

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: March 1, 2007

SUBJECT: PC 06-27: 101-125 S. Main Street (DuPage Theatre) – Additional Discussion

After the public hearing portion of the meeting closed relative to PC 06-27 – the DuPage Theatre petition, additional discussion was offered relative to condition #12 that was included within the recommendation of approval by the Plan Commission. Specifically, the condition included a requirement that the developer shall meet at least eighty (80) percent of the required setback of the underlying district. However, that condition was tied to the relief enumerated within zoning request 1(d) included within the petition, which pertained to the front yard setback along Parkside Avenue. While this discussion is not included within the motion of approval of the petition, staff stated that the discussion would be shared with the Board members as requested by the Plan Commission.

Plan Commission Discussion

David Hulseberg, Assistant Village Manager/Director of Community Development, stated that he was at home watching the petition on television and that there was an issue that caught his attention. He stated that condition #12 that Commissioner Sweetser placed on the recommendation of approval provided for a minimum setback of 80 percent of the underlying yard requirement. As written, this condition would only apply along all of Parkside Avenue. He sought a clarification as to where this condition would be in effect. William Heniff stated that the intent of the relief in the request is to hold the existing building line along Parkside at four feet (4'), so if the condition applied to the Parkside elevation, it would require the building to be placed twenty-four feet (24') off of the north property line.

Commissioner Sweetser stated that her intent was to address the east property line. Mr. Hulseberg stated that if the intent was to move the building off of the east property line, the condition of approval would not apply and have no effect. Mr. Heniff stated that the condition would preclude any new construction activity from up to twenty-four feet (24') from Parkside Avenue.

Commissioner Sweetser noted that the submitted plans denote a twenty-three foot, six inch (23'6") drive aisle plus five feet (5') for transitional landscaping along the east property line, but

the plans did not denote the dimension for the bump out (bay windows and/or balconies). Mr. Hulseberg reiterated that the motion that was made is confusing and recommended that it be amended because it applies along Parkside Avenue and not along the east property line.

Commissioner Burke asked if this item was open for discussion. The issue is that the pictures depict the building from the backyards and the motion gave the impression that it was to make the building move further west off the property line.

Mr. Hulseberg stated that the motion as written did not do what the Commissioners it to do. If the intent was a setback of eight (80) percent of thirty feet (30'), the proposed condition is moot, as it already meets that standard. Commissioner Sweetser stated that the condition was not intended for Parkside. If the drawings had indicated the measurements of the overhang along the east property line, it would have made the issue clearer. Mr. Hulseberg noted that no part of the building is closer than twenty four feet (24') off of the east property line.

George Wagner, Village Counsel, stated that the public hearing was closed and many of the audience members were gone. He recommended that the motion go forward as is and have this issue clarified at the Board of Trustees level.

Commissioner Burke stated that he is not sure that his vote would be the same based on this discussion. They did not have a site plan in their package and he thought they were moving the building further to the west. Mr. Hulseberg stated that this comment will be transmitted to the Board of Trustees.

Staff prepared the attached exhibit that depicts what the building footprint would look like if condition number 12 was adopted by the Board as recommended for approval by the Plan Commission.

RECOMMENDATION

Staff notes that condition number 12 would modify the building footprint, the exterior elevations and the overall scope of the project. If the Board believes that condition number 12 should be included as part of the Ordinance of approval, staff recommends that the petition be remanded back to the Plan Commission for further review and the petitioner should be directed to prepare revised exhibits to reflect compliance with condition number 12. However, as noted above, the intent of the Commissioners was not to change the building setbacks along Parkside Avenue. Therefore, based upon this discussion, if the Board votes to approve the project, staff recommends that condition number 12 not be added within the conditions of approval.