OF 4940 SEELEY LLC. AND ACKNOWLEDGED THAT SHE SIGNED THIS INSTRUMENT AS SHOWN OF HER OWN FREE AND VOLUNTARY ACT AND THE FREE AND VOLUNTARY ACT OF 4940 SEELEY LLC. FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS

____ DAY OF _____ A.D. 20____

NOTARY PUBLIC MY COMMISSION EXPIRES _____

OWNERS CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, KATHERINE MASSEY, HEREBY CERTIFIES THAT SHE IS THE MANAGER OF 1508 WARREN LLC, THE OWNER OF PART OF THE ABOVE DESCRIBED PROPERTY THAT HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HERON DRAWN.

DATED THIS ____ DAY OF _____ A.D. 20____

KATHERINE MASSEY; MANAGER OF 1508 WARREN LLC.

NOTARY CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, _____, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT KATHERINE MASSEY, THE MANAGER OF 1508 WARREN LLC. IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO'S NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AS SAID MANAGER OF 1508 WARREN LLC. AND ACKNOWLEDGED THAT SHE SIGNED THIS INSTRUMENT AS SHOWN OF HER OWN FREE AND VOLUNTARY ACT AND THE FREE AND VOLUNTARY ACT OF 1508 WARREN LLC. FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS

____ DAY OF _____ A.D. 20____

NOTARY PUBLIC MY COMMISSION EXPIRES _____

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

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____

DOWNERS GROVE SANITARY DISTRICT COLLECTOR

VILLAGE OF DOWNERS GROVE COLLECTORS CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, _____, COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENT 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____

VILLAGE OF DOWNERS GROVE COLLECTOR

DOWNERS GROVE 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

SURVEYORS CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF WLL)

THIS IS TO CERTIFY THAT I, MATTHEW D. DUNN, ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR NUMBER 3107, OF LINCOLNWAY ENGINEERING AND LAND SURVEYING LTD. DESIGN FIRM NO 6823 HAVE SURVEYED AND SUBDIVIDED THE ABOVE DESCRIBED PROPERTY AS SHOWN ON THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION; ALL DIMENSIONS ARE FEET AND DECIMAL PARTS THEREOF.

THIS PLAT WAS PREPARED ON AND GIVEN UNDER MY HAND AND SEAL

THIS 7th DAY OF DECEMBER A.D. 20 18

MATTHEW D. DUNN, ILLINOIS REGISTERED PROFESSIONAL SURVEYOR NO. 035-003107, MY LICENSE EXPIRES 11/30/2020, ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-006823, CORPORATE LICENSE EXPIRES 04/30/2019.

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

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.

DATED THIS ____ DAY OF _____ A.D. 20____ AT ____ O'CLOCK ____M.

COUNTY CLERK

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

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 _____

DUPAGE COUNTY RECORDER OF DEEDS

DRAINAGE CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

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 PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS 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 IN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

GIVEN UNDER MY HAND AND SEAL THIS

____ DAY OF _____ A.D. 20____

ILLINOIS PROFESSIONAL ENGINEER LICENSE NO. LICENSE EXPIRATION

OWNER OR DULY AUTHORIZED ATTORNEY

PREPARED BY AND PLEASE SEND ONE RECORD COPY TO:
LINCOLNWAY
ENGINEERING AND LAND SURVEYING LTD.
846 REGENT STREET, NEW LENOX, IL. 60451
PHONE (630)301-1325



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
JANUARY 7, 2019 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
18-PLC-0035 1508 Warren Avenue and 4940 Seeley Avenue	Final Plat of Subdivision	Flora Ramirez Planner

REQUEST

The petitioner is requesting a Final Plat of Subdivision approval to subdivide the existing property into two developable lots with exceptions for both lots to have a width of 56.29 feet where 75 feet is required.

NOTICE

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

GENERAL INFORMATION

OWNER: 1508 Warren LLC & 4940 Seeley LLC
6200 N. Mandell
Chicago, IL 60646

APPLICANT: Sondra Barrett & James Pesavento
6200 N. Mandell
Chicago, IL 60646

PROPERTY INFORMATION

EXISTING ZONING: R-3, Residential Detached House 3
EXISTING LAND USE: Single Family Residential
PROPERTY SIZE: 0.51 acres (22,301 square feet)
PINS: 09-07-208-041 and 09-07-208-040

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-3, Residential Detached House 3	Single Family Residential
SOUTH:	M-1, Light Manufacturing	Low Intensity Office
EAST:	R-3, Residential Detached House 3	Single Family Residential
WEST:	R-3, Residential Detached House 3	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. Proposal Narrative
4. Plats of Survey
5. Plat of Subdivision
6. Engineering Plans
7. Architectural Plans

PROJECT DESCRIPTION - OVERVIEW

The subject property, commonly known as 1508 Warren Avenue and 4940 Seeley Avenue, is located at the northwest corner of the intersection of Warren Avenue and Seeley Avenue. The property includes two parcels, both zoned R-3, Residential Detached House 3. The combined parcels have a total area of approximately 22,301 square feet. The parcel at 1508 Warren Avenue measures approximately 80 feet by 108 feet and it is improved with a one-story single family house and a detached garage. The second parcel at 4940 Seeley Avenue measures approximately 120 feet by 112 feet and is also improved with a one and a half story single family house and a detached garage.

The applicant is petitioning to subdivide the subject property to allow two detached single family homes. The current subdivision of the two parcels is divided vertically, west-east; with the proposed subdivision the orientation of the lots will be divided horizontally, north-south. Both existing homes will be demolished. Section 20.301 of the Subdivision Ordinance requires all new lots to be at least 75 feet wide (or shall meet the lot width and area requirements of the underlying zoning district, whichever is greater), 140 feet deep, and have a minimum lot area of 10,500 square feet. The proposed subdivision will meet these requirements except for the proposed lot width. Each lot in the proposed subdivision will have lot widths of 56.29 feet where 75 feet is required.

It should be noted that the residential properties located north and east from the subject property along Seeley Avenue are also zoned R-3. The properties to the south are zoned M-1, Light Manufacturing. As noted in the table below, the widths of the residential properties in the immediate vicinity are on average 60', largely consistent with the applicant's proposal.

Address	Lot Width
Lot 1	<i>56.29 ft. (exception requested)</i>
Lot 2	<i>56.29 ft. (exception requested)</i>
4926 Seeley Avenue	60 ft.
4930 Seeley Avenue	60 ft.
4931 Seeley Avenue	60 ft.
4935 Seeley Avenue	60 ft.
4939 Seeley Avenue	60 ft.
4943 Seeley Avenue	56 ft.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan's Residential Areas Plan identifies the subject property as part of the Traditional Grid type of residential development. Defining characteristics of this area include a uniform layout, sidewalks on both sides of the street and vehicular connectivity. The proposed subdivision will maintain the exiting neighborhood character.

18-PLC-0035; 1508 Warren Avenue and 4940 Seeley Avenue
January 7, 2019

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COMPLIANCE WITH THE ZONING ORDINANCE

The subject property is currently zoned R-3, Residential Detached House 3 which allows for a single family structure. A comparative analysis of the lot and bulk requirements for both lots are found in the table below:

R-3 Zoning Ordinance Lot Regulations	Required	Proposed Lot 1	Proposed Lot 2
Minimum Lot Area	10,500 sq. ft.	11,040 sq. ft.	11,040 sq. ft.
Minimum Lot Width (along street setback)	75 ft.	56.29 ft.	56.29 ft.
Minimum Lot Depth	140 ft.	200 ft.	200 ft.
Minimum Lot Frontage	40 ft.	56.75 ft.	56.75 ft.

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 Lot 1 and Lot 2 exceptions to have each lot width reduced by 18.71 feet as measured at the street setback line.

1508 Warren Avenue / 4940 Seeley Avenue	Lot Width (required 75 ft.)	Lot Depth (required 140 ft.)	Lot Area (required 10, 500 sq. ft.)
Lot 1	<i>56.29 ft. (exception requested)</i>	200 ft.	11,040 sq. ft.
Lot 2	<i>56.29 ft. (exception requested)</i>	200 ft.	11,040 sq. ft.

The reduction in lot width would allow for construction of two new single family homes. The petitioner will provide a 5-foot wide public utility and drainage easement along the side interior lot lines and a 10-foot wide public utility and drainage easement along the rear the property lines.

If the final plat of subdivision is approved, the petitioner will not be required to pay park and school donations for the newly created lots as they will receive credit for the two existing homes currently located on the subject property.

ENGINEERING/PUBLIC IMPROVEMENTS

The petitioner is proposing public improvements as part of this application. There is currently curb, gutter, and sidewalk adjacent to both lots. However, with the placement of the new homes the driveways will be relocated to Seeley Avenue, and improvements such as sidewalks, driveway aprons, curb and gutter will be modified as a result of the new driveway placement.

Both lots are partially covered by Localized Poor Drainage Areas (LPDA) in the rear yards of the proposed subdivision. The future homes will be required to meet the Village Stormwater and Floodplain Ordinance and all other requirements of the Village Code.

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 *Enterprise Newspapers, Inc. (The Bugle)*. Staff did receive two inquiries regarding this petition. Residents expressed concern over stormwater issues, however the resident found the proposal favorable and deemed it as positive reinvestment in the community.

STANDARDS OF APPROVAL

The petitioner is requesting a Final Plat of Subdivision approval to subdivide the existing property into two developable lots with exceptions for both lots to have a width of 56.29 feet where 75 feet is required. The review and approval criteria for this request is listed below. The petitioner has submitted a narrative that attempts to address all the standards of approval. The Plan Commission should consider the petitioner's documentation, the staff report and the discussion at the Plan Commission meeting in determining whether the standards for approval have been met.

Section 20.602(c) 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.*
- 2. Whether the exception is consistent with the trend of development in the area and the surrounding uses.*
- 3. The characteristics of the property which support or mitigate against the granting of the exception.*
- 4. Whether the exception is in conformance with the general plan and spirit of this Chapter.*
- 5. Whether the exception will alter, or be consistent with, the essential character of the locality.*

DRAFT MOTION

Staff will provide a recommendation at the January 7, 2019 meeting.

Should the Plan Commission find that the request meets the standards of approval for a Plat of Subdivision, staff has prepared a draft motion that the Plan Commission may make for the approval of 18-PLC-0035:

Based on the petitioner's submittal, the staff report and the testimony presented, I find that the petitioner has met the standards of approval for a Plat of Subdivision as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 18-PLC-0035, subject to the following conditions:

1. The plat of subdivision shall substantially conform to the staff report and the final plat of subdivision prepared by Lincolnway Engineering and Land Surveying LTD revised December 7, 2018, 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 (PCBMPs) shall be required for both lots per the Stormwater and Floodplain Ordinance.
3. A demolition permit for both existing homes shall be issued prior to the Village signing the plat of subdivision.

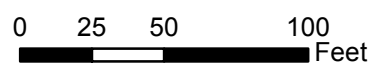
18-PLC-0035; 1508 Warren Avenue and 4940 Seeley Avenue
January 7, 2019

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Staff Report Approved By:

A handwritten signature in black ink, appearing to read "Stanley J. Popovich". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Stanley J. Popovich, AICP
Director of Community Development
SP:fr
-att



1508 Warren Avenue & 4940 Seeley Avenue - Location Map

-  Subject Properties
-  Project Location

NARRATIVE FOR THE RECONFIGURATION OF 4940 SEELEY AND 1508 WARREN

This request is for the reconfiguration of two properties located at 4940 Seeley and 1508 Warren in Downers Grove. The properties are currently in the R3 Zoning District, with 4940 fronting Seeley and having a lot dimension of 113.5' wide x 120' deep. The other property located at 1508 Warren fronts Warren, and is 80' wide x 107.36' deep. The Warren property has an extensive area of Localized Poor Drainage Area, which manages quite a bit of water from the properties to the north.

The proposed reconfiguration would take these two properties and reconfigure them so as both face Seeley and run from east to west. This rectangular configuration better conforms to the current neighborhood, where over 95% of the homes have this configuration. Please note, that this is not a request for an additional lot, but simply a reconfiguration of the 2 lots that currently exist to 2 lots that better conform with the neighborhood. Both properties in the new proposed configuration would have approximately 57' of frontage and be 200' deep. Again, this would match the surrounding neighborhood, where most lots also run east to west lengthwise and are around 60' wide and 200' deep.

Additionally, if approved, the localized Poor Drainage Area that currently covers a vast amount of 1508 Warren will become substantially more manageable since it will be in the farthest west portion of the back of the new lots. This would allow for 2 buildable homes with footprints out of the LPDA area, and greater space in the rear of the new lots to manage the storm water and prevent storm water issues for surrounding residents.

Currently, both properties are titled to the same owner who is requesting the reconfiguration. Since both current properties are in very poor condition, the intent is to build 2 new single-family homes regardless of the current or proposed new configuration. The current configuration presents storm water issues and will make storm water management more difficult for not only the subject properties, but also for the surrounding neighboring lots that feed into the area. Additionally, one of the new properties would need to have access off of Warren, which is not optimal.

The new configuration allows for both new properties to have access off of Seeley, which is a preferred means of access. Additionally, with new homes placed on the east sides of the lots, with the deeper portions of the backyards to the west can be allocated for management of the storm water, greatly benefits not only the subject properties, but the surrounding properties as well.

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712

PROFESSIONAL DESIGN FIRM REGISTRATION NO. 0011129145

TEL: (847) 675-3000
FAX: (847) 675-2167

PLAT OF SURVEY

OF

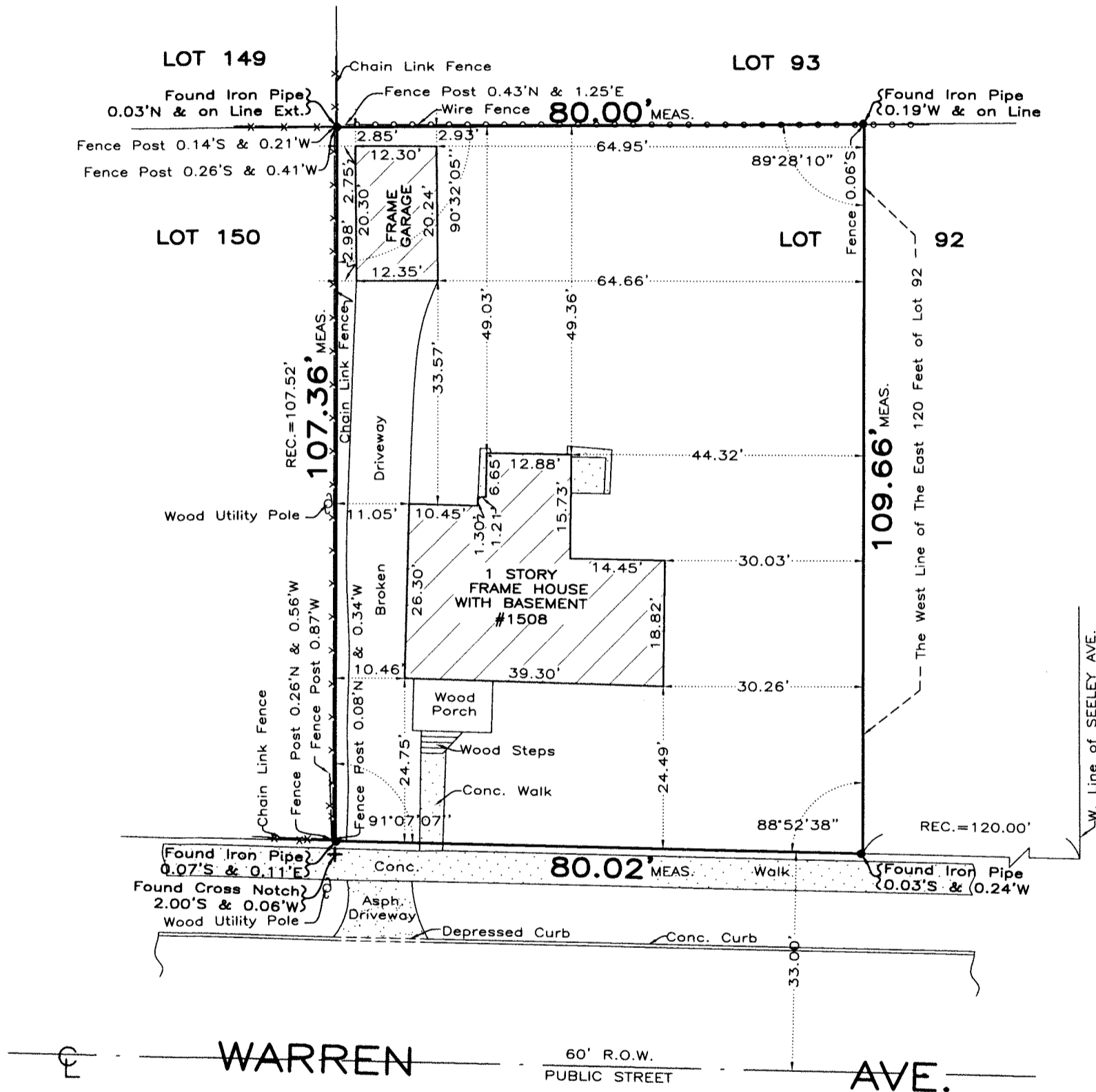


GRAPHIC SCALE
0 20
(IN FEET)
1 Inch = 20 Ft.

LOT 92 (EXCEPT THE EAST 120 FEET THEREOF) IN BRANIGAR BROTHERS' WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH 1/2 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT 144598, IN DUPAGE COUNTY, ILLINOIS.

LAND TOTAL AREA: 8,681 SQ. FT. = 0.200 ACRE.

COMMONLY KNOWN AS: 1508 WARREN AVENUE, DOWNERS GROVE, ILLINOIS.



NOTE: POSSIBLE EASEMENT OF ANY PUBLIC SERVICE CORPORATION AS DISCLOSED BY SERVICE POLES ON THE REAR OF THE LAND.

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED.

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 17-92797

Scale: 1 inch = 20 feet.

Date: October 3, 2017.

Ordered by: GOULD + RATNER, LLP
Attorneys at Law



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

THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY, NOT FOR ELEVATIONS. THIS IS NOT AN ALTA SURVEY.

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois
County of Cook s.s.

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.

Date: October 5, 2017.

Hylton E. Donaldson

IL. PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV. 30, 2018.

Drawn by: S.F.N.

OFFICE:
P.O. Box 43559
Chicago, IL 60643
Tel: (773) 779-1700
Fax: (773) 779-9143

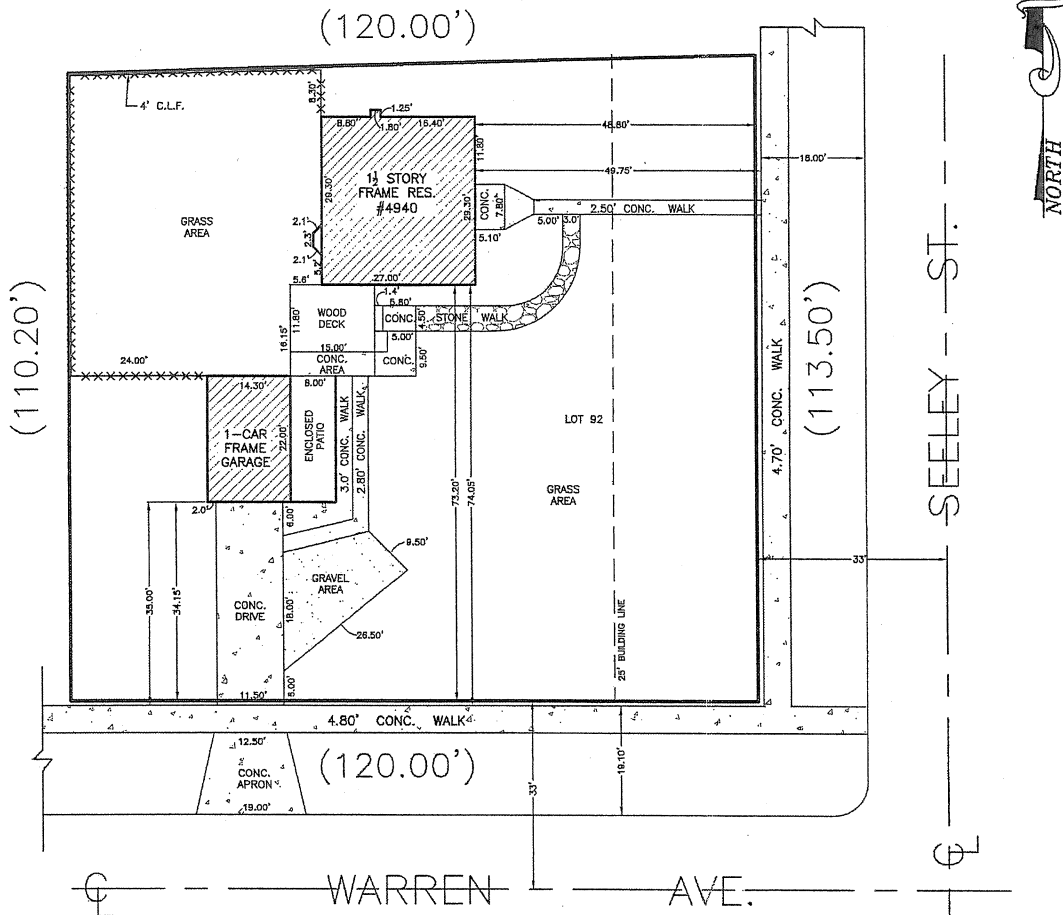
PLAT OF SURVEY

L.R. Pass & Associates
Professional Land Surveyors

Plat of Surveys
Topography
Mortgage Inspection
Condominiums
Land Development
Legal Descriptions

THE EAST 120 FEET OF LOT 92 IN BRANIGAR BROS' WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH 1/2 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH 1/2 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT 144598, IN DUPAGE COUNTY, ILLINOIS.

(COMMONLY KNOWN AS: 4940 SEELEY; DOWNERS GROVE, ILLINOIS.)



LEGEND	
○	"MAG" NAIL SET
○	SET IRON PIPE
●	IRON PIPE FOUND
+	CUT CROSS- FOUND OR SET
—	PROPERTY LINE
⊙	LIGHT POLE
(140.45)	RECORDED DATA
140.45	MEASURED DIMENSION
⊖	NOTCH
⊗	WIRE FENCE
/	WOOD FENCE
×	CHAIN LINK FENCE (C.L.F.)
□	WROUGHT IRON FENCE (W.I.F.)
●●●	5 NAILS (SET)



UNLESS REQUESTED OTHERWISE (BY THE CLIENT OR HIS/HER AGENT) MONUMENTS OR WITNESS POINTS SHALL BE SET FOR ALL ACCESSIBLE CORNERS OF THE SURVEY.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS. ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-0003083.

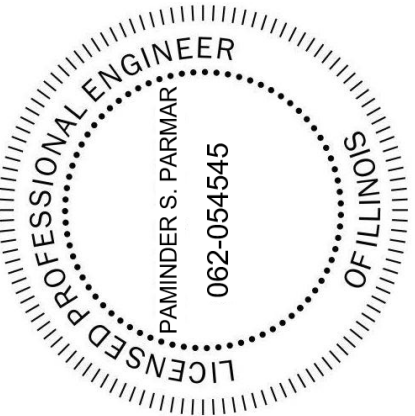
FIELD DATE: 04/24/15
P. I. N.: 09-07-208-041-0000
BOOK NO.: G.P.
SURVEYOR: R.A.P.
DIMENSIONS ARE NOT TO BE SCALED.
ORDER NO.: 15MAY-0381
SCALE: 1" = 20 FEET
ORDERED BY: CYNTHIA MILLER
MEMBER: I. P. L. S. A.
A. C. S. M.
K.W. © 2015 L.R. PASS & ASSOCIATES, P.A. ALL RIGHTS RESERVED.

COMPARE ALL POINTS BEFORE BUILDING, NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. CRITICAL FIELD MONUMENTATION SHOULD BE ESTABLISHED PRIOR TO THE COMMENCEMENT OF ANY AND ALL CONSTRUCTION. PLEASE REFER TO DEED, TITLE POLICY AND/OR LOCAL ORDINANCES FOR BUILDING LINE RESTRICTIONS AND/OR EASEMENTS NOT SHOWN HEREON. PLEASE CHECK LEGAL DESCRIPTION WITH DEED AND IMMEDIATELY REPORT ANY DISCREPANCY TO THE SURVEYOR FOR EXPLANATION AND/OR CORRECTION. ALL DIMENSIONS AND MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF, AND ARE CORRECTED TO A TEMPERATURE OF 62 DEGREES FAHRENHEIT.

WE, L.R. PASS P.L.S., DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, THE PLAT HEREON DRAWN IS A REPRESENTATION OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL THIS 28TH DAY OF MAY 20 15.
L.R. Pass
LICENSE EXPIRATION DATE: 11/30/16

4940 SEELEY AVENUE AND 1508 WARREN AVENUE DOWNERS GROVE, IL 60515



OWNER:
KATHERINE MASSEY
6200 N MANDELL AVE.
CHICAGO, IL 60646
773.677.8672

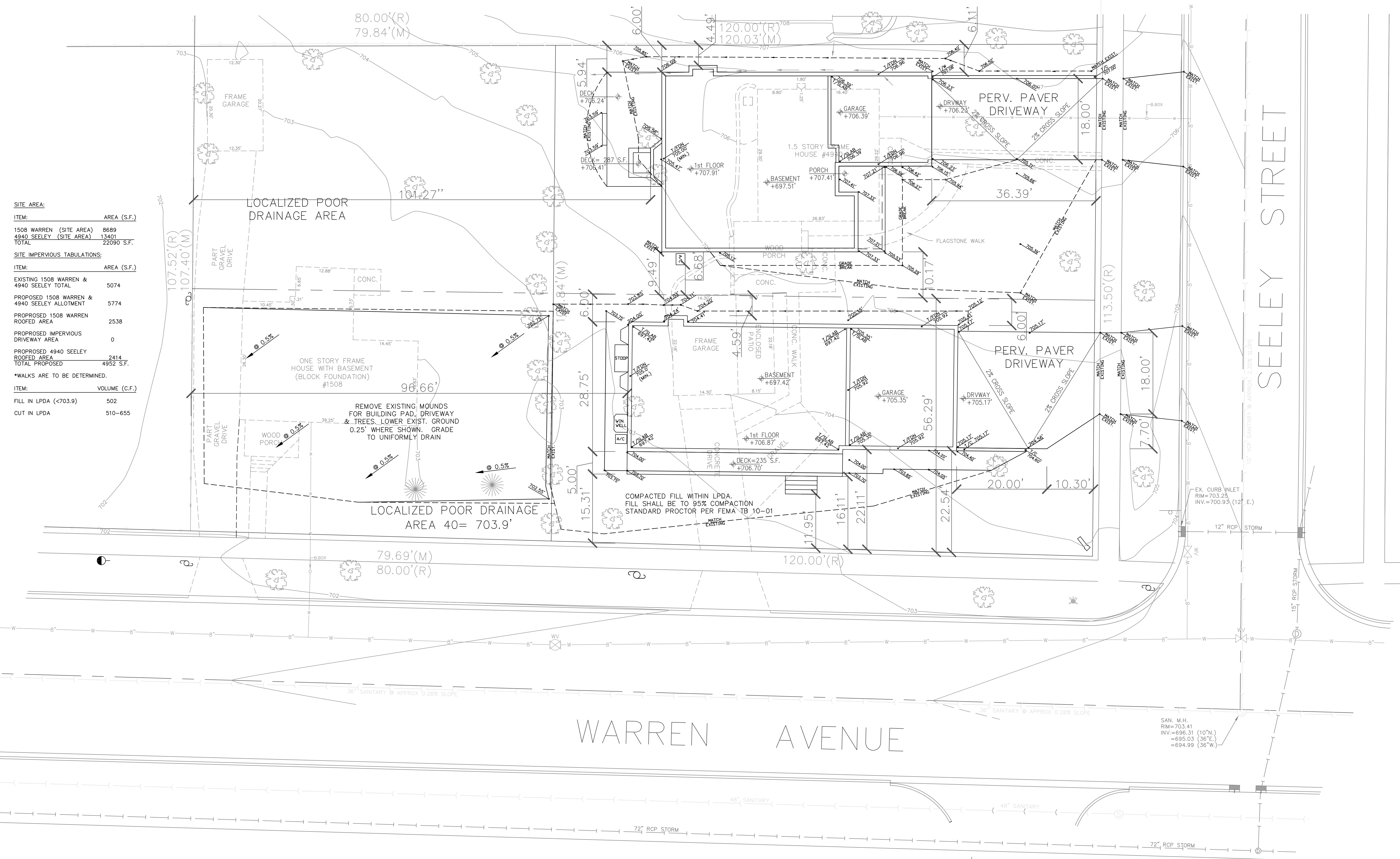
PROJECT ADDRESS:
4940 SEELEY AVE.
DOWNERS GROVE, IL 60515

ENGINEERING SITE PLAN
4940 SEELEY AVE. &
1508 WARREN AVE.

REVISION
DESCRIPTION

PROJECT No.:
DRAWN BY:
CHECKED BY:

C.1



SITE AREA:

ITEM:	AREA (S.F.)
1508 WARREN (SITE AREA)	8689
4940 SEELEY (SITE AREA)	13401
TOTAL	22090 S.F.

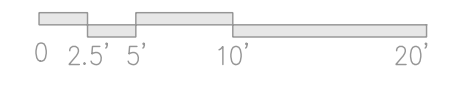
SITE IMPERVIOUS TABULATIONS:

ITEM:	AREA (S.F.)
EXISTING 1508 WARREN & 4940 SEELEY TOTAL	5074
PROPOSED 1508 WARREN & 4940 SEELEY ALLOTMENT	5774
PROPOSED 1508 WARREN ROOFED AREA	2538
PROPOSED IMPERVIOUS DRIVEWAY AREA	0
PROPOSED 4940 SEELEY ROOFED AREA	2414
TOTAL PROPOSED	4952 S.F.

*WALKS ARE TO BE DETERMINED.

ITEM:	VOLUME (C.F.)
FILL IN LPDA (<703.9)	502
CUT IN LPDA	510-655

ENGINEERING SITE PLAN
SCALE: 1" = 10'



CONTRACTOR AGREES THAT HE/SHE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL, WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED AND GRANTED TO: COMMONWEALTH EDISON COMPANY AND AT&T TELEHOLDINGS INCORPORATED, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES,

THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE FROM TIME TO TIME, POLES, GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION OVER-HEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED LINES (OR SIMILAR DESIGNATION), ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN A DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS "COMMON AREA OR AREAS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WEATHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES, OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE CONDOMINIUM PROPERTY ACT, CHAPER 765 ILCS 605/2, AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

DECLARATION OF RESTRICTIVE COVENANTS

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF SUBDIVISION SHALL BE HELD, TRANSFERRED, SOLD, CONVEYED AND OCCUPIED SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:

(A.) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.

(B.) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SEWAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DASHED LINES ON THE PLAT MARKED "PUBLIC UTILITY AND/OR DRAINAGE EASEMENT", OR SIMILAR LANGUAGE DESIGNATING A STORMWATER OR SEWER EASEMENT, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION OF RESTRICTIVE COVENANTS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNER OR OWNER OF ANY OF THE LOTS COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNER OR OWNER OF ANY OF THE LOTS COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECTED TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED TO WIT:

OWNER HEREBY GRANTS TO THE VILLAGE OF DOWNERS GROVE A STORMWATER MANAGEMENT EASEMENT FOR THE USE AND BENEFIT OF THE VILLAGE, OVER THE STORMWATER FACILITIES WITHIN THE PROPERTY AND A RIGHT OF ACCESS TO PRIVATELY-OWNED LAND FOR THE REASONABLE EXERCISE OF THE RIGHTS GRANTED TO THE VILLAGE.

EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE TO INSPECT AND MAINTAIN THE STORMWATER FACILITIES ON THEIR LOT. NO BUILDINGS OR STRUCTURES OF ANY KIND SHALL BE PLACED ON SAID EASEMENT NOR SHALL ANY CHANGE BE MADE ON THE PROPERTY THAT MIGHT MATERIALLY AFFECT THE PROPER MANAGEMENT, OPERATION OR CONTINUED MAINTENANCE OF ANY STORMWATER FACILITY; IMPEDE STORMWATER DRAINAGE IN OR ON THE PROPERTY; NEGATIVELY IMPACT THE WATER QUALITY OF THE STORMWATER FACILITIES; OR MATERIALLY REDUCE THE STORMWATER DETENTION OR RETENTION CAPACITY THEREOF AS PROVIDED IN THE APPROVED PLANS.

IN THE EVENT THE VILLAGE DETERMINES, IN ITS SOLE AND ABSOLUTE DISCRETION, THAT THE PROHIBITIONS OF THE PRECEDING PARAGRAPH HAVE BEEN VIOLATED OR THAT PROPER MAINTENANCE OF THE STORMWATER FACILITIES IS NOT BEING PERFORMED OR THAT PROPER OPERATION OF THE STORMWATER FACILITIES IS NOT OCCURRING, ON THE PROPERTY AT ANY TIME, THE VILLAGE OR ITS CONTRACTORS OR AGENTS, AFTER TEN (10) DAYS PRIOR WRITTEN NOTICE, TO THE OWNER, MAY, BUT SHALL NOT BE OBLIGATED TO ENTER UPON ANY OR ALL OF THE PROPERTY FOR THE PURPOSES OF (A) CORRECTING ANY VIOLATION AND (B) PERFORMING MAINTENANCE WORK ON AND TO OR THE STORMWATER FACILITIES.

IN THE EVENT THAT THE VILLAGE SHALL PERFORM, OR CAUSE TO BE PERFORMED ANY WORK PURSUANT TO THE STORMWATER MANAGEMENT EASEMENT, THE VILLAGE SHALL HAVE THE RIGHT TO CHARGE THE OWNER AN AMOUNT SUFFICIENT TO DEFRAY THE ENTIRE COST OF SUCH WORK, INCLUDING ADMINISTRATIVE COSTS EITHER BEFORE OR AFTER SUCH COST IS INCURRED. IF THE AMOUNT SO CHARGED IS NOT PAID BY THE OWNER WITHIN THIRTY (30) DAYS FOLLOWING A DEMAND IN WRITING BY THE VILLAGE FOR SUCH PAYMENT, SUCH CHARGE, TOGETHER WITH INTEREST AND COSTS OF COLLECTION, SHALL BECOME A LIEN UPON THE PROPERTY AND THE VILLAGE SHALL HAVE THE RIGHT TO COLLECT SUCH CHARGE, WITH INTEREST AND COSTS, AND TO ENFORCE SUCH LIEN AS IN FORECLOSURE PROCEEDINGS AS PERMITTED BY LAW.

IN WITNESS WHEREOF, THE OWNERS HAVE SET THEIR HANDS UPON THE ATTACHED PLAT THE DAY AND DATE FIRST WRITTEN THEREON.

DATED THIS ____ DAY OF _____ A.D. 20____

MANAGER OF 4940 SEELEY LLC., KATHERINE MASSEY

MANAGER OF 1508 WARREN LLC., KATHERINE MASSEY

NOTARY CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, _____, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT KATHERINE MASSEY, THE MANAGER OF BOTH 4940 SEELEY LLC. AND 1508 WARREN LLC. IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO'S NAME IS SUBSCRIBED TO THE FOREGOING PROVISIONS AND DECLARATIONS, APPEARED BEFORE ME THIS DAY IN PERSON AS SAID MANAGER OF BOTH 4940 SEELEY LLC. AND 1508 WARREN LLC., ACKNOWLEDGED THAT SHE SIGNED THE ABOVE INSTRUMENT AS HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF BOTH 4940 SEELEY LLC. AND 1508 WARREN LLC. FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS ____ DAY OF _____ A.D. 20____

NOTARY PUBLIC MY COMMISSION EXPIRES _____

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNER OF THE PROPERTY DESCRIBED IN THE ABOVE PROPERTY, AND KNOWN AS 1508 WARREN AVE. AND 4940 SEELEY ST., DOWNERS GROVE, ILLINOIS TO THE BEST OF THEIR KNOWLEDGE IS LOCATED WITHIN THE BOUNDARIES THE NO. 99 HIGH SCHOOL DISTRICT AND NO. 58 ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

DATED AT _____ ILLINOIS. THIS ____ DAY OF _____ A.D. 20____

BY: MANAGER OF BOTH 4940 SEELEY LLC. AND 1508 WARREN LLC., KATHERINE MASSEY:

VILLAGE OF DOWNERS GROVE PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE, THIS ____ DAY OF _____ A.D. 20____

DOWNERS GROVE PLAN COMMISSION CHAIRPERSON

MASSEY RE-SUBDIVISION

A SUBDIVISION OF:

LOT 92 (EXCEPT THE EAST 120 FEET THEREOF) IN BRANIGAR BROTHERS WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH 1/2 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT 144598, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS: 1508 WARREN AVENUE, DOWNERS GROVE, ILLINOIS. PIN 09-07-208-040

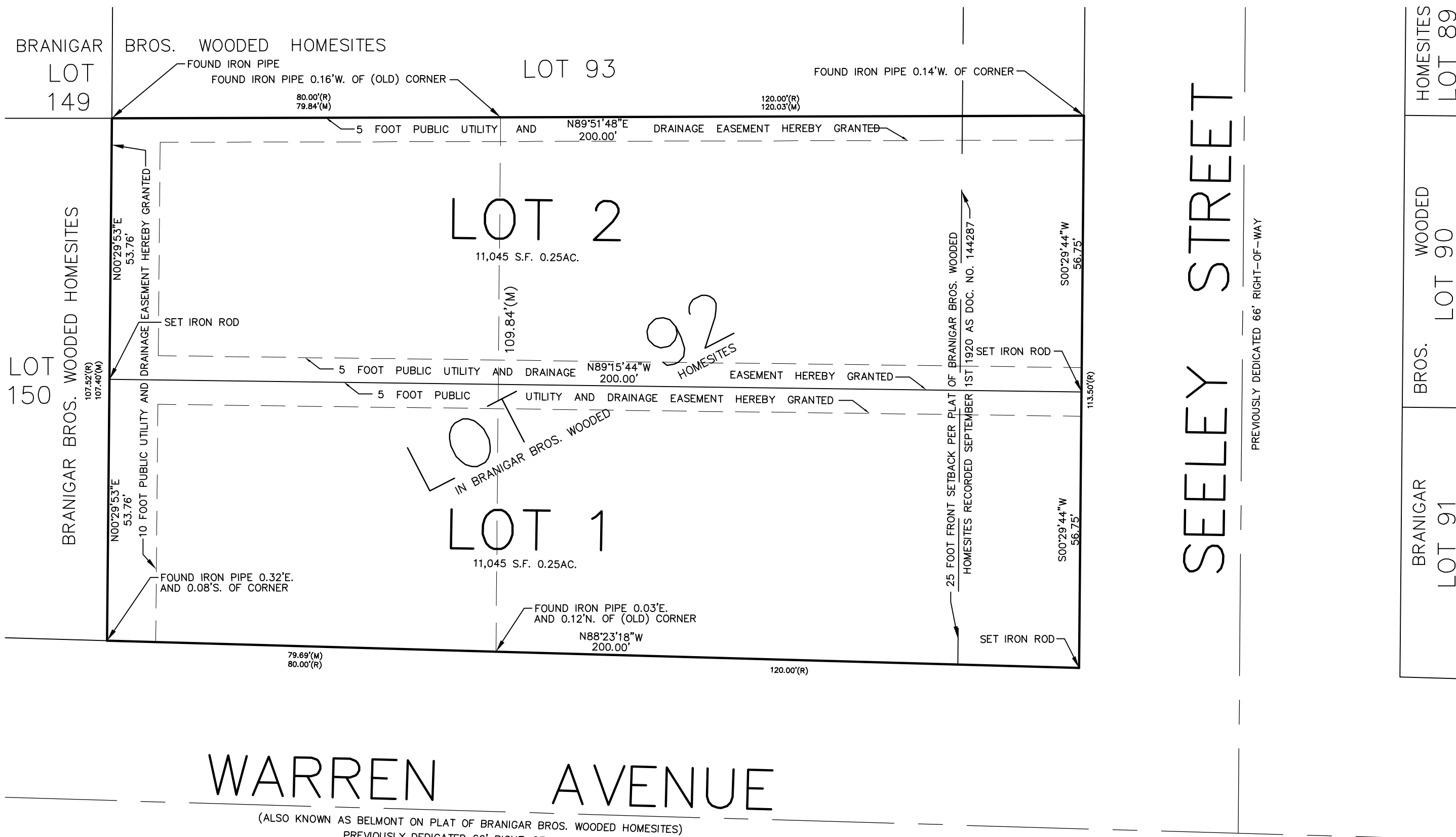
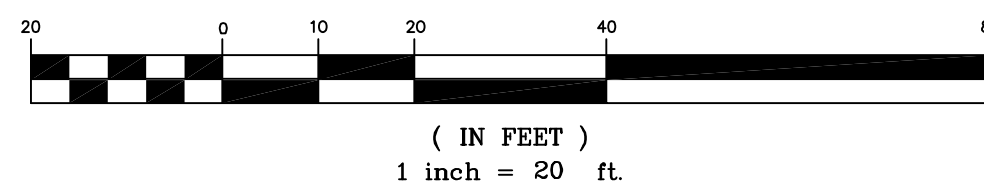
AND

THE EAST 120 FEET OF LOT 92 IN BRANIGAR BROS. WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH 1/2 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH 1/2 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT 144598, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS: 4940 SEELEY AVENUE, DOWNERS GROVE, ILLINOIS. PIN 09-07-208-041

THIS PLAT WAS PREPARED 11-30-2018 BEARING AS BASED ON AN ASSUMED NORTH

GRAPHIC SCALE



OWNERS CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, KATHERINE MASSEY, HEREBY CERTIFIES THAT SHE IS THE MANAGER OF 4940 SEELEY LLC, THE OWNER OF PART OF THE ABOVE DESCRIBED PROPERTY THAT HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HERON DRAWN.

DATED THIS ____ DAY OF _____ A.D. 20____

KATHERINE MASSEY; MANAGER OF 4940 SEELEY LLC.

NOTARY CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, _____, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT KATHERINE MASSEY, THE MANAGER OF 4940 SEELEY LLC. IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO'S NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AS SAID MANAGER OF 4940 SEELEY LLC. AND ACKNOWLEDGED THAT SHE SIGNED THIS INSTRUMENT AS SHOWN OF HER OWN FREE AND VOLUNTARY ACT AND THE FREE AND VOLUNTARY ACT OF 4940 SEELEY LLC. FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS ____ DAY OF _____ A.D. 20____

NOTARY PUBLIC MY COMMISSION EXPIRES _____

OWNERS CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, KATHERINE MASSEY, HEREBY CERTIFIES THAT SHE IS THE MANAGER OF 1508 WARREN LLC, THE OWNER OF PART OF THE ABOVE DESCRIBED PROPERTY THAT HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HERON DRAWN.

DATED THIS ____ DAY OF _____ A.D. 20____

KATHERINE MASSEY; MANAGER OF 1508 WARREN LLC.

NOTARY CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, _____, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT KATHERINE MASSEY, THE MANAGER OF 1508 WARREN LLC, IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO'S NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AS SAID MANAGER OF 1508 WARREN LLC. AND ACKNOWLEDGED THAT SHE SIGNED THIS INSTRUMENT AS SHOWN OF HER OWN FREE AND VOLUNTARY ACT AND THE FREE AND VOLUNTARY ACT OF 1508 WARREN LLC. FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS ____ DAY OF _____ A.D. 20____

NOTARY PUBLIC MY COMMISSION EXPIRES _____

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

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____

DOWNERS GROVE SANITARY DISTRICT COLLECTOR

VILLAGE OF DOWNERS GROVE COLLECTORS CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, _____, COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENT 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____

VILLAGE OF DOWNERS GROVE COLLECTOR

DOWNERS GROVE 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

SURVEYORS CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF WLL)

THIS IS TO CERTIFY THAT I, MATTHEW D. DUNN, ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR NUMBER 3107, OF LINCOLNWAY ENGINEERING AND LAND SURVEYING LTD. DESIGN FIRM NO 6823 HAVE SURVEYED AND SUBDIVIDED THE ABOVE DESCRIBED PROPERTY AS SHOWN ON THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION; ALL DIMENSIONS ARE FEET AND DECIMAL PARTS THEREOF.

THIS PLAT WAS PREPARED ON AND GIVEN UNDER MY HAND AND SEAL

THIS 7th DAY OF DECEMBER A.D. 20 18

MATTHEW D. DUNN, ILLINOIS REGISTERED PROFESSIONAL SURVEYOR NO. 035-003107, MY LICENSE EXPIRES 11/30/2020, ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-006823, CORPORATE LICENSE EXPIRES 04/30/2019



COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

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.

DATED THIS ____ DAY OF _____ A.D. 20____ AT ____ O'CLOCK ____M.

COUNTY CLERK

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

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 _____

DUPAGE COUNTY RECORDER OF DEEDS

DRAINAGE CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

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 PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS 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 IN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

GIVEN UNDER MY HAND AND SEAL THIS

____ DAY OF _____ A.D. 20____

ILLINOIS PROFESSIONAL ENGINEER LICENSE NO. LICENSE EXPIRATION

OWNER OR DULY AUTHORIZED ATTORNEY

Approved 02-04-19

18-PLC-0035: A petition seeking approval of a Final Plat of Subdivision to subdivide the existing property into two developable lots with two exceptions. The property is currently zoned R-3, Residential Detached House 3. The property is located directly northwest of the intersection of Warren Avenue and Seeley Avenue, commonly known as 4940 Seeley Avenue, Downers Grove, IL (PINs 09-07-208-041 and 09-07-208-040). 1508 Warren LLC and 4940 Seeley LLC, Owner; Sondra Barrett and James Pesavento, Petitioners.

Petitioner's Presentation:

James Pesavento, Petitioner, said he is appearing on behalf of the property owners for property at 1508 Warren and 4940 Seeley. One property fronts Seeley, and the other fronts Warren, and neither are conforming lots. The properties are not conforming and about 95% of the lots in the neighborhood run east to west. Mr. Pesavento said that there is a LPDA on the west side of the properties. Both of the lots are buildable right now, but any homes built on them now would not solve any problems the residents are experiencing. He explained that their intent is to have both lots face Seeley and be in conformity with the neighborhood and better control the LPDA. They want to have two lots that make sense in the neighborhood.

A question was raised as to how they are currently nonconforming. Mr. Pesavento replied that the required depth of the lots is 140' in R-3 zoning; however, neither one of the lots is 140' in depth.

Mr. Kulovany asked what hardship is that they are trying to address. Mr. Pesavento said that both lots are buildable exactly as they presently stand with 75' of frontage. They want to be able to take the far west portion and dedicate it to the LPDA to control the stormwater. Reconfiguration would have both lots fronting on Seeley and dedicate the rear area on both lots to control the stormwater. They will be able to better work with the residents to control the stormwater. He is familiar with the problems and challenges in the area because he has built homes in other areas of this part of the Village. Other properties in the area vary in width between 56' and 70', and these two lots would conform to the other lots in the area.

On June 21, 2018 the Village approved the subdivision of properties at 5527 and 5531 Fairmount splitting the lots to 71' each. A side setback was established at 7.5 feet. He asked Mr. Pesavento if they would be able to build a structure using these figures if that is what the Village Council decided. Mr. Pesavento responded that if they wanted to make the interior lot wider and the exterior lot narrower that could be done. It is still possible to build on a 45' wide lot. They originally approached this owner to see what their preference was, and the owner said they wanted to see two lots of equal size.

There being no other questions from the Commission, Ch. Rickard called upon input from the public.

Public Comments:

Approved 02-04-19

1. Marshall Schmitt, co-owner of the property at 4923 Seeley, said he has appeared before this body four or five times. He said that this proposal is ill conceived and not fully documented. It is not in the best interests of the neighborhood or the community as a whole. He began with statements of the petitioner. Mr. Schmitt is not aware of any effort made to comprehensively survey the neighborhood. From his understanding from the neighbors and residents this is not preferred by them. The proposal is ill conceived because it requires that this body and the Village Council as the ultimate decision maker has to ignore the rules that were passed after careful consideration. The 75' frontage rule was formulated for a good reason after careful consideration, and if this body and the Council ignore that arguing that it just makes sense to do this, they are shirking their responsibility. There has to be a hardship or good reason to do this. Staff's report clearly sets forth the reasons that can be taken into account and nowhere in any of the papers that have been filed has there been a detailed analysis under those five factors for consideration as to whether this is a good idea or not.

The first consideration is the extent to which the proposed exception impacts on the value or reasonable use of surrounding properties. He pointed out that the trend is that narrow lots, most of which are grandfathered in on this block, are 60' wide, and huge homes are being built almost property line to property line with minimum setbacks being used. Mr. Schmitt noted that the result is a very large home on a thin, narrow lot that destroys the integrity of the neighborhood. This area is either part of, or very near to the E.H. Prince Subdivision of Downers Grove that was one of the first subdivisions in this Village and it was created with a particular character in mind. He expressed the opinion that that character has been preserved for over 150 years of this Village. This proposal, as well as the other building that is going on in this neighborhood, is destroying that intent.

Mr. Schmitt acknowledge that the Chairman of the Commission said that it is not up to this body to consider what will be built on the property and what mitigation will be done, but it's relevant consideration because once this subdivision is done the momentum will be such that the argument won't be, "should you adjust the setoffs?" It's going to be, "ok, are you meeting the setoffs?" So the petitioner is trying to play the system here. Mr. Schmitt suggested that they review this step by step and only consider one thing at a time. Once you set to divide this lot the way they are proposing, the reality is you are going to have two big homes built on that property, and that is what they propose. If you look at the plans that they have, that's what they've proposed.

Mr. Schmitt then discussed stormwater, saying that the reason the Petitioner says the proposal is a good idea and makes sense is because they can better deal with the stormwater. But there are no details provided. There is no discussion about how that's going to be done. He said his experience on this block for the property that Mr. Schmitt refers to as the Larson home (possibly 4917 Seeley) is that the Village, for the "Larson home" property, required that they put in a dry well to deal with stormwater. That is not even mentioned in this subject proposal plan. When the dry well was built for the "Larson home" they had to dig a large hole to put the gravel in, dug out all the roots of the trees on the property, and the owner one month ago had to pay \$5,000 to remove

Approved 02-04-19

seven trees that were over 150 years old. Looking at the aerial of the two subject properties, the homes are going to take out a good share of the trees as it's proposed, and when you put in whatever mitigation you're going to have to put in to deal with the stormwater as they proposed it, the rest of the trees are going to die too. He said if you look at a street-level view of the property in question, one of the particular characteristics of that corner of Seeley and Warren is that there is a bank of trees. So when you look from that corner back at the striking characteristic of the trees, this proposal will destroy those trees.

Mr. Schmitt said that the second factor of items that the Commission needs to look at is whether the exception is consistent with the trend of development in the area and the surrounding uses. They may argue that this petitioner has put two buildings at the end of the block. He noted if you look at those buildings, it does not improve the environment in the neighborhood. They are beautiful homes, huge homes built almost lot line to lot line and all of the trees are gone. The reason they could get away with it on that end of the block was because they built the home the long way along Prairie Avenue, but because there was a curb cut they could make the entrance on Seeley. They could get away with it there, but they can't get away with it on these lots. They need some relief. The trend in this neighborhood is not positive. This is not a factor that should support doing this. It's a factor that should argue against doing this.

The third factor concerns the characteristics of the property, which support or mitigate against the granting of the exception. Mr. Schmitt commented that the bank of trees that will be destroyed certainly mitigates against this exception, and if you're going to base your entire argument and say that it makes sense because of the stormwater improvements, then you need to have a detailed plan so that you know that that's going to work. But if they do that, more questions are going to be raised than answers. He said that this is an area where the Village has been dealing with stormwater for almost the entire twenty-nine years that he has lived in the neighborhood. The way this is proposed without any dry well or mitigation with regard to stormwater, will push the water down toward bigger structures that will be less able to absorb the water, with fewer trees to absorb the water, and the water will funnel right on through down to Warren. He said he couldn't estimate the number of days he's walked home from the train and has seen the Village employees out there pushing the water into the drains. This proposal isn't going to help. The way it's proposed is going to make it worse.

The fourth factor is whether the exception is in conformance with the general plan and spirit of this Chapter. Mr. Schmitt stated that the answer could not be a more resounding "no." You are taking two lots that are 80' and 60' wide and making them 56.25' wide to make them conform to the rest of the neighborhood. The other lots as set in the petition itself are 60' wide. The only lot narrower is the corner lot with the house built in the other direction. Making these lots 4' narrower than the majority of the other lots on the block is not only nonconforming, it's contrary to the intent of planning for the entire neighborhood and is inconsistent with this Chapter.

Mr. Schmitt then addressed the fifth factor, whether the exception will alter, or be consistent with, the essential character of the locality. He described the essential

Approved 02-04-19

character of this locality as a series of nice, but not massive homes that fill up the entire lot. What the Petitioner is proposing is exactly that. This proposal is contrary to the essential character of the locality. These five factors all mitigate against the proposal, which should be rejected.

Mr. Schmitt then addressed Staff's report with the three conditions listed on page 4 of the report dated January 7, 2019. He said that condition one should be true for any lot, and it adds nothing to this proposal and poses no special requirements. Condition two requires Best Management Practices for stormwater, and condition three requires a demolition permit, which he says is no different for any petition. He asked the Commission to remember that the name of the body is a Plan Commission based upon specific rules and goals for preserving the integrity of the building. Those rules and goals have been carefully thought out since 1832. This proposal threatens to destroy the character of the neighborhood. He asked that the Commission reject this proposal in its entirety.

2. Richard DeMink of 4904 Seeley Avenue said he represents his wife as well. In his opinion this proposal boils down to allowing substantial overbuilding. He said that Mr. Schmitt has provided details of what the proposal is about and what the Commission is to consider. He echoed the opinion that this proposal should not be approved. There are two lots, 4940 Seeley and 1508 Warren, that have been flooded numerous times, and he doesn't see that this proposal makes any sense for the area. He thinks allowing less than 60' in width is a dangerous precedent. They will be seeing more of these monster-sized houses. He has seen the character of this Village change over 40 years and it's because of the type of houses that have been approved for construction. At the end of the block six or seven mature trees were destroyed. On the subject property there are at least six to eight mature trees on the subject site that will have to be destroyed. That doesn't help stormwater management. Trees are a valuable source of stormwater management.

3. Ron Williams of 4825 Seeley said he has lived on the block for 53 years. He moved to Downers Grove because of the trees. He said that once they make the decision to split this the way it's going to be split, the trees will be gone. He asked that they not make the decision to approve the requested proposal and allow the removal of the trees.

4. Cheri Moran of 4922 Seeley said she wanted to speak against this petition for all of the reasons already stated. Specifically, the Village has looked at the requirements and adopted a 75' width for a lot size. She said their neighborhood was part of the original Downers Grove. We need to preserve it as best as we can. No exceptions should be made to create a substandard development of the property at this site. She asked that the Commission oppose this petition.

5. Mr. Schmitt explained that a few years ago they purchased the lot next door to them, demolished the existing house on that lot because they wanted to put up a gazebo on that empty lot. The new rules were passed about the same time the 75' width was passed, and those rules said you could not put an auxiliary building on a piece of

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property that did not have a residence on it. He asked the neighbors about the gazebo, and by all accounts they agreed it would enhance the neighborhood. He went through a long process, had to hire a lawyer, and came before the Plan Commission to convince people that they could put a gazebo on that piece of property without joining the two properties and otherwise infringing on the value of their lot. Despite all of that the Village cut a deal and issued a Special Use Permit allowing them to put a gazebo on the property, but imposed a requirement that whoever sold that lot would have to tear down the gazebo before the deed was transferred and that the Special Use Permit had to be recorded. So he said that what the Village was saying to them was we can fix it, but if it's abused, we can still fix it. Mr. Schmitt said that once this is done, it's done. Once the houses are built lot line to lot line, it's done. There's no mitigating a mistake that is made tonight or when the Village Council ultimately considers this. He said in that spirit he asks the Plan Commission to deny the petition.

There being no further comments from the public, Ch. Rickard called upon the Petitioner to respond to the public comments.

Petitioner's Response to Public Comments:

Mr. Pesavento said he understands the concerns of the residents. He lives in Winfield and trees are a big part of their community. He said that what must be understood is that these are two buildable lots right now, and there are going to be two homes built there no matter if this is approved. He understands wanting to preserve the community. Right now they have a nonconforming situation. He doesn't understand how the existing homes help the character of the neighborhood. He is all for preserving the community and for saving trees, and that's paramount in looking at any type of development. What exists now does not add to the character of the neighborhood. No matter what the residents think, there will be new homes built. They will save as many trees as possibly can be saved. He said that to the best of his knowledge no one has lived in those homes for many years. There will be a submission package connected to the homes that will be built. He understands stormwater and LPDA are issues. The submission packages will have stormwater requirements, which are very stringent. What is happening is a reversal and more stormwater management will be provided. If they are building a 3000 square foot home, they are not providing stormwater management for 1,000 square feet. They have to accommodate the entire structure, and are fixing the stormwater situation site by site by site throughout the Village. He challenged anyone who thinks their plan will make stormwater worse.

Mr. Kulovany read Section 20.602(c) Exceptions, as "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." He believes the strict letter relates to the minimum of 75'. He asked Mr. Pesavento if there were any particular hardships that would prevent him from combining these lots and building on 112.58'x200'.

Mr. Pesavento replied that he thought if there was going to be any construction on the lots, it would be as the lots sit right now, because they are both buildable right now.

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They are not conforming to R-3 right now, and it certainly would not be ideal to do that, but that could be done.

Ms. Majauskas referenced the 80'x107.36' lot and asked the largest size of house that could be built on that lot. Mr. Pesavento said it could be a 3,000 square foot home. He said it would be more problematic regarding stormwater coming from the north. It would provide engineering challenges, but it could be done. It's beneficial to the entire neighborhood to have the last 30' of the lots serve as stormwater detention.

Ms. Majauskas asked if the 3,000 square foot house were built on the west lot, where would the water go. Mr. Pesavento responded that the water would have to go around it. He said there would be the typical 10% setback from the lot line to the first house. Having 8' on the left and right is not a large setback either. Mr. Pesavento said he did not know whether the property owner would be ready to sell these lots right now.

There being no additional comments at this time, Ch. Rickard called for Staff's report.

Staff Report dated 1/7/2019

Village Planner Flora Ramirez explained that the petitioner is requesting a Final Plat of Subdivision approval to subdivide the existing property into two developable lots with exceptions with both lots having a width of 56.29 feet where 75 feet is required in an R-3 zoning designation. She displayed a map showing the exact location of the two lots. She explained that the lot depth requirement is 140'. Each lot is 200' that meets the lot depth requirement. The lot area zoning requirement for this zoning district is 10,500 square feet and the properties meet that requirement as well.

Regarding lot width for the area, Ms. Ramirez referenced Staff's report dated January 7, 2019 showing a table on page two of other properties on Seeley Avenue, five of which have a lot width of 60', and one of 56'. She noted that in her report she provided the data showing compliance with the Village's Zoning Ordinance regarding lot regulations, as well as compliance with the Subdivision Ordinance Section 20.301 for exceptions to Lot 1 and Lot 2 whose width would be reduced by 18.71 feet.

Ms. Ramirez noted that if the Plan Commission finds that the standards of approval have been met, a draft Motion has been prepared on page 4 of Staff's report.

Ms. Majauskas said the petitioner mentioned he could build up to a 3,000 square foot home on each of the two properties. Ms. Ramirez responded that the bulk requirements in a residential zoning district allow for a maximum of 32% building coverage. They would have to look at the existing plat to determine the area and whether that size of a home fits the property.

Planning Manager Zawila said it could be up to 2790 square feet. That doesn't take into consideration additional floors. Building coverage is what they determine the size by. They would have to look at building height, setbacks for the particular district, etc. Ms. Ramirez added that these are buildable lots as they stand now.

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Ms. Gassen said with the exception of the setbacks, they would be able to build the entire width of the lot. She then asked what the side interior setback is for an R-3 lot. Ms. Ramirez said if the width was 75', it would be 7.5 foot setback. The existing 60' wide lots on the street would require a 6' setback. With the interior side setback requirement at 10% of the lot width or 6' (whichever is greater) the proposed lots at 56.29' would also require an interior side setback of 6'.

Ms. Majauskas asked Staff if in their conversation with other Village employees, whether anyone has expressed an opinion, positive or negative, of the reconfiguration being either a good or bad idea in relation to the drainage of the area. Mr. Zawila said that they have looked at this and it is acknowledged that there is an LPDA on half of Lot 1, and a plan would have to be submitted for both of these homes to assure that both homes are constructed per the Village's Ordinance.

Ms. Gassen said the petitioner said that the homes would have access from Seeley rather than Warren. She asked why it is ideal not to have access from Warren. Mr. Zawila asked the applicant to respond to that question.

Mr. Pesavento said it is his understanding that with Warren being the busier street, it was more conducive to have residential traffic on the north/south street.

There being no further comments, Ch. Rickard closed the public hearing.

Commission's Deliberations:

Ms. Majauskas said she listened closely to what the homeowners said, which is important because they have to live with the final decision. However, she sees that there are two large homes that can be built no matter the decision since the lots are buildable. Looking at the LPDA, it doesn't make sense for everybody else. The LPDA is on the survey. She said if they open up the stormwater that's a good idea for everyone. No one likes change but everyone wants the water off their lots. She also looks at whether it conforms to the neighborhood, and no other homes on the street are 75'. You should look at conformity in the neighborhood. As for the trees, she doesn't know if anyone can save the trees. Building is going to come. It is not within the purview of the Plan Commission. What makes sense is to have the stormwater running off the way it should which would make sense for everyone in the neighborhood. She would vote to approve the petition.

Ms. Gassen agreed with the statement made. It is two lots that will be built on no matter how they are configured. She thinks this proposal makes more sense.

Ms. Rollins also agreed. This is the trend, people want bigger homes, and the property is in general conformance with the Village's restrictions.

Mr. Kulovany said he sees the subdivision law as put in place by the Village Council specifically to have a 75' frontage. The Plan Commission is supposed to base their

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decision on the Ordinance before them. Unless you have some hardship preventing you from meeting the 75' minimum, you have to follow the Ordinance. He doesn't think legally there is any other opportunity to do that. Now there is a situation where everyone else has a grandfathered in 60' lot width. If you were to build in any area of Downers Grove you'd have to have a 75' width. Being grandfathered in only reflects upon the "cards" that were dealt to the property owners. He thinks the Plan Commission is still required to follow the letter of the law. He believes 75' width is quite clear and he will vote against this.

Mr. Maurer said the two properties are smaller than what he sees on line that the company built earlier. It's a given that something will be built here, which is a good thing. On the negative side however, when something is built most of the trees will be gone. Another given is that when something is built the stormwater will be corrected by Code and by necessity. He said he fails to see the hardship, much like Mr. Kulovany. The stormwater has to be addressed. This might require a more creative solution. He's not sure as to how he'll vote.

Ms. Johnson said she is for reconfiguring the lot, particularly with the traffic along Warren Avenue, which is primarily commercial.

Mr. Boyle said either way two homes are going to be built on those lots. The trend is that homes are maximizing the use of the lots. Looking at the aerial views and the layout of the neighborhood, it certainly makes sense for the lots to be divided with the lot lines as proposed by the applicant. If you were to leave the lots as is, the hardship could be resolved with engineering improvements along the western property line to take into account the development that's occurred over decades in this neighborhood. It is a shame to remove so many heritage trees, and he would hope what's removed would be replaced. He thinks the reconfiguration of the lots is the best opportunity to have them exit onto Seeley.

Ch. Rickard said the boundary of each lot is not changing. Whenever there is new construction, there are some problems fixed and some benefits that come with the construction. He said it looks to him like a better choice for the neighborhood with the engineering that will go into the property. He thinks it is a positive thing to do the resubdivision.

Mr. Kulovany asked from this point on, whether 56' become a standard rather than the 75'? He sees this as a precedent.

Ms. Gassen said she didn't think the Fairview lot was a fair comparison, since these lots are already two existing lots. If it was one lot converted into two nonconforming lots, she thinks her opinion would be entirely different. This is a reconfiguration.

There being no further comments, Ch. Rickard called for a Motion.

Ms. Gassen said based on the petitioner's submittal, the Staff Report and the testimony presented, she finds that the petitioner has met the standards of

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approval for a Plat of Subdivision as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, she moves that the Plan Commission recommend to the Village Council approval of 18-PLC-0035, subject to the following conditions:

- 1. The plat of subdivision shall substantially conform to the Staff Report and the final plat of subdivision prepared by Lincolnway Engineering and Land Surveying LTD revised December 7, 2018, 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 (PCBMPs) shall be required for both lots per the Stormwater and Floodplain Ordinance.**
- 3. A demolition permit for both existing homes shall be issued prior to the Village signing the plat of subdivision.**

Ms. Johnson seconded the Motion.

**AYES: Ms. Gassen, Ms. Johnson, Mr. Boyle, Ms. Majauskas,
Ms. Rollins, Ch. Rickard,**

NAYS: Mr. Kulovany, Mr. Maurer
Motion passed 6:2.

Mr. Zawila said that this case would be before the Village Council on February 12, 2019. He said to check the schedule in case there are any changes. The next meeting of the Plan Commission is scheduled for February 4, 2019.

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**Mr. Kulovany moved to adjourn the meeting, seconded by Ms. Majauskas.
The Motion carried unanimously by voice vote.**

Ch. Rickard adjourned the meeting at 8:13 PM.

Respectfully submitted,

Tonie Harrington,
Recording Secretary
(transcribed from mp3 recording)