

VILLAGE OF DOWNERS GROVE
COMMUNITY EVENTS COMMISSION
COMMITTEE ROOM
DOWNERS GROVE VILLAGE HALL
April 17, 2008

PRESENT: Mr. Dave Humphreys, Ms. Patti Marino, Ms. Tessa McGuire, Ms. Becky Rheintgen
Staff: Ms. Mary Scalzetti, Ms. Barb Martin

ABSENT: Chairman Martin Tully, Ms. Kelsey Greysik, Ms. Ellen Pendola,
Ms. Linda Kunze, ex-officio, Mr. Richard Szydlo

GUESTS: None

I. APPROVAL OF MARCH 20, 2008 MEETING MINUTES

There being no changes to the minutes, the Board approved the March 20, 2008 minutes.

II. PUBLIC COMMENT - None

III. DIRECTOR'S REPORT

A. RFP

1. Parking Garage Assistants

Ms. Scalzetti reported that the deadline for the Parking Garage Assistance RFP is May 2, 2008. She noted that three groups have expressed interest in monitoring the deck during the festival weekend. The RFP this year includes a 60/40 split which is consistent with Beer Garden and the Amusement Ride RFP's. If there are three groups working the deck then they will split the 40% revenue. The parking deck fee on Saturday and Sunday during the festival will be \$5.00 per car. On Friday the fee will be \$3.00 due to the large number of commuters utilizing the lot on that particular day.

B. Extension of Contract

1. Bike Race

Ms. Scalzetti reported the Chicago Special Events Management 2006 Bike Race contract is up for renewal. This will be the last extension to the 2006 contract. The event dates are August 16, and 17, 2008. Ms. Scalzetti explained there are no changes to the race course layout or setup for this year. It will be the same as last year. Ms. Scalzetti asked the Commission for a vote to extend the 2006 contract for the 2008 Bike Race.

MS. MCGUIRE MOVED TO EXTEND THE 2006 CHICAGO SPECIAL EVENTS MANAGEMENT a.k.a. CHICAGO RUNNING & SPECIAL EVENTS MANAGEMENT, INC. BIKE RACE CONTRACT FOR THE 2008 EVENT. MS. MARINO SECONDED.

Yea: Mr. Dave Humphreys, Ms. Patti Marino
Ms. McGuire, Ms. Becky Rheintgen,

Nay: NONE

The motion carried 4:0

IV. OLD BUSINESS

A. Heritage Festival Update

a. Heritage Festival News

Ms. Scalzetti reported that work on the festival brochure is underway and should be completed the first week of May. She noted that once the layout is completed, she would like for volunteers from the Commission to assist with proofing.

b. Entertainment Update

Ms. Scalzetti reviewed the final entertainment lineup. She noted that Mark DeCarlo will be performing at the Tivoli on Sunday. His performance will be followed by the Jimmy Neutron movie.

Ms. Scalzetti noted that she is working with the police and fire depts. to do a fund-raiser during Mr. DeCarlo's performance.

V. NEW BUSINESS

There being no further discussion, the meeting adjourned at 6:50 p.m.

The next meeting is scheduled for May 15, 2008.

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
May 14, 2008**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:43 p.m. Trustees present: Greene, Humphreys, Vlcek, Daniels. Trustees absent: DiCola, Read. Also present: Library Director Bowen, Assistant Director Carlson. Visitors: none.

Trustee DiCola had indicated that she would not be able to attend this meeting, and the Annual Report to the State Library requires the Board Secretary's signature. It was moved by Greene and seconded by Vlcek **THAT TRUSTEE HUMPHREYS BE APPOINTED SECRETARY PRO TEMP.** Ayes: Greene, Humphreys, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of April 23, 2008. It was moved by Humphreys and seconded by Vlcek **THAT THE MINUTES OF THE REGULAR MEETING OF APRIL 23, 2008 BE APPROVED AS WRITTEN.** Ayes: Greene, Humphreys, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Greene and seconded by Vlcek **TO APPROVE PAYMENT OF OPERATING INVOICES FOR MAY 14, 2008 TOTALING \$64,866.96 AND ACKNOWLEDGE PAYROLLS FOR APRIL 2008 TOTALING \$154,265.73.** Ayes: Greene, Humphreys, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

--Approval of a the FY 2007 Illinois Public Library Annual Report to the State Library

The Board packet contained a copy of the Annual Report to the State Library which was completed online. The State moved to a new vendor to collect the data, so some things were a little different from past years' reports. With the exception of numbers, the library name and address, and Internet URLs, all of the text was selected from menu choices for each response so the library had no control over terminology used. This was most noticeable in the section on professional staff (pages 17-21). In the past the library entered job titles for each position. This year job titles had to be selected from a menu, and there was no option for Department Head, but only a subject specialty such as Reference. Bowen selected Adult Services for the Literature Department staff, to differentiate them from the Reference Department. The options for primary work area did not include a

choice for readers' advisory, so Bowen selected Reference and Collection Development for all reference and literature department employees. In the report's suggestion area for next year's annual report, Bowen requested that the job title and primary work areas be changed to include dept head and readers' advisory.

It was moved by Humphreys and seconded by Vlcek **TO APPROVE THE 2007 ILLINOIS PUBLIC LIBRARY ANNUAL REPORT AND TO HAVE THE LIBRARY DIRECTOR SUBMIT IT TO THE STATE LIBRARY.** Ayes: Greene, Humphreys, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

--Review and approval of a proposal for expanding the Garden Walk

The library had received design-build proposals to expand the Garden Walk and was pleased to make a recommendation to the Board at this meeting. Since several Trustees joined the Board after the completion of the building project, the following background on the Garden Walk was provided.

During the library expansion and renovation project, the architect responsible for the interior design of the building proposed some ideas for decorating the children's areas. The Board was very interested in a plan that included the Mouse House, the solar system mural, and the garden wall mural for the Children's Department. Although the Board knew they wanted to provide art work in the library eventually, this special art work for the Junior Room had not been included in the original building plan or the construction budget. So, the Board came up with the idea of the donor paver Garden Walk, with the intent of giving the community a way to be part of the new library project and with the hope that it might raise enough money to fund the extra art work for the Junior Room, estimated at around \$20,000.

The community enthusiastically embraced the project, and the original installation more than covered the cost of the art work for the Junior Room. As a result of the library's promotion of the Garden Walk, the Downers Grove Junior Woman's Club became aware of the plans to decorate the Junior Room and volunteered to donate the cost of the decoration of the Mouse House. Individuals also donated the benches that are located in the Garden Walk.

Purchases of donor pavers have continued to be popular in the community. Many residents have purchased several bricks over time to commemorate milestones in their families' lives. Over the past ten years the Garden Walk has contributed over \$100,000 and has paid for most of the art work in the library. People continue to be interested in donating bricks, and the current Walk is out of room. Perhaps the Garden Walk is popular because the library is a place for everyone, for all their lives.

The library would like to allow the tradition of the Garden Walk to continue by expanding it along the west side of the building. If the work can begin soon and the weather cooperates, the project can be completed by the end of June.

The library would like to continue to earmark the proceeds from the sale of bricks for art work and other building enhancements, but suggest directing the donations to the Foundation, rather than the library operating fund. While the donation to the library is tax deductible, the library has found that some donors are more comfortable donating to an organization that is a 501(c) 3. The revenue would be used to establish a Foundation Fund for art work and could be easily accessed, without being part of the library budget process. The Library Board was comfortable with this idea so it will be presented to the Foundation Board at their next meeting.

Proposals from three landscape companies were received. The companies also provided proposals for refreshing the entire library landscape, as the library requested. The refreshing of the entire landscape,

however, will have to wait until next year as the library's budget can only cover the cost of the Garden Walk expansion this year.

Staff believe that either of two of the three landscapers' proposals would work well, but recommended the design of one which includes more pavers, a tree for eventual shade over two donor benches, and a plantscape with more variety and interest.

Copies of the plans were provided in the Board packet and photos of the plants were available at the Board meeting. The Board discussed the proposals and walked through the current Garden Walk and the area for the proposed expansion. Plant selections, bees, maintenance, tree location, irrigation, number of pavers, etc. were covered. Carlson will talk with the landscaper regarding the concerns and questions of the Board, and she and the landscaper will meet within a week to finalize plant selections.

It was moved by Humphreys and seconded by Greene **TO APPROVE THE BASIC DESIGN AND ACCEPT THE PROPOSAL OF J. W. RUHL LANDSCAPE SERVICES FOR AN AMOUNT NOT TO EXCEED \$30,000, SUBJECT TO ADJUSTMENT OF PLANT CONTENT, AND WITH THE GOAL OF COMPLETING THE PROJECT BY MID-JUNE.** Ayes: Greene, Humphreys, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

REPORT FROM THE ADMINISTRATION

Bowen was pleased to report that he has been elected to a three-year term on the American Library Association (ALA) Council. The Council is the policy-making body of the 59,000 member association. His term begins immediately following the national conference at the end of June 2008.

There was a letter to the editor in the Downers Grove *Sun* last week, complaining about the homeless people that frequent the library. The writer stated that the library director and the police told him the same thing, that people cannot be banned from a public building as long as they follow the rules and don't cause problems. Since the letter appeared, Bowen and Carlson have received several telephone calls from people who said that they are residents and are also tired of seeing the homeless in the library all of the time. The callers all acknowledged that there was nothing that the library could do about the situation since the library is a public building; they just wanted the library to know that they wish the homeless could be kept out. The callers were somewhat mollified to hear that the homeless are required to follow the library's rules of behavior just like every other patron, and that they will be banned from the building for a day, three months, or permanently if they don't follow the rules, just like every other patron. The majority of the library's homeless patrons do follow the rules. It was also noted that many of the homeless from the PADS program seem to be remaining in the area, even though the PADS shelters are closed for the summer. In the past, the homeless would virtually disappear from the library when the PADS season ended for the summer.

In the May 1, 2008, Downers Grove *Sun*, Elaine Johnson wrote a column on library overdue fines, based on a conversation she had with Bowen. Although Bowen's name was misspelled, the article was very positive toward the library and what a bargain the library is.

Publishers Weekly had a couple of interesting articles recently. Given that the library is always wondering about books and reading becoming obsolete, Bowen was interested to see that chain bookstores all reported that total sales were up in 2007, an average of 2.7% over 2006. Even more interesting was that in-store (excluding online sales) for the chains were up over 4%. Bowen hopes that this indicates that physically browsing books is still attractive to many people. That said, the percentage of all book sales online jumped from 23% in 2006 to 30% in 2007, and is projected to continue to grow in 2008. The interesting news here is that it is the market share of the chain bookstores that is decreasing, while the market share of online bookstores is increasing. The market share of independent bookstores has stayed pretty constant at between 8 and 9%, so people are still supporting their local bookstores.

TRUSTEES REQUEST FOR INFORMATION AND ANNOUNCEMENTS

Bowen distributed invitations to the reception honoring David Eblen, retiring superintendent of Downers Grove schools, on June 22.

Trustee Vlcek reported that she had heard back from the person she had talked with at the high school regarding Tutor.com, and they were very positive about the service, and might even consider offering it in the future. Bowen said that library staff had decided for several reasons, including the expense of the service, not to offer it at this time.

President Daniels mentioned that a patron had talked with him about wanting the library to offer downloadable books compatible with iPods, and Daniels had explained that Apple has not yet made their iPod format available to vendors offering downloadable books to libraries.

Daniels also reported that at the first planning meeting for TCD3 in April, a Village staff member had noted that in the Library Board minutes it had been suggested that concerns with the homeless be included in TCD discussions.

A Library Foundation Board meeting will be scheduled for May 28 following the regular Board meeting.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 9:02 p.m.

Meeting Summary

Technology Commission,
Village of Downers Grove
May 8, 2008

Meeting started at 7:00pm, Committee Room at Village Hall.

PRESENT:

Technology Commission:

Mark Grippando, Chair
Robert Blair-Smith
Will Hutchinson
Don Nichols

Absent:

Peter Craven
Thomas Nybo
James McGinnis

Staff

Liangfu Wu, Staff Liaison

Residents

John Schofield
Mark Thoman

Meeting started: 7:00pm

Chair started the meeting by asking staff to summarize two reports regarding Eden installation and performance and the installation of Snow Plow AVL Project.

Liangfu Wu (staff liaison): Eden installation process has been very smooth, and staff has had no major problems. The company is responsive to our questions and technical support calls. All modules are installed and running with the exception of Permits. While staff is designing the workflow for the permitting process, the go-live date is planned for later Oct/early Nov of 2008.

Commission asked what would be the major improvements Eden has over the old system

Liangfu Wu: two areas: 1) various modules now “talk” to each other and work as a finance application and 2) Reporting function.

Mr. Thoman: can data in one module be referenced in another, e.g., fees are not paid in fines are shown in Permit?

Liangfu Wu: Yes.

Commission: Did the delay on AVL installation for the snow plowing trucks come from the weather?

Liangfu Wu: Yes, and some delay in the hardware delivery

John Schofield: comments on two issues: 1) the installation of Eden was one step back from the previous program which had a better web interface. I.E., the old CRC used to allow me to enter my case and find out the case status. Now, the Eden module could not do that any more. Another issue is that paying water bill online is no longer allowed. 2) The reporting function of Eden is not there. I.E., I was told by staff in charge of CRC that the system cannot produce any report. If the system cannot produce any report, how can the village management team be held accountable for Village's performance?

Commission: At the time the Commission recommended Eden, the emphasis was focused on the internal function, and the commission was aware of the weakness of web interface Eden may have.

Commission: Believed that Eden should have a report function. Commission directed staff to have a follow-up report regarding the reporting function of the CRC.

Commission: Asked if there is a board/commission in charge of issues regarding cable TV/Comcast/AT & T.

Staff: There is none.

Commission: Discussed whether this commission should take on this responsibility. No recommendations were made at the end.

Commission: Asked about the status of the telephone system. Commissioner Robert Blair-Smith indicated that as the commission is aware of the telephone system being used by the Village, a decision has to be made soon due to the rapid change in the telephony industry. He said he did not believe that the support for the old technology from the industry would last for too long.

Liangfu Wu: the Village was planning to tie the telephone system to the new Village Hall project. However, since the new Village Hall project was taken out of the 2008 project list, staff may start looking at a study on the new system in June/July, preparing a budgetary item for FY/2009. But, bringing in a new IP based telephone system requires significant investment for improving the infrastructure of existing village facilities.

Both Commission and staff agree that the telephone system should be reviewed closely soon.

Commission: Requests a report on how the Village will handle the telephone system.

Mr. John Schofield: Parcel Navigator is a wonderful tool. However, it is almost impossible to pull any layer/data out of the system when accessing the system from home. It is too slow to be useful.

Commission: Suggested that one access point be made available in DG public library.

Liangfu Wu: Indicated that there would be a matter of cost of a dedicated line to that location. Staff will find out and report back to the Commission.

Commission: Looked at the monthly performance report related to I.S. Department. The Commission believed the report was very useful indicator. Commission further suggested a better way to offer graphic presentation on the report.

Adjourned at 8:08pm

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
MINUTES OF APRIL 23, 2008 MEETING**

Call to Order

Chairman White called the meeting to order at 7:30 PM.

Roll call

**Present: Mr. Benes, Mr. Domijan, Ms. Earl, Mr. LaMantia, Ms. Majauskas,
Ch. White**

Absent: Mr. Stanton

A quorum was established.

Staff: Jeff O'Brien, Damir Latinovic

Minutes of January 23, 2008

Ms. Earl moved to approve the minutes of the January 23, 2008 Zoning Board of Appeals meeting as presented. Mr. Domijan seconded the Motion.

**AYES: Ms. Earl, Mr. Domijan, Mr. Benes, Mr. LaMantia, Ms. Majauskas,
Ch. White**

NAYS: None

The Motion passed unanimously.

Meeting Procedures

Chairman White reviewed the procedures to be followed during the public hearing, and called upon anyone intending to speak to rise and be sworn in. He then called upon the Petitioner to make its presentation.

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ZBA-01-08 A petition seeking 1) a front yard setback variation along Cumnor Road and 2) a transitional yard setback variation for the property located at the Northwest corner of the intersection of Ogden Avenue and Cumnor Road, commonly known as 212 Ogden Avenue, Downers Grove (PIN 09-04-111-024,-025); Dan Ray, petitioner; Michael Fisherman, Owner.

Petitioner's Presentation:

Mr. Rob Getz of V3 Companies of Illinois spoke on behalf of the petitioner. He showed the location of the site at the northwest corner of Cumnor and Ogden Avenue on an overhead projector. He described the surrounding area. He explained there are actually two lots which have about 5,100 square feet of building on them. The petitioner proposes to construct a new building containing 4,100 square feet. Mr. Getz noted the site is in disrepair with several maintenance issues, and the proposed construction will eliminate the existing eyesore at that intersection.

Mr. Getz informed the Board that the petitioner has been working with staff since September, 2007. There are a lot of curb cuts on the site, and the developer intends to remove most of the curb cuts and replace them with a landscaped area, curb and gutter. He showed the alley way and how the petitioner proposes to clear what is now a dangerous area. They are requesting a setback reduction from 20 feet to 15 feet to allow for adequate parking. The Cumnor setback as required is 25 feet from the property line, and the petitioner is proposing 12.5 feet. They intend to use the additional space for parking spaces.

Mr. Dan Ray of Millennium Venture Group explained the proposal is for a 4,125 square foot two-tenant building for two tenants who have expressed a desire to lease the sites. He described how the building would occupy the lot.

Mr. Benes asked about the tenants, and Mr. Getz responded there was a food-service business, and an office-services provider. Mr. Getz used the site plan to show the location of the food loading area. Mr. Benes questioned how supplies would be brought to the site on Cumnor Road. Mr. Ray said they would have early morning deliveries, with the truck parking the parking area. Mr. Benes asked about provisions for scavenger service for both tenants. Mr. Ray showed on the site plan where the dumpster area would be located upon approval. Mr. Benes said the building to the west is a motorcycle business, and the northeast corner of that building has an emergency fire hookup. He asked if they were aware of that, and Mr. Getz said they were and pointed out the location on the site plan.

Ms. Majauskas asked about the easement, pointing out the area where there is a gate and asked what type of easement it is. Mr. Getz said it was a 15 foot permanent access easement going back to 1970. There are two other easements on the site as well.

Ms. Majauskas said she read about the discussions that took place with Yamaha. She asked what would happen if the easement on the north side was not there, and Mr. Getz said those 5 feet would go toward the transition area leaving an additional 10 feet as setback. Mr. Getz verified that the 15 feet is a recorded easement. There was some question raised as to the existence of a fence on the property and the ownership of that fence.

Chairman White said even if the easement did not exist, there would be a problem because of the Yamaha business transition yard. He noted none of the easement area could be used as parking anyway.

Mr. Benes asked about the anticipated traffic patterns for the site. Mr. Ray said there would be a retail use with heavier traffic in the afternoon and evening. The business for the quick service restaurant is at its heaviest between 11:00 and 1:00 PM. They expect roughly 50 cars an hour during the 11:00-1:00 PM. The southern access on Cumnor Road will be a right-out only.

Ms. Majauskas questioned whether the building is moved as far as possible on the site to allow for any additional space for parking. Mr. Getz said it was located in the best position for the size required and to address parking constraints.

Mr. Ray said the quick service restaurant wants a minimum of 2,100-2,200 square feet. If this was in a downtown urban area, they might have requested a smaller size. If they were unable to provide at least the 2,000 square feet which most businesses expect, they would lose the tenant.

Mr. Ray indicated, in response to Chairman White, if they went with a smaller building they would only be able to have one tenant. He indicated the petitioner has worked closely with Staff to utilize the space to its maximum. They have reputable well-known tenants. In regard to the previous tenants, the petitioner will have to do maximum clean-up work.

Ms. Majauskas then asked about the distance of the patio from the sidewalk, and the planned buffer between the patio and sidewalk. Mr. Getz said it is about seven to eight feet from the sidewalk to the patio, and the buffer area will be landscaped.

Mr. Domijan inquired as to plans for snow removal during the winter months. Mr. Ray said he was not prepared for that question, but thought they would have to move the snow off site. There will be professional management for the location for snow removal.

Mr. Benes noted the site plan showed 31 parking spaces. He questioned how many employee parking spaces would be needed by the two tenants. Mr. Ray said they anticipate the quick service restaurant to have four employees, and possibly two spaces for the retailer. They have made no plans to use Panera Bread's parking area for their employee parking.

With no further questions from the Board, Chairman White called upon staff to make its presentation.

Staff Presentation:

Damir Latinovic, Planner, reviewed the petition before the Board. The property is surrounded by commercial use on the west, south and east sides, and by residential uses on the north side. The site is comprised of two lots of record and is currently vacant. The petitioner proposes building a one-story commercial building with on-site parking. The required front yard setback along Cumnor Road is 25 feet, and the transitional yard setback to the north is 20 feet. The property to the north is a uniquely shaped wetlands area. Mr. Latinovic said the petitioner is requesting a setback variation to 12.5 feet from the east property line along Cumnor road and the transitional yard parking setback to 15 feet from the property line. If the petitioner receives approval, they will have to obtain a petition to consolidate the two lots of record into one lot to move forward

on this project. The Plan Commission and Village Council will review the plat of consolidation and the final site plan.

Mr. Latinovic explained the proposed building is 4,125 square feet, and the site meets the parking requirements. He noted the Village's Ordinance accounts for employee parking as well. There will be three access points, two full driveways, one on Cumnor Road and one on Ogden Avenue and a right-only exit closer to Ogden Avenue on Cumnor Road.

Mr. Latinovic then reviewed the Village's Ordinance requirements for variations, saying the size of the site and the presence of access easements benefiting the property to the west present a hardship for the petitioner. The two easements on the site dictate the type of tight layout that can be designed for the site. In order to meet the minimum dimensions for the parking lot and parking spaces, the setback is reduced to 12.5 feet by means of the requested variation. He indicated the townhomes to the north of the site are 30 feet from actual Cumnor Road curb. In addition, the property is unique in that abuts the residential rear yard.

Mr. Latinovic responded to a question raised about the fence, saying it is located on the townhouse property, and it will remain unchanged. They will also attempt to keep the trees between the residential area and the commercial area. He said Staff received calls from residents inquiring about the businesses and how they will affect the neighborhood traffic.

Mr. Latinovic said staff believes the requirements for granting a variation have been met as stated in the Staff Report dated April 23, 2008. The variations requested will not be applicable to any other property in the area.

Ms. Majauskas said in looking at the document, there is a north lot and a south lot. She thought the south lot was the only lot that required the 25 foot setback, but Mr. Latinovic said that the north lot also requires it as a front yard. Ms. Majauskas said it appeared they should be granting three variances: the transition, the front yard setback for north lot and the front yard setback for the south lot. Mr. Latinovic said the request to consolidate the two lots is not before the Zoning Board of Appeals. Ms. Majauskas said for that reason there would be three variances. Mr. Latinovic explained that the request for one front yard setback variation is processed with a condition that the variations be valid only if the consolidation is approved. If the Council does not approve the consolidation the variations will not be valid and the building cannot be constructed.

Mr. Benes asked if there is some other place along Ogden Avenue which has a curb cut as close to Ogden Avenue as this site has it proposed. Mr. Latinovic said some of the gas stations are very close to the intersections such as the one at Ogden and Main.

Ms. Majauskas asked if they could reorient the parking spots south of the building to create another entrance, resulting in two exits and three entrances.

Mr. Latinovic said with regard to access, the Illinois Department of Transportation would have to review and approve this project because of work on the Ogden Avenue right-of-way. If they decide the exit is too close, it will have to be eliminated. Staff believes the amount of traffic using the exit onto Cumnor will be minimal and will be right-out only.

Mr. LaMantia asked Staff whether they feel they have exhausted every design idea for the site over the past eight months to develop the site. Mr. Latinovic responded this is the third or fourth design option presented. The site is encumbered by a number of easements and is contaminated which explains why it has remained vacant for so long. Staff determined that some form of variation had to be requested to provide a viable development on this property.

Mr. Domijan commented on the Cumnor Road setback, saying the elevation seems to begin 28 feet to the highest point. There will be a liberal setback, and he asked about signage based on height. Mr. Latinovic said the Village measures height to the highest point on a flat roof surface. The roof of the structure is about 18 feet from the ground. The height of the parapet walls above the roof line will be reviewed at the time of the permit application. The site will have to comply with the Sign Ordinance.

Chairman White said he thought that variations like this were part of the Plan Commission's submission and was included with all other data on the site development. Mr. Latinovic said Staff determined the most crucial part of the request are the variations and whether they meet the standards for hardship. The Plan Commission will review the actual plat consolidation including landscaping, traffic, etc.

Chairman White said the variation if granted would apply to this plan. He asked if the Plan Commission does not approve the plat and another developer comes in, what happens to the variation. Mr. Jeff O'Brien responded if the plat of consolidation is not approved, the zoning variations, if approved, become null and void. That is specifically conditioned in the recommendation in the staff report. He noted the petitioner is not the owner of the property.

Mr. Benes referred to staff's report on the nine points to consider for a variation, noting staff has said in all points that they believe the standards have been met by the petitioner for that site. Mr. Latinovic confirmed saying they meet all the zoning requirements except for the two setback issues. The property is uniquely encumbered by a number of easements and setbacks, causing a physical hardship in building on the site. He then further responded to Mr. Benes' question and reviewed the nine points and the standards staff used to make its recommendation to grant the requested variances. Mr. Benes said because the petitioner chooses to construct the building a certain way which prevents them from meeting all of the zoning requirements, the petitioner has created the unique circumstance. Mr. Latinovic responded in this situation staff believes it is more appropriate to provide parking and not ask for a parking variation rather than the full setback.

Chairman White said he thought the question came down to whether or not the site is commercially viable, and if it is not commercially viable with all the requirements, then it becomes a hardship. Mr. Latinovic responded the petitioner is attempting to get a reasonable return for the property by providing a certain type of building, which requires some variances from the Village.

Mr. LaMantia said the point is that they can construct a single-tenant building on the site, but that may take a long time to find someone willing to do that. The property has been vacant for a long time.

Mr. Benes asked what the parking requirement was in the Code. Mr. Latinovic said the restaurant space is required to provide 15 parking spaces per 1,000 square feet, or one space per four seats. A retail space would require 3.5 spaces per 1,000 square feet.

Mr. Domijan referred back to condition four and the 12.5 foot variation. He asked if the outdoor patio is included in that variation. Mr. Latinovic said the front yard setback variation is for both the outdoor patio to the east of the building and the building. If the patio were not there, they would still require the 12.5 foot variation for the building.

Mr. Domijan asked if the word "patio" were changed to "front porch" what would occur. Mr. Latinovic said it would not be permitted as it would be raised above grade and be part of the structure. This has to be an at-grade patio.

There being no further comments, Chairman White called upon anyone from the public who wished to comment on the petition.

Mr. Jeff Miller, part owner of DGY Sports Yamaha, commented on the contamination issues, saying as far as he and the neighbors know the tanks have been removed long ago. He said there have been many inquiries as to the status of the property. The developer came to DGY and proposed their initial plans, which DGY did not like. The petitioner then changed the plans. Mr. Miller said he is in favor of something being placed on that lot; although he said there is another option, which would be the expansion of the DGY building onto that site if they owned the building. However, what comes into play is not only the reasonable use and return of the property, but also the reasonableness of the owner of the property. He said the property owner is asking a lot of money considering what is going on with that property and the easement issues. Mr. Miller further stated they are sick of neighbors to the west using that site as a drop-off point for their \$500,000 cars. Trucks pull up daily, and no matter how often they try to block the property, it is used as a drop-off. Having a development constructed on the lot will be good for the Village and that area. He does think the snow issue is valid, and he is interested in how the dumpsters will be placed. He does not think there will be an issue with the plan presented, so it will not create visibility issues for DGY. There will be a parking issue in his opinion, but they would like to see something done with the site as an improvement. He indicated that DGY has had no complaints from the surrounding neighbors since they have been at their location. In response to Mr. Benes' question if they park on the subject lot, Mr. Miller said he tells his employees that DGY is not the owner of that property, and they encourage them to park legally further down on Cumnor. He admitted his employees do park on that vacant site sometimes.

Ms. Debbie Sheehan, 201 Foxfire Court, directly behind the subject property, distributed some photos to the Board members. She agreed something needs to be done with the property, and she is tired of seeing the cars off-loaded on the site, as well as on Cumnor Road. Ms. Sheehan said she felt traffic would be impacted on Cumnor Road, because traffic already turns onto Cumnor to get to Trader Joe's. She asked about the early delivery on the north side of the building, which would be adjacent to her back yard. She also inquired as to the type of lighting they will install and how it would affect her property. Ms. Sheehan suggested more trees planted to serve as a better buffer between the business and the residential side. If these concerns were addressed, she said she thinks she would be ok with the plan. She is curious as to whom the restaurant tenant would be and wants to be sure that there will be no refuse/rodent problems.

Chairman White explained the issues she has commented on would be discussed at the Plan Commission level, and then by the Village Council. The Zoning Board of Appeals addresses primarily the issue of the variances and hardship. He recommended she follow this up when it is scheduled with the Plan Commission. Mr. O'Brien said the residents would get notification of future public hearings which would probably occur in June or July.

A resident at 201 Foxfire Court said she is 100% in support of doing something with the property because it is blighted. They are tired of seeing trucks back there and she gets to see the men urinating against the fence quite often. She asked that residents be informed when this comes before the Plan Commission so they can address the issues of sound, parking, lighting and landscaping.

Mr. Ray said there were issues raised tonight that he and Mr. Getz would discuss before the final approval.

Chairman White closed the public participation portion of the hearing.

Board's Deliberation:

Mr. Benes asked for clarification of the specific variations they are considering.

Chairman White said his understanding is that one variation would allow parking 15 feet from the north property line rather than 20 feet. The second variation is to allow the eastern face of the building 12.5 feet from the property line rather than 25 feet. He said the approval is contingent upon the site plan presented before them this evening, so that if the Plan Commission does not approve the site plan and consolidation, the variation becomes null and void.

Ms. Majauskas said she thinks it is time for something to happen on this site. It has been sitting vacant, and finally someone has decided to take on constructing a building there. As far as parking and other issues, they will settle themselves out in the upcoming stages of approval. Those items are not the jurisdiction of the Zoning Board of Appeals. She thinks the proposal makes sense for the location and the Village.

Ms. Earl said she also supports this proposal. The neighbors seem to agree that there are some unique conditions. She would support the petition.

Mr. Domijan said he is split because it is development to remove something that the Village has become lax about over the years. The development proposed is tight on the lot. He has no problem with the variation for the transitional setback, but is concerned about the maximum variation on Cumnor Road side with the elevation proposed. It will have a tunnel effect on the corner and he does not think it will be an attractive addition. The Cumnor side is posing the most problems for him.

Ms. Majauskas agreed that might be something to consider, but unfortunately the Village has been lax, and it has done nothing to require the owner to clean up the property. It has been vacant for years. She said there is an environmental issue as well, because there will be a \$100,000 clean-up issue right up front or maybe more.

Mr. Domijan said this is a really tight fit. He agrees with the motives and desire to follow-through with this development. However, he is not comfortable with the Cumnor side variance.

Mr. LaMantia asked whether that issue would go before the Plan Commission. Mr. Latinovic said that it will certainly be presented. He would not consider this the final change of the plan. If the elevation however goes higher, then the required yard would be larger and that would nullify the variation requested and granted. He reviewed the plan showing part of a parapet and wall, the heights of which would affect the setback. He said this would be looked at much more closely as it goes further into the review process and during the building permit review.

Chairman White said it would be staff's job to bring these concerns to the attention of the Plan Commission as the petition comes before them.

Mr. Benes said he does not like the height of the development along Cumnor Road at all.

MOTION:

Mr. LaMantia moved in case ZBA-01-08, that the Zoning Board of Appeals grant the requested transitional yard setback and front yard setback variations subject to the following conditions:

- 1. The final building and site layout shall substantially conform to the site plan prepared by V3 Consultants, Ltd. dated December 7, 2007, last revised March 24, 2008 and architectural plans prepared by KTG Y Group, Inc. dated November 30, 2007 and February 14, 2008, except as such plans may be modified to conform to the Village Codes and Ordinances.**
- 2. The variations shall only be valid upon the approval of the final plat to consolidate the two existing lots into one with following conditions:**
 - a. The trash enclosure shall not be installed within any required parking space and shall meet all required building setbacks.**
 - b. The proposed right-turn only exit driveway on Cumnor Road shall be redesigned to prevent vehicles from turning left on Cumnor Road.**
 - c. The right-turn only sign shall be installed at the southern proposed driveway on Cumnor Road.**
 - d. A detailed landscape plan shall be provided with the petition for the approval of the Final Plat of Subdivision.**
 - e. All new signage on the property shall comply with all provisions of the Sign Ordinance.**
 - f. The 'type five' construction (wood) is not permitted for the proposed building.**
 - g. The handicapped parking spaces shall be located by the front doors to each tenant space.**
 - h. A permit from the Illinois department of Transportation for any work in the Ogden Avenue ROW shall be required prior to issuance of development permits.**
 - i. The proposed sidewalk along Cumnor Road shall be installed one foot east of the east property line.**

- j. **An approval letter from the Illinois Environmental Protection Agency for site clean-up shall be submitted prior to start of project construction.**
- k. **The existing 15-foot access easement along the north property line shall be reconstructed to include permeable pavers subject to Village approval.**

Ms. Majauskas seconded the Motion.

Mr. LaMantia added that the Plan Commission and staff should review the building height during the review of the plat and final site plan.

AYES: Mr. LaMantia, Ms. Majauskas, Ms. Earl, Ch. White

NAYS: Mr. Benes, Mr. Domijan

The Motion carried 4:2.

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ZBA-02-08 A petition seeking a front yard setback variation for the property located on the West side of Seeley Avenue, approximately 435 feet South of Grant Street, commonly known as 4532 Seeley Avenue, Downers Grove (PIN 09-06-411-024); James D. Burnham, petitioner; James D. & Lee S. Burnham, Owners.

Petitioner’s Presentation:

Mr. James D. Burnham, owner of 4532 Seeley Avenue, said they have lived in this 90-year old bungalow for five years. It has never been updated, has no air conditioning, dishwasher, etc. Over the past year, they have engaged architects to look at the potential for the house. They wish to improve and update the house, and put an addition on the back of the house, and a porch on the front of the house, which will be in the side yard.

Mr. Burnham said this house was the first house in what is known as Downers Woods. They came to the Village in February and submitted their plans which were approved, but decided that something was missing and had the porch included later. He explained they want to extend the porch to the side, but that would encroach into an area that has building limitations. He said construction has not begun on the this project, but they have started to remove bricks from the back of the house to incorporate into the addition, since matching bricks are not available. Mr. Burnham said they believe that adding the porch to this 90-year old home would be beautiful for the neighborhood and for the Village. They have requested a variation of 2 feet and hope they will be able to move forward with the upgrade.

Mr. Burnham said when he submitted the paperwork for this petition they had to notify the residents within 250 feet of the house. He spent time with every one of the homeowners to let them know their plans. All of the 22 people they were able to speak with supported what they were doing and said they would sign a page showing their support.

Mr. LaMantia asked whether they did a version of the plan to match the zoning requirements, and Mr. Burnham said he did not. He showed the plan for the porch area on the overhead explaining how they hoped to place the porch to match the design and age of the house.

In response to Chairman White, Mr. Burnham said when they originally presented the plan to the Village which was approved it was without the porch, and it looked as though something was missing from the building.

Mr. Benes asked about the porch on the north side, and whether you could get onto that porch using the landing by the front door. Mr. Burnham said they have not designed the porch with stairs on the north side. Mr. Benes said the porch on the north side of the building has no way off other than through the front door and front steps. Mr. Burnham said that was correct, and showed on the overhead how they proposed placement of the addition and the porch. He said the current roof over the front door would have to be extended to the porch area.

Staff's Presentation

Mr. Latinovic described the property located at 4532 Seeley Avenue, saying the petitioner submitted revised plans to the Village to build an addition and extend the porch. He said a 40 foot setback is required for the building. The front porch may encroach 5 feet, and the existing front entry porch is 32 feet from the front property line, three feet beyond what is allowed. He showed the plat of survey on the overhead projector, saying the extension will bring the porch about one foot closer than it is today because the building is not parallel to the property line.

Mr. Latinovic said staff feels there are no unique conditions associated with this property that would prevent construction of the addition 35 feet from the property line. Approximately 32 feet of the addition would be located in the required 35 foot setback. He said this in-line expansion is not allowable by the Zoning Ordinance as the Ordinance prohibits expansion of legal non-conforming structures in-line, on the ground. However, a second floor addition is permitted.

Mr. Latinovic said the petitioner has another option to construct the addition to meet the 35 foot setback as required. The property has a steep slope toward the front retaining wall and the front property line; however, the area where the porch extension is proposed is flat. Most of the homes in the area meet or exceed the 40 foot setback for buildings. Granting the variation to expand the nonconformity would be contrary to the intent of the Zoning Ordinance to create a unified setback in the neighborhood. He added staff finds no physical hardship exists; however, if the Board finds the request should be approved; staff recommends that the conditions as stated in staff's report are included in the motion.

Mr. Benes asked if any variations are required for the addition to the back of the house, and Mr. Latinovic said there were none required.

There being no further questions from the Board, Chairman White called for comments from the public.

Mr. Christopher Salman, 4822 Wallbank Avenue, said he was assisting the owner with remodeling the house. He said he thinks it is crucial to keep the front porch in line with the existing house. They are talking about 35 square feet of nonconformity, which is about .01 or

1%. He does not think the proposed placement of the porch would cause any sight issues on the block.

Mr. Benes noted this house sits about eight to ten feet above the sidewalk. It would seem that the variation requested would not be noticed because of how the house is situated.

There being no further discussion, Chairman White closed the opportunity for further public comment.

Board's Deliberation

Mr. LaMantia said this is one of those situations where you could automatically say no because it does not exactly meet the requirements; however, in the interest of the design, he would support this.

Ms. Majauskas said she agreed with this. They are preserving the beauty and period look of the house. The addition and porch will give it better proportion. She also thinks the fact that all the neighbors agree is important and made the difference for her.

Chairman White said bad design, though it meets the requirements, can often prevent the homeowner from maximizing the return on their property. It is another way to look at hardship. He added this would not be approved if it were in a new subdivision or were a teardown.

MOTION:

Mr. Domijan moved in case ZBA-02-008 that the Board grant the front yard setback variation as requested, subject to the following conditions:

- 1. The proposed front porch shall substantially conform to the Architectural Plans prepared by Richard Cory Smith, Architect dated January 3, 2007, last revised December 13, 2008 attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.**
- 2. The petitioner shall obtain a separate building permit for the wrap-around porch prior to start of construction.**

Ms. Earl seconded the Motion.

AYES: Mr. Domijan, Ms. Earl, Mr. Benes, Mr. LaMantia, Ms. Majauskas, Ch. White

NAYS: None

The Motion passed unanimously.

Mr. O'Brien informed the Board those who received notification that their terms were expiring this year have had their expiration dates changed from April to August.

Mr. O'Brien also noted there are some long-range planning projects in the works right now, such as the Downtown Pattern Book, which addresses the development patterns in the downtown area.

In addition, the Village has put out an RFP for a consultant for the Comprehensive Plan, and about ten responses have been received. Staff will be making a recommendation to the Council at the May 13th meeting. He indicated it is unclear at this time how TCD 3 and the Comprehensive Plan will fit into each other, but there have to be some general updates made to the Comprehensive Plan since it has not been reviewed for a very long time.

Mr. Benes asked about for sale signs in the Downtown, and Mr. O'Brien said Staff is looking at updating the Zoning Ordinance, and clarification about for sale signs will be included. There will be housekeeping issues in other areas of the Zoning Ordinance as well.

Chairman White adjourned the meeting at 9:58 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary