

Minutes
Special Board Meeting
Glen Ellyn Village Board of Trustees
Monday, April 15, 2013

Call to Order

Village President Pfefferman called the meeting to order at 8:00 p.m.

Roll Call

Upon roll call by Deputy Village Clerk Solomon, Village President Pfefferman and Trustees Cooper, Friedberg, Hartweg, Henninger, Ladesic and McGinley answered, "Present."

Pledge of Allegiance

Village President Pfefferman led the Pledge of Allegiance and asked everyone to remember the people in Boston while saying the Pledge.

Village Recognition

- A. The Village accepts the resignation of Timothy Elliott from the Plan Commission and thanks him for his service.

Audience Participation

- A. Proclamation acknowledging Arbor Day, given to Public Works Director Hansen.
- B. Proclamation in recognition of Amyotrophic Lateral Sclerosis Awareness in the Month of May, given to Tracy Piling

Consent Agenda

Village Manager Franz presented the Consent Agenda. President Pfefferman called for questions and/or discussion of the items on the Consent Agenda.

- A. Motion to approve the recommendation of Village President Pfefferman that Gary Fasules be appointed to the Plan Commission for a term ending May 2015.
- B. Motion to approve a license agreement to allow tables and chairs in the public right-of-way for Vitorio's Ristorante at 504 Crescent Boulevard.
- C. Motion to approve a license agreement to allow tables and chairs in the public right-of-way for Starbucks at 536 Crescent Boulevard.
- D. Ordinance No. 6123, An Ordinance Approving an Intergovernmental Agreement between the Villages of Glen Ellyn and Lombard in regard to the Glenbard Wastewater Authority.

Trustee Hartweg moved and Trustee Ladesic seconded the motion that items A through D be considered routine business by the Village Board and be approved in a single vote.

Upon roll call, Trustees Hartweg, Ladesic, Cooper, Friedberg, Henninger and McGinley voted “Aye.” Motion carried.

Ordinance No. 6124 – Preliminary Plat Subdivision – 760 Sheehan Avenue - Amber Ridge

Village President Pfefferman explained the structured approach for this item.

Staff Presentation

Planning and Development Director Hulseberg presented information regarding the request of K. Hovnanian Homes for approval of a Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations to accommodate the construction of a new 23 single-family home lot subdivision on property commonly known as 760 Sheehan Avenue. The property is located at the northwest corner of Route 53 and Sheehan Avenue in the R2 Residential zoning district. Glen Crest Middle School is located south of the site. She introduced Village Planner Michele Stegall, Village Stormwater Engineer Ray Ulreich and Village Traffic Consultant Tom Adomshick with James J. Benes and Associates in case there are questions for them. She said the Village Board does have every piece of information on this item, including Staff memos, verbatim transcripts from the Plan Commission meetings, the minutes from the Plan Commission meetings and all emails from the residents.

Planning and Development Director Hulseberg showed a picture of the subdivision plat and said the 3 home models would range in size from approximately 8,800 square feet to 15,600 square feet and have attached garages. She said the developer would adopt an anti-monotony standard in the homeowner association documents which state any 2 homes with the same design or building materials could not be located next to each other or directly across the street from each other. She said Amber Ridge Drive is the proposed street going through the subdivision, and the developer is proposing to attach Amber Ridge Drive to Montclair Avenue to the north in an S-shape design, which would connect the Amber Ridge subdivision to the Rolling Hedge subdivision to the north.

Planning and Development Director Hulseberg showed a picture of the site plan and said a new stormwater detention basin is proposed at the east end of the subdivision, just immediately north of an existing wetland. She stated the developer has agreed to install a 5-foot wide sidewalk to the school between lots 6 and 7 which the Village would maintain. She said the Village staff also requested the developer install a diagonal pathway at the east end of the site in the area between the detention basin and the wetland which the developer does not want to install this pathway due to safety concerns.

Planning and Development Director Hulseberg said there is a new high-visibility crosswalk proposed across Sheehan Avenue. She said 7 parking spaces across from where Amber Ridge Drive will hit are proposed to be eliminated and 4 additional parking spaces added further east on Sheehan Avenue. She said extra landscaping has been proposed along the west and north property lines.

Planning and Development Director Hulseberg said there were a few key issues on this project: lot coverage ratio (LCR) variation, road width, road design and cut-thru traffic. She briefly covered these and said there will be more presented later in the meeting.

Developer Presentation

Jon Isherwood, Land Acquisition Manager for K. Hovnanian Homes, introduced Brian Murphy, Vice President of Operations for K. Hovnanian Homes and Attorney Vincent Rosanova of Rosanova and

Whitaker, Ltd. in Naperville, Illinois. Mr. Isherwood said K. Hovnanian Homes is the former Town and County Homes and is the 6th largest home builder in the nation. Mr. Isherwood said K. Hovnanian Homes have been building homes in the Chicagoland area since 1958 and have approximately 12 active communities in and around the Chicago area.

Mr. Isherwood showed the initial concept design picture of for the subdivision which would contain 15 home sites along Sheehan Avenue where the homes would face Sheehan Avenue. He stated with this lot design, they would not have required any variation request. He said different site plans were developed with the Village's comprehensive plan in mind which would be more appropriate to scale, quality and character of the existing single-family neighborhood within the Village. He said they developed the S-type design plan which was the over-whelming favorite plan by the Village staff. He said this plan would connect Montclair Avenue to Sheehan Avenue, would not load Sheehan Avenue and had attached-garage homes. He said there was an open house held in April 2012 with the neighbors that were near this proposed subdivision to review a number of site plans, and the overwhelming feedback was they did not want a connection between Montclair Avenue and Sheehan Avenue, especially a direct north-south connection.

Mr. Isherwood said after a year of working with the Village staff, 2 Pre-Application meetings, 3 Plan Commission meetings and various other meetings with the residents and staff, the proposed plan for Amber Ridge would be an S-plan with 23 home lots, with an average lot size of 10,000 square feet. Mr. Isherwood pointed out the additional features being added to accommodate the Village staff and residents' requests, including a pedestrian path to the school, a high-visibility crosswalk across Sheehan Avenue, 2,000 lineal foot of 10-foot wide landscape buffer along the perimeter of the property and work in the right-of-way in regards to the parking spaces on Sheehan Avenue. He said they are not comfortable installing the path through the wetland area suggested by staff due to safety concerns and liability for the homeowners.

Mr. Isherwood said they are specifically requesting approval of the following variances that they feel are necessary to accommodate the site plan:

1. A Preliminary Plat of Subdivision in accordance with Section 303 of the Glen Ellyn Subdivision Regulations Code.
2. The following variations from the Glen Ellyn Subdivision Regulations Code:
 - a. A variation from Section 403(5) to allow a street right-of-way width of 50-feet in lieu of the minimum right-of-way of 66 feet required.
 - b. A variation from Section 401(7) to allow Lots 3 and 12 to front on two non-intersecting streets.
 - c. A variation from Section 408(2) to allow the absence of parkway trees along that portion of Sheehan Avenue adjacent to the wetland and south of Lot 13.
 - d. A variation from Section 408(2) to grant a waiver from the requirement to establish a parkway tree escrow and to allow the required parkway trees to be installed by the developer rather than the Village.

3. The following variations from the Glen Ellyn Zoning Code:
 - a. A variation from Section 10-4-8(E)1 to allow a lot coverage ratio of 25% in lieu of the maximum lot coverage ratio of 20% permitted.
 - b. A variation from Section 10-4-8(E)3(a) to forgo any garage bonus in relation to the lot coverage ratio calculation in lieu of the detached garage bonus that allows that first 500 square feet of area to be excluded from the lot coverage ration calculation.
 - c. A variation from Section 10-4-8(D)2 to allow a rear yard setback of 34 feet on Lots 4, 5, 13, 14 and 16 in lieu of minimum rear yard setback of 40 feet required.
 - d. A variation from Section 10-4-8(D)5 to allow the southern yards of Lots 3-12 to be treated as rear yards in lieu of second front yards.
 - e. A variation from Section 10-4-8(D)4 to allow a corner side yard setback of 20 feet on Lot 12 in lieu of the minimum corner side yard setback of 30 feet required.

Mr. Isherwood said when they looked at the design for Amber Ridge, attached garages would enhance the scale, quality and character of the local neighborhood as detached garages in this design would create a wall of garages along Sheehan Avenue that they think would be an undesirable aesthetic. He said the attached garages do then need the variance for 25% LCR. He said they did voluntarily agree to forgo any detached garage bonus, which is usually desirable as it moves the bulk from the front of the lot to the rear of the lot. He said the Plan Commission recommended a conditional LCR variance which results in not letting the homeowner pursue a detached garage bonus and an LCR which is more restrictive than what is currently permitted.

Mr. Isherwood said they have worked with the Village staff, residents and professional consultants to address the concerns from the Village's Police, Fire, Public Works and Planning Departments as well as those in the Glen Ellyn School District. He said the plan before the Board which minimizes the impact on Sheehan Avenue while adhering to the neighborhood's concerns about a direct north-south connection of Montclair Avenue and Sheehan Avenue, numerous benefits to the public's welfare and safety, increases neighborhood connectivity, provides a safe and well-marked pedestrian path for children crossing to Glen Crest Middle School and provides a landscape buffer along Sheehan Avenue to soften the school and residential uses. He would like the Board to carefully consider the LCR variation and the type of home type the Board believes to be appropriate in Amber Ridge. He said if the Board thinks the attached-garage home type is appropriate then the variance is also appropriate. He thanked the Village Board for their time and consideration in this matter.

Resident Attorney Presentation

Attorney Phil Luetkehans was hired to represent a number of the neighborhood residents who have been present throughout this process. He passed out a handout to the Village Board and Village Clerk that these neighborhood residents wrote as a statement of their position. This handout was entered into the record. He said this is not a normal zoning case and was heavily disputed at the Plan Commission as 4 Plan Commissioners firmly believed this development should not proceed the way it is. He said K. Hovnanian has submitted no evidence showing that a reasonable return was not possible without all the

hardships, and in fact showed that it could be done with the 15 lots. He said the other thing that the Plan Commission could not find was this hardship met the 1st Standard, which was that it could not yield a reasonable return without the variation. He said some of the Plan Commissioners did think the plight of the owner was due to unique circumstances, such as the school and the wetlands. He said the depth of the property is not a hardship as it is rectangular in shape.

Mr. Luetkehans said in essence, there are requests for over 50 variations in one 8-acre development and are adding variations on top of variations. He said the attached garages would set a bad precedent for every other home in the Village and then the Village would hear about this from every other developer who comes to town. He said not once has the Village Board granted a blanket LCR variation for a new development, and the developer only wants the 25% LCR so they can maximize profits. He said the only way they can get the 25% LCR is that they also asked for a variation to lessen the right-of-way from 66 feet to 50 feet. He said they would take away approximately 6 to 8% of the lot when you take away the right-of-way. He said they are also asking for rear-yard variations so it is more variations on top of variations.

Mr. Luetkehans showed a picture of the proposed Amber Ridge subdivision backing up to the Rolling Hedge subdivision and pointed out that 9 parcels on the north border of Amber Ridge back up to only 4.5 parcels in Rolling Hedge. He said the developer has been asked repeatedly to do a plan with less than 23 lots which has not been seen.

Mr. Luetkehans said there is no need for blanket variations and much of the hardship was created themselves by sticking with 3 different building types for this development.

Mr. Luetkehans said there are residents from the neighborhood at the meeting who are upset. He said the S-curve design is not necessary and not desirable, and there is no evidence Amber Ridge Drive will be used for emergency vehicles. He said Traffic Consultant Mr. Adomshick proposed the idea of emergency access to one portion of the development and did not say it could not work or that it was a bad idea. He said while the traffic numbers may not be above the safety limits, it would increase the traffic on Montclair Avenue to 3 to 4 times what it is currently, and while the numbers may seem low, it is a huge difference to the current traffic in this neighborhood.

Mr. Luetkehans said no one knows the effect this new development will have to parking on the weekends as there will be parking spaces removed, and when the ball fields are in total use, there is not enough parking in the immediate area.

Mr. Luetkehans said this would set a bad precedent as there are no hardships and no unique circumstances as the developer is trying to fit too much in too small an area. He said there are ways to develop this property without the need to affect the neighborhood to the north and without over 50 variations. He said the residents are asking that the Board deny the request and send the developers back to redesign the subdivision.

Joseph Abel – Planning and Zoning Consultant

Mr. Joseph Abel said he has been a Planning and Zoning Consultant for about 40 years and agrees professionally with everything Mr. Luetkehans. Mr. Abel said the standards packet that the developer submitted repeatedly says everything they are doing is because of a “product.” He said they have a product in mind with the 3 home plans and want the subdivision to accommodate the plan. He said if there were only 21 lots instead of 23, he thinks there would not be a need for any variations.

Mr. Abel said he is disturbed that the developer was driven to the road configuration by staff recommendations. He said in the developer's presentation, the number 1 thing Mr. Isherwood emphasized that led to the subdivision design was the connection of Montclair Avenue to Sheehan Avenue. He said in his personal feeling that this is not necessary as there is nothing about Montclair Avenue that requires Montclair to become a through street.

Mr. Abel said a regular subdivision of a C-shape with 2 entrances coming out on to Sheehan Avenue would be the ideal design. He said the school had concerns about people coming out, but he thinks that at a busy time at the school, residents would come and go through the eastern entrance to the subdivision.

Mr. Abel said this subdivision could be an S-shape and close Amber Ridge Drive where it would meet Montclair Avenue and only let emergency vehicles go through. He said there could be a gate as it was done in Baker Hill development. He said this could be done with a crash gate or landscaping. He said this would allow the quality-of-life issue to be met.

Mr, Abel said he thinks this could be a win-win situation if the number of lots were reduced so the number of variations are reduced, but as a bare minimum, do not make the connection between Montclair Avenue and Sheehan Avenue which is not necessary.

Resident Comments

Carey Fredrick, 154 S. Montclair Avenue, Glen Ellyn, Illinois said the Board should deny the variances as there are an outrageous number of them. She said the Village has put codes in place, and K. Hovnanian has not demonstrated a meaningful hardship to waive these codes. She said she supports development in the community, but the current plan from K. Hovnanian is flawed. She said these variances have been granted in the past for existing residents; however, granting these variances for a new neighborhood would set a dangerous precedent going forward. She said she was confused at the Plan Commission when a Plan Commissioner tried to come up with a completely different number of homes accepted for a variance. She said it is the responsibility of those on the Plan Commission to uphold the current code, not rewrite it. She said the opening of South Montclair Avenue would add an additional 300 cars onto Sheehan Avenue. She said a group of the neighbors sat down with the Village staff and asked them to use the C-shape design, it was made clear that there would be no other design considered than the S-shape design. She said the traffic study was done between 4:00 p.m. and 6:00 p.m. and not during 2:15 p.m. and 3:15 p.m. when the school lets out. She stated the traffic study did not take into consideration the parking on the weekends which would extend into her neighborhood. She said the residents are looking for a way to make the S-shape design work if they would offer crash gates and hardscapes. She said there is also no concrete solution for the storm sewers, drainage or flooding issues. She said Mr. Isherwood called this a "difficult site," but she would like to know why they will not present a plan that fits the site. Mr. Isherwood said they had presented the 15-home plan to the Village staff, but she said this is the first time this plan had been made public. She said she does not know why the Village staff would put together a plan that blatantly violates code. She said Mr. Isherwood never came back with a revised plan that lowered the number of homes on the plan, and she thinks this is because he was so confident that the plan would go through due to the Village's backing. She said every development would have its issues. She thanked those on the Plan Commission who voted against this proposal and asked the Board to uphold the Village code.

Norris Eber, 173 Stonegate Court, Glen Ellyn, Illinois, said he owns one of the properties directly to the north of the proposed Amber Ridge subdivision. He said the proposed lots 4, 5 and 6 will tilt back

and drain into his side yard. He said due to the increased setbacks that has increased the water drainage back. He said the rear-yard sewers are potentially to be maintained by the 23 homeowners of the Amber Ridge subdivision who may not care when his basement is flooding. He stated the increased LCR, the reduction of the right-of-way and the reduction of the rear-yard setbacks would lead to this issue with water drainage. He said the 15-lot plan would have room for a public sewer easement at the back. He said he and his neighbors have water problems now that will get worse with a private sewer in the rear yards. He urged the Board to reject the variances and would like a few more months to get the right plan.

Jill Dew, 174 Hedge Court, Glen Ellyn, Illinois, read her email that she sent to the Board. She thanked the Board for all the time they take to keep the Village beautiful. She said she lives adjacent to the proposed development and has looked forward to the new development. She said she expects the Board to enforce the zoning and land use codes. She said she is shocked that the Plan Commission took the presented proposal from last year and in the end approved it with so many variances. She said it seems the Plan Commission decided early in the process that Montclair Avenue would be connected to Sheehan Avenue, regardless of the effect on the current residents. She asked if this type of property were available north of Roosevelt Road, would the Plan Commission agree to the density of homes, the number of variances and the clear-cutting of trees without any questions or concerns.

Keith Kinch, 166 S. Montclair Avenue, Glen Ellyn, Illinois, said he likes being located on a cul-de-sac, and there are cul-de-sacs not much bigger than his. He said the community has always supported a development of 760 Sheehan Avenue. He said they do oppose the proposed plan based on all the discussed issues. He said the Village has a reputation of as a unique and highly desirable community that not only pays close attention to codes and ordinances, but also the community interests. He referred to several points in the Village's comprehensive plan. He said the residents had requested an open dialogue to voice their concerns about this proposed development, and it took over 2 months to get this scheduled and then it was only a meeting to discuss the traffic study. He stated the multiple variances will set a dangerous precedent and expects the Board to uphold the Village code and reject this design.

Mollie Buckley, 169 S. Montclair Avenue, Glen Ellyn, Illinois, said she sent an email to the Board last week. She said she does not want the Board to grant the variances and does not want to see Montclair Avenue connected to Sheehan Avenue. She said everyone has to go by the Village's standards and codes when they do tear-downs, rebuilds, etc. She said the developer is using the variations to make a profit, and the plan wants variances granted left and right which has never been done before in the Village. She said she reviewed the Village's comprehensive plan and quoted several sections about north-south roadways. She said in her opinion, the Plan Commission was not even considering the Village's comprehensive plan about avoiding north-south streets. She said Glen Crest Middle School is the largest school in District 89 south of Roosevelt Road. She said there will be more traffic congestion at the school as more children are being driven to and from school. She said South Montclair is a sub-standard cul-de-sac, and there are sub-standard cul-de-sacs throughout the Village.

Paul Phillip Cloutier, 130 S. Montclair Avenue, Glen Ellyn, Illinois, said he sent an email to the Board. He asked why the developer granted the LCR variance as it was stated several times that the developer did not show adequate hardship to qualify for these variances. He said nobody is forcing K. Hovnanian to build the 23 homes. He showed a chart of available homes and average days on the market last year was 216 days and has dropped 43% this year, which shows a much higher demand in the Village. He showed another chart and said the median price of homes has increased year after year in the Village. He said the developer has guaranteed themselves at least a 7% profit. He asked the Board to uphold the

codes.

Kellie de Leon, 708 Glenbard Avenue, Glen Ellyn, Illinois, asked for the Board to uphold the established codes to maintain the character of the Village. She said the granting of the variances would set a dangerous precedent. She said there are a number of problems with this plan and wants to take the time to see the plan right. She said there needs to be more home types so some of the variances would go away. She said she went online to K. Hovnanian Homes and found only 1 community out of 11 in the Chicago area that has only 3 home types; the others all have more than 3 home types with a much wider variety of square footage. She referenced the Village's comprehensive plan emphasizes the need to protect and enhance the appearance and character of the Village. She said this is about community character and makes Glen Ellyn special. She asked the Board to uphold the commitment to the community. She said they want to keep the neighborhood special and wants the Board to take the time to get the plan right as there is a way that this can work for everyone.

Jack Washam, 174 Stonegate Court, Glen Ellyn, Illinois, said he owns one of the properties that borders the development. He pointed to the Proclamation for Arbor Day and said there is a proclamation for Arbor Day, but this development will wipe out a lot of trees; however, if the Village will uphold the code, they should be able to save some of those trees.

Village Board Questions

Trustee Ladesic asked if this plan was approved, would there be a fixed 25% LCR to which Planning and Development Director Hulseberg said they are asking for a blanket 25% LCR on all lots, but the Plan Commission recommended 11 lots, 3 of which could be at 25%. He said he is concerned about the sewer placement and drainage, and Public Works Director Hansen said the Public Works Department prefers to keep the drainage in the right-of-way. Mr. Ulreich said the property generally drains from west to east, and the drainage in the rear of the homes will be picked up by a swale that will convey the water easterly to the retention basin. Mr. Ulreich said the developer proposed to put the storm sewer in the rear yard in order to pick up some of the drainage. Mr. Ulreich said the water in the rear yards will not go north as the north properties are a higher elevation. Mr. Isherwood said the mid-point of the properties would tilt back to the rear-yard swale, and the Rolling Hedge subdivision is higher in elevation. Mr. Isherwood said they are open to discuss the placement of the storm sewer. Trustee Ladesic asked if the pipe fails, would the water still flow from west to east to which Mr. Isherwood responded yes. Mr. Isherwood said there would be an annual maintenance plan to check the pipe. Trustee McGinley asked where the water in the retention basin would go if it overflowed to which Mr. Isherwood said into the existing wetlands. Trustee Friedberg asked if the increased LCR would cause more water displacement to which Mr. Ulreich said the retention pond will be designed based on impervious coverage of the development, and if the impervious coverage goes up, the pond would be designed larger, and if the impervious coverage goes down, the pond would be designed smaller. Mr. Ulreich said a detached garage would have more impervious surface than an attached garage.

Trustee Friedberg said many residents are concerned about safety if Montclair Avenue was opened and asked if there is any material change to safety issues that any other non-collector street in the Village to which Police Chief Norton said no, there is not. Police Chief Norton said his preferred design was to extend the Montclair cul-de-sac down to Sheehan Avenue as the fewer curb cuts on Sheehan Avenue would be a safer for the school environment across the street. Trustee Friedberg asked the same question to Mr. Abel. Mr. Abel said there is not a need for the connection as the safety is a quality-of-life issue as cars would go from 0 to 400 using the connection. Mr. Abel said if the Police Department and Public Works insist on this connectivity, it is for a limited purpose and can be serviced

through a crash gate. Mr. Abel said this is a safety issue as they would be taking traffic going north that has no reason to go through this subdivision. Mr. Abel said the S-shape design is the most awkward as the connection should be straight through, or they should use the C-shape design. Trustee Henninger said a new development can change traffic patterns. Mr. Abel said Montclair does not need continuity.

Trustee Friedberg asked if there had been a property tax revenue increase analysis to which Planning and Development Hulseberg said an analysis has not been done yet, but there will be Developer donations (impact fees) on each house which is required by code. Trustee Friedberg asked if the developer could not get a reasonable return from 21 homes instead of the 23 homes to which Mr. Isherwood said losing 2 lots would not really change the variance requests. Mr. Isherwood said to get an equivalent coverage using a 20% LCR instead of a 25% LCR, the lots would need to increase on average from about 10,000 square feet to 12,000 square feet. Mr. Isherwood said with this scenario, the developer would need to go down to 19 lots and would not produce a financially appropriate rate of return. Mr. Isherwood said if they went down to 21 lots, they would need to take a closer look at the pedestrian path, the landscaping, etc. Mr. Isherwood said the 3 home types in the Plan Commission packets are merely representative homes and would not be included in the ordinance; there would be a lot by lot review of plans as the developer builds.

Trustee Hartweg said the rear-yard swale is good, but the Village should be in control of the storm sewer. He said private control would not be smart. He asked about curbs along Sheehan Avenue to which Mr. Isherwood responded the curbs are planned to the Village's specifications. Trustee Hartweg said there are a lot of 21-foot streets in the Village, and it is not narrow. He asked about the 3-year maintenance plan for wetlands mitigation to which Mr. Isherwood said they will work through this with the Army Corps of Engineers, and when this plan expires, the homeowners will own and maintain both the wetlands and retention basin, which would be a rider in the purchase contracts and the homeowner declarations. Mr. Isherwood said they plan to enter into a back-up Special Service Area with the Village so the Village has taxing authority if the Village would ever need to do any kind of maintenance on the 2 facilities. Trustee Hartweg said quality of life is really what you make it.

Village President Pfefferman asked if the Village's new development on North Parkside had any LCR variances to which Planning and Development Director Hulseberg said there are no LCR variations as these homes are all under 20%. Village President Pfefferman asked if the homes of Glenpark which are west of the proposed development are considered a subdivision to which Planning and Development Director Hulseberg said this subdivision still exists in the plat books. Village President Pfefferman asked if there would be a fence along Sheehan Avenue to which Planning and Development Director Hulseberg said the Village has proposed a single uniform fence type along with the landscaping berm. Mr. Isherwood said the installation of a fence would be optional for the homeowners. Village President Pfefferman said with this proposed development, there would be backyards on Sheehan Avenue and asked if there are any other homes in the Village where the backyards are facing a school to which Planning and Development Director Hulseberg said she could not think of one, but the staff will review this. Village President Pfefferman asked if Montclair Avenue is connected to Sheehan Avenue, would the connection be called Montclair to which Planning and Development Director Hulseberg said this would be Amber Ridge Drive. Police Chief Norton said this would be less confusing also for emergency vehicles. Village President Pfefferman said many streets have dead ends with no cul-de-sacs so are these all planned to go through at some point to which Planning and Development Director Hulseberg said the staff would need to look at each case. Village Manager Franz said some cul-de-sacs do not have an opportunity; however, in this case, it can be considered as Montclair Avenue was not built to be a true cul-de-sac.

Trustee Henninger asked if there are any other situations in a development where the Village required access through a piece of private property for pedestrian traffic to which Planning and Development Director Hulseberg said there in Georgetown by the river off of Swift Road and in Water's Edge as these were PUD developments which required as part of the open-space requirement. Planning and Development Director Hulseberg said in Water's Edge, the path is limestone due to the wetlands buffer. Trustee Henninger said the developer seems reluctant to place barriers where the existing parking spaces are proposed to be removed and asked if it would be reasonable for the Village or the school district to do this at the expense of the developer. Planning and Development Director Hulseberg said the staff is supportive of requiring a curb, and Mr. Isherwood said they are open to a solution to this.

Trustee Henninger said when the Plan Commission came back with the mixed variance, the Plan Commission also had a blanket no detached garage bonus on any of the lots. Mr. Isherwood said they do not think the Plan Commission's LCR recommendation is good as the Plan Commission recommended 11 specific lots that could be granted LCR variances. Mr. Isherwood said this could be a troubling precedent to the other lots in the development as it could invite additional LCR requests by residents 15 years from now. Mr. Isherwood said the Plan Commission's recommendation was made from a representative home site, and K. Hovnanian lets their homeowners choose. Trustee Henninger asked since the institution of the 20% LCR, has there been any similar development of this size asking for a variance to which Planning and Development Director Hulseberg said since 2002 when the LCR went to 20%, there have not been any developments as large as Amber Ridge. Attorney Tappendorf said this would not set a precedent as it is a legal issue, each request is looked at differently and there is no other property of this size in the Village that could accommodate 20 or so lots.

Trustee Henninger asked if there was any expert testimony received that anybody did a fact-based study on child safety that would indicate there were child safety issues that could be exacerbated by this to which Planning and Development Hulseberg said no there was not. Trustee Henninger asked if there was any expert testimony with regard to a negative impact to home values to which Planning and Development Director Hulseberg said there was not. Trustee Henninger said Mr. Luetkehans speculated on 2 driving factors why the developer is asking for so many variances and asked if the developer is investing much more in this subdivision and has a bigger cost-base differential. Mr. Luetkehans said he agrees there cost base is higher than the developer's original plan, but it is the developer's burden of proof to show that this was not doable with 19 home lots and today was the first time they had heard about it.

Trustee McGinley asked if an Amber Ridge resident in a 20% LCR home comes before the Zoning Board of Appeals (ZBA) asking for an LCR variation, what are the guidelines in order to grant this variance. Planning and Development Director Hulseberg said it would be the standards that the ZBA looks at now for any variation request. Trustee McGinley said the ZBA looks at the lot's shape, and Trustee Cooper said the ZBA looks at the hardship to the tenant in use of the property, the fact it has to have something other than economic value and a number of other factors, but it is not strictly about the shape of the lot. Planning and Development Director Hulseberg read some of the other factors. Trustee McGinley said variations are difficult to get as a resident, and many of the variations the Board have approved has been because of an odd-lot size. Village Planner Stegall said LCR has 2 components: how much of a lot you can cover with building structures and incentivizing certain types of desirable product or character.

Trustee McGinley asked why the S-curve design is a high priority to the staff to which Planning and Development Director Hulseberg said the staff group all offered their professional opinions on every

development that comes forward, and there was a plan to extend Montclair Avenue for connectivity and access purposes. Planning and Development Director Hulseberg said Public Works supported the S-curve design due to snow plow turning radius, garbage and other general Public Works issues and the Fire Department had concerns on maneuvering apparatus. Trustee McGinley asked why is staff still pushing the connection without a crash gate to which Planning and Development Director Hulseberg said then you would effectively end up with 2 cul-de-sacs, and the length of the cul-de-sac through Amber Ridge would be 2 to 3 times what Village code allows.

Trustee McGinley asked about landscaping to which Planning and Development Director Hulseberg said the developer has gone above and beyond Village code requires with the buffering along Sheehan Avenue as well as the landscaping on the west and north boundaries of the subdivision. Planning and Development Director Hulseberg said there other possible landscape additions that would be done during the final subdivision phase.

Trustee Cooper asked if the drop-off/pick-up process is the same for Glen Crest as it is for Hadley Junior High to which Police Chief Norton said there are a lot of pick-ups daily as well as bus traffic, and the Glen Crest field and facilities are used year-around. Trustee Cooper asked about the 15-lot plan to which Police Chief Norton said this would be the worst possible situation due to the safety perspective as this would invite an accident history there which is not there now. Trustee Cooper asked about the minimal buildable width on Sheehan Avenue to which Mr. Isherwood said they would be 66-foot wide lots so 52-foot buildable width. Trustee Cooper asked about the minimum lot size in the Village to which Planning and Development Director Hulseberg said in R2 Zoning, it would be 8,712 square feet, and Mr. Isherwood said the smallest lot size they are proposing is 8,801 square feet. Trustee Cooper asked if there is an inventory of styles for the attached garages to which Mr. Isherwood said there is a national plan catalog to choose from. Trustee Cooper asked which garage design would be use if there were detached garages to which Mr. Isherwood said they have not made that determination yet, and these detached garages would be adapted with the requirements of a specific development.

Trustee Cooper asked what determined the proposed small lot size because if the developer went to 21 lots, there would be less variances. Mr. Isherwood said they looked at the current zoning code for R2, and they chose a number of lots that would accommodate the additional public infrastructure improvements that this site plan would need to put in. Mr. Isherwood said if they lost 2 lots, the remaining lots would be bigger, but this would not resolve the underlying issue of the LCR variance. Trustee Cooper said about the LCR if the developer went with the 15-lot plan to which Mr. Isherwood responded the LCR would be 12 to 15%.

Kellie de Leon said Montclair Avenue has been in place for 30 years and wondered how the Village can assess a plan from 30 years ago when they have not done other plans that have been talked about.

Norris Eber said during the April , 2013 Plan Commission meeting, Plan Commissioner Elliott brokered a deal for a limited LCR variance on 11 lots which helped to get the recommendation from the Plan Commission, but the developer is still asking for a blanket LCR on all the lots. Mr. Eber said the Plan Commission could have been dead-locked 5-5 without this deal.

Mollie Buckley asked about a development that was referenced during the April 4, 2013 Plan Commission meeting to which Village Planner Stegall said this was a reference to a proposed Deer Glen II subdivision annexation where the request was withdrawn due to stormwater retention issues.

Village President Pfefferman asked about the decreasing of 1 grade of effectiveness at the intersection of Rt. 53 and Glenbard Avenue to which Mr. Adomshick said under existing conditions, the level of service is an E at the high end and with the addition of the new development traffic, the grade would drop from an E to an F. Village President Pfefferman asked what the LCR would be if there were 15 lots on Sheehan Avenue to which Mr. Isherwood responded the maximum LCR would be 23%. Mr. Isherwood said they can have more than 3 styles of home types in any scenario.

Trustee Henninger said he thinks the path through the wetlands would place risk on K. Hovnanian. Attorney Tappendorf said that if the Village is requiring an easement then there are interests to the Village as well in having the path go through. Planning and Development Director Hulseberg said the path in Water's Edge is maintained by the Village. Trustee Cooper asked about the possible depth of the retention pond to which Mr. Ulreich said it would be 5 feet deep on the outside and 5.5 feet deep on the inside of the berm. Mr. Isherwood said in over-topping events, the water could top the berm which invites further safety concerns. Trustee Cooper asked why the pathway is being built to which Village President Pfefferman said the Village requested it; however, the developer has said they cannot do this path safely.

Trustee Henninger moved, seconded by Trustee Ladesic to approve Ordinance No. 6124, An Ordinance Approving a Preliminary Plat Subdivision, Subdivision Variations and Zoning Variations for the Amber Ridge Subdivision Proposed on Property Commonly Known as 760 Sheehan Avenue, with the adoption of the Plan Commission's recommendations exception of the required pathway through the wetlands.

Trustee Cooper asked for a 10-minute break. Village President Pfefferman said the meeting would reconvene at 12:05 a.m.

Deliberation

At 12:05 a.m. Village President Pfefferman reconvened the meeting and asked for the Board's deliberation on this request.

Trustee Cooper said this is a difficult position, and there is a number of factors in the decision. He said the first issue he has is determining whether the Plan Commission's recommendation or another alternative design should have been considered. He said he is comfortable with the proposal that would have the street running from Montclair Avenue to Sheehan Avenue as designed. He said he is concerned with the drainage issues and the possibility of the storm sewer in the rear yards due to accessibility issues and imperviousness of the soil. He said he does support no pathway by the retention basin as it would not be responsible, but he does support the idea of a connection. He said in regards to LCR, there are no existing platted lots as of now, and the developer has created LCR's for itself because it has elected to build on practically the smallest lot it could build and in doing so, maximize lots and giving themselves economic incentives. He said the Village has asked the developer to take on some of the expense of building improvements, such as the path to the school, easement on Sheehan Avenue and additional landscaping, so he is desirable of being more flexible; however, there has been numerous impervious soil and LCR's throughout the Village, he is uncomfortable with a plan that builds more than the largest homes permitted. He said they can never build detached garages on this property, even if it was platted as 15 homes. He wondered if the Board should let the developer set up lots that are so small that the developer then has to ask for relief. He said he could be prepared to grant some relief on a very limited number of lots, but not the 11 lots as the Plan Commission recommended. He said he would vote no on the resolution from the Plan Commission, but he could support a different

plan that had fewer lots and fewer requests for variances.

Trustee McGinley said she agreed with much of what Trustee Cooper said, and she would say no to the plan as it is now. She said she is excited to have the development in the Village. She said the staff was correct in extending Montclair Avenue to Sheehan Avenue. She said she is concerned about the stormwater issue and does not want to see flooding issues created. She said she wants to protect the existing neighbors. She said the Village has requested many new items from the developer to cover, and many of these are due to the Village plan and the Village's desire. She said as the Village does offer some sort of help for new businesses, maybe this could be looked at for the developer as well. She said in reference to the LCR, the property is a blank piece of paper, and it depends on where you draw lines versus what you need. She said it is tough to get variance requests approved in the Village, and she is reluctant to grant the variances. She wondered how people in the future would know they cannot build detached garages because they might be upset about this to which Attorney Tappendorf said this would be recorded on the ordinance and then be on the title report. Mr. Isherwood said K. Hovnanian would voluntarily put this on the deed. She said she is supportive of a development there, but with a different number of lots and LCR's.

Trustee Henninger said he supports the road configuration, and he thinks the impact with additional traffic on Montclair Avenue will not be bad. He said the stormwater issue is an area for the experts as DuPage County has rigorous requirements. He said in reference to LCR, he is concerned about setting a precedent for the future. He said he would endorse the Plan Commission's approach and the removal of the garage bonus on all lots.

Village President Pfefferman said he is concerned about Montclair coming through due to Glen Park, Glen Crest Middle School, and backyards facing Sheehan Avenue. He said homes backing up to the front of a school alters the essential character of the Village, and the homes on Sheehan Avenue should face the school. He said the least traffic on Sheehan Avenue would come from the 15-lot design as this would eliminate the variances and the opposition from the community. He said they are building beautiful homes with attached garages on Parkside with no LCR variances. He said he does not want to say no without an alternative, and the developer did present an alternative. He said the S-design plan would create another street for the Village to maintain. He said the pedestrian path through the subdivision would be good.

Trustee Hartweg said he is happy to see that the drainage issue should be solved as this was his biggest concern. He said the plan is good and would clean up the area, and the problem is you cannot return it to what it was 35 years ago. He said reducing the plan by 2 to 4 lots would be good and would accomplish the same thing. He said the issue is the development fits with part of the neighborhood, but then does not fit with another part of the neighborhood. He said the homes backing up to the school is not a problem as these homeowners will become part of the community and will care how the neighborhood looks.

Trustee Friedberg said he does not like the plan of putting 15 lots on Sheehan Avenue. He said the 15-lot design was not presented to the Plan Commission; however, there were several Plan Commissioners who did comment that they thought the 15 lots on Sheehan Avenue would not be a suitable option. He said the area is going to be developed, and there will be a road going through; however, the configuration of this road could change. He said the S-design plan is appropriate for the Montclair connectivity as it creates the best opportunity so that cars are not going in and then discovering a dead end. He said the stormwater issue should be left to engineering, and he would like to avoid an association-managed drain in the rear yards. He in reference to the LCR, the density of this

property is too heavy, and the developer should reduce the lots to no more than 21 which would decrease the adjacency to the properties on the north.

Trustee Ladesic said for disclosure, he is a home-builder. He said if the density is reduced and the LCR is increased, he suggested a compromise with a blanket 22.5% LCR. He said he supports the road coming through as it will help with safety and the execution of public services. He said any developer would increase the impervious surface run-off, and it is a matter of managing this. He said he is comfortable the Village's engineers and the developer's engineers so he would feel confident in the telling the residents that stormwater will not be an issue. He said open porches and detached garages would not equal to the character of the neighborhood. He said the 15-lot plan does not make sense. He said there should be more than 3 home plans offered. He said he thinks people will make their own path through the wetlands, whether there is a real path there or not.

Trustee Friedberg asked what would happen if the plan was turned down to which Attorney Tappendorf said the developer would have to start the entire process over again with a new application, discussion with staff, Plan Commission meetings, etc. She said the Board can table this, approve an amended plan or refer this back to the Plan Commission. Trustee Cooper asked if a tabled motion could be taken off the table as an amended plan with extra deliberation to which Attorney Tappendorf said this would send the developer back to modify the plans based on what was said.

Trustee Friedberg moved and Trustee McGinley seconded a motion to table this item. After some discussion, Trustee Friedberg withdrew this request.

There was more discussion regarding what the Board should do and what they would like to see from the developer. Mr. Eber voiced his concern as their lawyer is not present, and he said the Board was negotiating with the developer during the vote. Village President Pfefferman said the Board believes in the collaborative process as this is a very important decision.

Trustee Friedberg moved and Trustee Hartweg seconded motioned to continue this item to a Special Village Board Meeting on Monday, April 29, 2013 at 7:00 p.m.

Upon roll call, Trustees Friedberg, Hartweg, Cooper, Henninger, Ladesic and McGinley voted "Aye." Motion carried. Meeting adjourned.

Village President Pfefferman said the new plans from the developer would be available by Wednesday, April 24, 2013, and there will be public comment allowed at this meeting.

Reminders:

- The next Village Board Meeting is scheduled for Monday, April 22, 2013, with the Workshop beginning at 7:00 p.m. and the Regular Board Meeting beginning at 8:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business?

None

Adjournment

At 12:59 a.m. Trustee Cooper moved and Trustee Henninger seconded motioned to adjourn the meeting.

Upon roll call, Trustees Cooper, Henninger, Friedberg, Hartweg, Ladesic and McGinley voted "Aye."
Motion carried. Meeting adjourned.

Respectfully submitted,
Debbie Solomon
Deputy Village Clerk

Reviewed by,
Patti Underhill
Acting Village Clerk