

**VILLAGE OF DOWNERS GROVE**  
**Human Service Commission**  
**Minutes**  
**October 1, 2008**

**Commission Members Present** Chair: Jeff Rogers, Members: Lynn Bedalov, Andrew Cook, Kathryn Engel-Accettura (ex-officio), Scott Jacaway, Diane Johnson, and Sue Walaszek

**Members Absent:** Theresa Carlquist and Lisa Stach

**Staff Liaison:** Andrew J. Matejcek, Director of Counseling and Social Services

**Visitors:** Mr. Tim Meaney, Resident

**II. Roll Call:** The meeting was called to order at 6:26pm. A quorum was obtained.

**III. Approval of Minutes:** September's meeting minutes were unanimously approved as corrected.

**IV. Public Comment:**

Mr. Meaney called attention to the Village website links not correctly pointing to the minutes from the previous Human Service Commission meeting(s). Staff expressed appreciation for bringing to light this issue and made notes to correct it. Mr. Meaney commenting on the issues of homelessness noted that the very notion of community indicates the inclusion of all. He went on to say that the issue of homelessness is timeless and universal and noted the homelessness issues was present back when he worked in a library 40 years ago. In his youth, homelessness was also dealt with compassionately by his mother who made sandwiches and prepared coffee for those requesting assistance. Mr. Meaney noted how this town is changing into a more urban setting. He noted that people are looking for other people to be with and the issue of homelessness was not going to go away. He added that (a community) should not legislate who should not be in the community. That it was antithetical to the definition of community.

**V. Discussion:**

The commission continued to refine the previously addressed issues related to both homelessness and appropriate behaviors in the community in preparation for a report to council.

Commissioner Bedalov addressed the Citizen Corp Council project and it was decided that the commission would have representatives present at the December meeting for providing information on how the Village might establish its own chapter.

**VI. New Business:** No new business

**VII. Adjournment:** The meeting closed at 7:50pm

Submitted by: Andrew J. Matejcek, Staff Liaison

**REGULAR MEETING OF THE BOARD OF TRUSTEES  
OF THE  
DOWNERS GROVE PUBLIC LIBRARY  
October 22, 2008**

**MINUTES**

**ROLL CALL**

President Daniels called the meeting to order in the Library Meeting Room at 7:36 p.m. Trustees present: DiCola, Greene, Humphreys, Read, Daniels. Trustees absent: none. Also present: Library Director Bowen, Assistant Director Carlson. Visitors: Library Reference and Information Services Coordinator Bonnie Reid.

**APPROVAL OF MINUTES**

The Board reviewed the minutes of the regular meeting of October 8, 2008. It was moved by Read and seconded by DiCola **THAT THE MINUTES OF THE REGULAR MEETING OF OCTOBER 8, 2008 BE APPROVED AS WRITTEN.** Ayes: DiCola, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

**PAYMENT OF INVOICES**

The Board reviewed the list of invoices submitted for payment. It was moved by Humphreys and seconded by Greene **TO APPROVE PAYMENT OF OPERATING INVOICES FOR OCTOBER 22, 2008 TOTALING \$64,922.98.** Ayes: DiCola, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**-- Presentation on Library 2.0 training for library staff**

Per Bowen's request, Bonnie Reid, Coordinator of Reference and Information Services, gave a presentation on a program that she attended at the Illinois Library Association Conference. The program was about how several libraries have provided training programs to help staff become familiar with the technologies that people are using via the Internet. The programs were based on the Charlotte & Mecklenburg County Library 2.0 online training program, and the libraries' programs can be accessed at <http://delicious.com/ilaprogram>. Many library staff members, like most other middle-aged people, have heard of library (or web) 2.0 technologies such as blogging, social networking, wikis, and podcasting, but many are not really familiar with how they work. Since many of the library's patrons, particularly younger ones are using these technologies, it is

important the library staff be familiar with them too. The library hopes to model this training for staff here at Downers Grove in early 2009.

## **REPORT FROM THE ADMINISTRATION**

The 2008 HAPLR ratings (Hennen's American Public Library Ratings) were just released. Three Illinois libraries within the population range for Downers Grove made the top ten this year: Elmhurst, St. Charles, and Crystal Lake. Downers Grove is in the 98<sup>th</sup> percentile nationally, but missed the top ten by a few ratings points. Along with Downers Grove, Indian Prairie, Elk Grove Village, and Lake Villa all scored just below the top 10 in the 25,000 – 49,999 population range.

The library received the annual statistics on the use of the public fax machine. Usage has dropped about 23% from an average of about 170 faxes per month to an average of about 132 faxes, and the library's commission dropped from about \$18 to \$14 per month. Bowen suspects that most of the drop is an Internet effect. The library's only cost is the telephone line, which costs \$12.98 per month, plus taxes so the library is close to breaking even. It is a convenience for patrons and the library is still averaging 132 faxes per month, so Bowen thinks it is definitely worth continuing to offer this service.

Illinois requires the County Boards of Review to notify taxing bodies whenever they receive a petition for a change of \$100,000 or more in the assessed valuation of a property. Typically the library receives one or two per month, whenever property tax payments are due. This week Bowen received copies of nine petitions, possibly an indication that more businesses and property management firms are feeling the effects of the slowdown of the economy. The Board discussed property reassessments, and President Daniels commented that it was worth monitoring closely through the year, especially home owners' reassessment requests.

Two patrons have contacted the library offering to donate items to the library. One patron has two framed tapestries from Thailand. Bowen told him that the Board does the selection of art work for the library, and the patron was going to bring them in for the Board to see, but has not yet done so. The other patron sent an email saying her aunt is moving out of town and they would like to donate a collection of dolls from European countries in a large glass case. The aunt collected the dolls when she worked in Europe after WW II. They would like to donate the collection to a place where the dolls would be seen for years to come.

The library's written policy states that "Personal property, art objects, portraits, antiques, and museum-quality objects are considered for acceptance on a case by case [*sic*] by the Library Board. If accepted, the library is not able to guarantee permanent display or ownership of an item." Bowen will bring the artworks to a meeting if the patron returns. His recommendation is that the library not accept personal collections, such as the doll collection. The library does not want to give up precious space to such things. The Board agreed that Bowen should suggest other locations for the doll collection, e.g., an historical museum, a doll or toy museum.

SWAN will begin loading the new release of the Circulation system on Sunday evening, October 26. The system will shut down at 4:00 PM on Sunday and multiple backups will be run. Then the new release will be loaded into each SWAN library's circulation system. The larger libraries all have dedicated technical support staff, who appear to be night owls, so these libraries, including the Downers Grove Library, will get the new release beginning at midnight. The other libraries will be loaded beginning early Monday morning. The system will be down on Monday

while each library is brought back on board. If all goes well, SWAN may be back online on Monday night; otherwise SWAN will be up on Tuesday morning.

Bowen will be on vacation the last two weeks of November and the first two weeks of December. This is the first time he has taken more than two weeks in a row for over 20 years, and he is really looking forward to it. He will be here for the November 12 Board meeting. The second November meeting would be the night before Thanksgiving so Bowen suggested cancelling that meeting. Normally, because of the holidays, the library schedules only one Board meeting in December. Since there are five weeks in December, Bowen suggested meeting on December 17 in the middle of the month, when he is back in the country. These two meetings will allow the library to pay bills from the end of November and the beginning of December. Bowen will ask for action on this at the next Board meeting as he wants to make sure there is a quorum to pay bills on November 12, before canceling the second November meeting.

Financial reports for September were included in the Board packet. Expenditures are on target with past years. Property tax collection for September 2008 was a little behind the year-to-date total revenue for September 2007; however, as of October 16, 2008, the property tax revenue had exceeded the total revenue for the end of October 2007.

Statistics for September were in the Board packet. Circulation and reference questions continue to increase. There was some discussion regarding why the computer user session year-to-date statistics are down from the previous year. Carlson mentioned that there are some problems with the SAM statistical reports which have been reported to Comprise by Downers Grove, as well as other SAM libraries. In addition, children's computer use is not well-reported because only three of the Children's department's computers require patrons to login, which is necessary for SAM statistics to be reported. Carlson will look into additional ways to gather statistics on computer use.

Carlson walked through the newly carpeted areas of the library several times with the carpet installation company owner, Jeff Stewart, as well as the carpet manufacturer account executive, Paul Dudek, and created a punch list for the installers. Most of the punch list for the carpeted areas was completed prior to this Board meeting.

The punch list included re-gluing the carpet on the main stairs, and Carlson was pleased that Paul Dudek identified a very strong adhesive with low VOCs and no smell for the installers to use. He even brought the adhesive to the library for staff with allergies or sensitivity to smell to test, and no one had a problem with the adhesive.

The punch list also included re-gluing and replacing wall base in several areas, most notably in the Meeting Room. Because the new Interface carpet tiles are slightly thinner than the original carpet and the installers tried to match the line of the original wall base, there were visible gaps between the carpet and the wall base in a few areas. The installers were able to fix most of these gaps with straight wall base; however, in the Meeting Room, they had to use cove wall base to keep the same line of the old wall base because the Meeting Room walls are wallpapered rather than painted. A couple of Board members commented that they liked the cove base in the Meeting Room.

Jeff Stewart agreed that the installation of the rubber flooring on the library's north entrance stairs was not well done, and he had the installer replace and re-caulk much of the flooring. The

appearance of the rubber flooring has improved; however, there are some punch list items yet to be completed for the north entrance stairs. There was some discussion about adding laminate or vinyl wall base or refinishing the damaged base of the wood wall panels along the north entrance stairs. Carlson will look into options.

A library director visiting from another library and a couple of local residents recently stopped by to say how much they liked the new carpet and to request information on the manufacturer and installer.

### **TRUSTEE REQUESTS FOR INFORMATION AND ANNOUNCEMENTS**

Trustee Read reported on the MLS/LIMRiCC (Library Insurance Management and Risk Control Combination) Board, and President Daniels reported on the LCF lawsuit.

### **OPPORTUNITY FOR PUBLIC COMMENT**

None.

### **ADJOURNMENT**

The meeting was adjourned at 9:11 p.m.

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING SEPTEMBER 8, 2008, 7:00 P.M.

Chairman Pro Tem Waechtler called the September 8, 2008 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

**PRESENT:** Chairman Pro Tem Waechtler, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Webster

**ABSENT:** Mr. Beggs, Chairman Jirik

**STAFF PRESENT:** Mr. Jeff O'Brien, Sr. Village Planner; Mr. Stan Popovich, Village Planner;

**VISITORS:** Steve Stewart, Fairview Village, 210 Village Drive, Downers Grove\*; Don Vandevander, Fairview Village, 210 Village Drive, Downers Grove\*; Doug Thaxton, Fairview Village, 210 Village Drive, Downers Grove\*; John Martin, 1755 Naperville Road, Wheaton; Andrea VanBuren, 6576 Fairview, Downers Grove\*; John & Simone Kapovich, 6416 Blodgett Court, Downers Grove; Marc Pietrzak, 6430 Blodgett Court, Downers Grove; Dana Rennie, 613 65<sup>th</sup> Street, Downers Grove; Bill Myers, Fairview Village, 210 Village Drive, Downers Grove; Mary Spencer, 6332 Blodgett Court, Downers Grove; Frank Muraca, ARCH Consultants, 250 Parkway Drive; Kerry & Peggy Richmond, 6575 Davane Lane, Downers Grove; Anne Hizon, 661 61<sup>st</sup> Street, Downers Grove; Walter & Doreen Lenckas, 6357 Davane Court, Downers Grove; Dan & Sue Gross, 6407 Davane Court, Downers Grove; Bob Scelze, 6642 St. James Court, Downers Grove; Larry Rosol, 6556 Berrywood, Downers Grove; Jeanette Howard, 6443 Davane Court, Downers Grove; Daniel C. Carlson, 6336 Davane Court, Downers Grove; Rick & Nene Bailey 6413 Blodgett Court, Downers Grove; Carmela Zinnecker, 6345 Davane Court, Downers Grove\*; Janet Cerny, 412 66<sup>th</sup> St., Downers Grove; David & May Tsui, 6407 Blodgett Court, Downers Grove; Carol Rochter, 6600 St. James Court, Downers Grove; Anthony DiSalvo, 6339 Davane Court, Downers Grove\*; Lauren & Quinton Ford\*, 415 66<sup>th</sup> Street, Downers Grove; Carol & Bob Nield, 6326 Fairview Avenue, Downers Grove; Valeria & Evelyn Giralda, 532 66<sup>th</sup> Street, Downers Grove; Joy & Ron Detmer\*, 6580 Davane Lane, Downers Grove; Jason Mitchell, 6572 Fairview Avenue, Downers Grove\*; Simon & Clara Liu, 6436 Davane Court, Downers Grove; Natasha Buh, 6412 Davane Lane, Downers Grove; Sandra & Ray Konrath, 6637 Saint James Court, Downers Grove; Fred Foss, 6579 Davane Lane, Downers Grove; Marge Earl, 4720 Florence Avenue, Downers Grove\*; C. Wei, 6440 Fairview Avenue, Downers Grove; Betty C. Lewis, 6431 Davane Court, Downers Grove; Theresa Stewart, 6413 Davane Court, Downers Grove; Tariq Khan, 6450 Fairview Avenue, Downers Grove\*; Mary & Walter Sobat, 404 66<sup>th</sup> Street, Downers Grove; Arlene & Benjamin Widrevitz, 7136 Blackburn, Downers Grove; G. Tracy Cross, Tracy Cross & Associates, 1920 N. Thoreau Drive #150, Schaumburg\*; Mike Carey, Powermart, 1301 W. 22<sup>nd</sup> Street, Oak Brook\*; James F. Russ, Jr., Attorney, 4915 Main Street, Downers Grove\*; Ed Rickert, 6563 Berrywood, Downers Grove\*; Jon Povlivka, 6016 Washington, Downers Grove\*; William White, Attorney, 5530 Main Street, Downers Grove\*; Luke Casson,

Kensington Real Estate Consultants, Inc., P. O. Box 39, Lemont, IL\*; Suli Gasaffer (phonetic spelling), Plainfield, IL (\*Spoke at Meeting)

Chairman Pro Tem Waechtler led the plan commissioners in the recital of the Pledge of Allegiance.

Minutes of the August 4, 2008 Meeting - Mr. Matejczyk made a motion to approve the minutes as presented, seconded by Mr. Cozzo. Motion carried by voice vote of 7-0.

Chairman Pro Tem Waechtler reviewed the meeting's protocol for the public and petitioners and for those petitioners that would be speaking on the following two petitions:

**FILE NO. PC-35-07 (Continued from 08-04-08)** A petition seeking approval of a Preliminary Planned Development Amendment to expand Planned Development #32 Fairview Village for the construction of four multi-family buildings and to rezone such property from R-3, Single Family Residential to R-5A, Townhouse Residential for the property located on the West side of Fairview Avenue at the intersection of Fairview Avenue and Lynn Gremer Court, Downers Grove, IL (PIN's 09-20-213-013,-014,-015,-016,-017,-018,-019); Steve Stewart, Petitioner; Fairview Ministries, Owner

Turning to the overhead screen, Village Planner Stan Popovich reviewed the petition explaining the petitioner is requesting a Preliminary Planned Development Amendment to Planned Development #32 and rezoning from R-3 Single Family Residential to R-5A Townhouse Residential in order to construct four (4), two-story senior citizen apartment buildings on a 2.9 acre parcel surrounding Lynn Gremer Court.

Reviewing some of the project's history, he discussed that on October 1, 2007, the petition received a positive recommendation from the Plan Commission for the Main Campus and for the proposed Auxiliary Campus on the west side of Fairview Avenue. The Village Council approved the Main Campus proposal on November 6, 2007, and subsequent construction began on the Main Campus. However, per the petitioner's request, the Village Council tabled the Auxiliary Campus proposal so the petitioner could examine surrounding home values, the appropriate use of the land, rezoning, stormwater management and traffic. In May 2008, Fairview Village returned to the Village Council with the petitioner having a prepared market analysis. Because the site plan changed, staff recommended returning the petition back to the Plan Commission. In June 2008, the Village Council returned the petition to the Plan Commission and charged the Plan Commission to review the project and consider four aspects of the project: home values, appropriate use of the land, stormwater management, and traffic.

The petition was scheduled for the August 4, 2008 Plan Commission meeting, but the petitioner requested the Plan Commission to continue the petition so they could provide additional information to staff. The petitioner submitted additional property value data to staff in late August 2008. Currently, the petitioner is requesting preliminary approval of the land use and preliminary site plan approval. Final building, engineering and site plans, a Plat of Vacation for Lynn Gremer Court and a Plat of Subdivision will be required to come back to the Plan Commission and Village Council for approval of a final planned development amendment. Tonight's discussion will focus on the four following points: home values, appropriate use of the land, stormwater management, and traffic.

Per Mr. Popovich, the proposal includes the construction of four (4) two-story units and converting the existing house into a clubhouse and executive office. Three of the buildings surround a courtyard and the remaining building sits in the northwest corner of the property. The proposal has been revised, and the setbacks from the north, west and south property lines are 47 feet, as opposed to the 20 to 30 feet previously noted. Each building would have underground parking for its residents. The access drive will be no closer than 68 feet from the west property line, compared to 25 feet in the previous proposal. All vehicles will be entering and exiting at Fairview Avenue. The site provides 96 parking spaces, 20 underground spaces for each apartment and 16 spaces at grade. Approximately 80,000 square feet of green space is being proposed with landscape buffers to the north, west, south, and landscaping along Fairview Avenue. A floor plan was shown. Four units per floor are planned. Renderings and elevations were presented. Bulk regulations and height regulations were being met by the petitioner.

Mr. Popovich stated Gewalt Hamilton Associates, Inc. completed a traffic study of the Auxiliary Campus, which found that the traffic generated from the senior living development would not create a significantly different impact on the existing roadway system than the previously approved single-family development. The study found single-family residences would generate five trips during the morning peak hour and seven trips during the evening peak hour for 12 total peak trips. Overall, the single-family residences would produce 67 total trips per day. The proposed senior independent living units would produce three trips during the morning peak and four during the evening peak for a total of seven peak trips. Overall, the proposed development would produce 111 trips per day. The difference results from slightly higher off-peak (mid-day) traffic associated with the senior independent living use. Seniors would make more trips during daytime off-peak hours.

Staff's data reflects that Fairview Avenue between 63<sup>rd</sup> Street and 75<sup>th</sup> Street has an average daily traffic count of 14,000 vehicles. A single-family development would result in a 0.05% increase in traffic, wherein the proposed senior community would result in a 0.08% increase.

The traffic study identifies the level of service for the intersection of the access roads with Fairview Avenue as a Level of Service B for weekday morning peak hours and Level of Service C for weekday evening peak hours for movements into and out of the Auxiliary Campus. Levels of Service are rated A through F, with A being the best, D being the lower threshold of acceptable waiting times. Levels E and F are unacceptable. The anticipated Levels of Service would be acceptable even with the additional trips. The Village's Public Works Department reviewed the traffic study and found the increase in traffic would not result in significant service level decreases along Fairview Avenue. Staff believes the residents of the site who have to enter and exit the site will feel the largest impact. Staff believes the petitioner has addressed this matter.

Regarding the home value study, consultant Tracy Cross & Associates, Inc. completed a market analysis in February 2008, which concluded that the proposed Auxiliary Campus would have no detrimental impact on surrounding home values. The report found that in six cases out of eleven the local annual percent change in home values was higher than for the host municipality. In the other five cases, the local area annual percent change in home values was lower than the host municipality. Staff requested additional information to further clarify the analysis's findings since they were inconclusive.

In August 2008, the consultant examined three cases where municipalities rezoned from single-family residential to multi-family residential and the impact the rezoning had on property values.

The study found that multi-family developments expanding into single-family neighborhoods did not impact single-family home values. Mr. Popovich explained the study also reviewed three cases of single-family residential being located adjacent to senior living facilities: one in Downers Grove, one in Burr Ridge, and one in Barrington and found that the home values immediately adjacent to the developments were similar to home values further away from the senior living facility. The study of these six developments appears to support the assertion that multi-family developments did not affect the property values immediately adjacent to single-family houses whether the development existed or following a rezoning. The consultant will provide further details.

Mr. Popovich also explained that staff conducted its own research through the American Planning Association archives. A Massachusetts Institute of Technology (MIT) Center for Real Estate study completed in 2005 examined the impact of large-scale, mixed-income, multi-family rental development with an affordable housing component into single-family neighborhoods from 1983 through 2003. Mr. Popovich pointed out Fairview was not affordable housing. The MIT study examined seven cases over a period of 20 years. The study looked at the immediate area and the larger municipality with regard to property values. The research found that the multi-family rental developments with affordable housing did not negatively affect the sales price of nearby single-family homes. Mr. Popovich further explained the study looked at the worse case scenarios over a short-term time period and a long-term time period and concluded that the developments did not have a negative impact. Staff believes the study is relevant as the density of the studied cases is comparable to the proposed densities of this proposal. Based on the Tracy Cross and MIT studies, staff believes the proposed Fairview Village project would not have a negative impact on neighboring property values.

As to the appropriate use of the land, Mr. Popovich conveyed the site is not in line with the Future Land Use Plan since the plan designates the area as Residential 0-6 dwelling units per acre. The development is for 11 dwelling units per acre. While the proposal is not consistent with the Future Land Use Plan, it is consistent with the multi-family developments in place along Fairview Avenue between 63<sup>rd</sup> Street and 75<sup>th</sup> Street. He noted a nearby townhouse development located north on Fairview Avenue; the Main Campus across Fairview Avenue being multi-family; and apartment buildings and townhouse developments being located on the east side of Fairview Avenue immediately north of the Main Campus. Lastly, a multi-family complex was located at the northwest corner of Fairview Avenue and 75<sup>th</sup> Street. Staff agreed the proposal had merit since multi-family zoning along Fairview Avenue already existed.

In addressing the stormwater management issue, the proposal provides a preliminary engineering plan, which will take existing stormwater and pipe it underground to the two new improved ponds located on the main campus. A couple of the storm sewers may have to be removed or replaced in order to meet new requirements and layouts. The ponds were designed to provide capacity for both the Auxiliary and Main Campuses. The pond reconfiguration is currently on going.

Mr. Popovich stated public improvements would include a vacation of Lynn Gremer Court with a new entrance drive on Fairview Avenue. Any existing utilities would be re-used as much as possible. The proposal meets the R-5A bulk regulations for setbacks, height and open space. A plat of subdivision will be required to be filed for final planned development approval. School and park donations will also be required. Fire Prevention has reviewed the revised plans and believes there is adequate access in the drive aisles and separation between the buildings.

In addition, neighborhood comment has been extensive with meetings held in September 2007 and April 2008. The neighbors have hired Counsel, and staff has been corresponding with the attorney and the neighbors. A memo from the attorney was on the dais for commissioners to review.

Mr. Popovich stated that staff believes the four Village Council issues have been addressed as stated in staff's report, and the standards for approval for an amendment to the Zoning Ordinance have been met as well as other multi-family uses exist on Fairview Avenue. The Tracy Cross and MIT study also support the findings of no detrimental impact to surrounding single-family property values. The planned development standards have been met, and the proposal complies with the Zoning Ordinance, adequate provisions have been made for sewer, traffic and open space. Staff believes the property is suitable for the proposed use, and the project is not detrimental to the general health, safety and general welfare or surrounding property values. The proposed development meets the zoning requirements of the R-5A district.

Staff asked the Plan Commission to recommend approval of the petition with staff's conditions on page 11 of its report. Mr. Popovich offered to answer questions.

Per Mr. Matejczyk's question about the Village Stormwater Department being concerned about the stormwater plan provided by the petitioner, Mr. Popovich confirmed there were no concerns, noting it was a preliminary plan. Staff and stormwater staff were fine with the plan being proposed. Regarding the various studies inside and outside of the Chicagoland area, he asked if the studies indicated a negative impact on home values in the area of the development or even a neutral impact, Mr. Popovich stated home values continued to rise. The only changes seen were in the percent change in increase.

On behalf of the petitioner, Mr. Steve Stewart, Executive Vice President of Fairview Village, thanked the Commissioners in postponing the presentation due to additional work with Tracy Cross. Mr. Stewart stated the agency has been in Downers Grove since 1973 and has expanded the campus to be a full, continuing care retirement facility with 450 to 500 seniors living on the campus. A history of the project through the Village process followed. He noted the proposal does meet the requirements of the bulk standards and confirmed the proposal was seeking a change in zoning from R-3 to R-5A to match what was across the street. For the expansion of the main campus, Mr. Stewart said starting the ponds was probably a year premature, but he wanted to show a good faith to the neighbors in starting that expansion.

Mr. Stewart stated he believes the project will be an asset to the community and wants to continue to have a flagship campus in the Village. In addition, the failed single-family home project across the street was an opportunity to expand the project, since there was a wait list in the community.

He noted the plan has been reworked to have the building setback within the requirements of the current zoning. "Before" and "after" slides were presented. He confirmed the bulk standards for the proposal were in compliance. Two parking spaces are reserved for each unit. Regarding the pond construction, about 80% of the pond is completed and should be completed this fall. Because neighborhood suggestions have been taken into account and have enhanced the proposal, the proposal sits as currently presented. The four buildings will total 32 units at approximately 1,650 square feet per apartment. Entry costs are approximately \$500,000 to \$600,000. Renderings of the buildings were presented. He thanked the neighbors for some of their comments. Mr. Stewart closed by stating the petitioner not only purchased the seven lots on the west side of Fairview

Avenue but also was required to purchase the five remaining lots within Green Acres Subdivision. However, the proposal tonight was for only the seven lots surrounding the cul-de-sac. The five remaining lots are still for sale as single-family lots.

Mr. Cozzo inquired about the mention of “berming” from the neighborhood minutes wherein Mr. Stewart stated there have been discussions about berming, and it will have to be worked out in the final presentation. He preferred to install some berming but would work with staff on their input. Chairman Pro Tem Waechtler inquired about the landscaping on the west side of the townhomes to screen from the residents, wherein Mr. Stewart stated the screening has been considered and he will have a landscape architect work further on that issue. He reiterated the petitioner wanted to have a good relationship with the neighbors. Per a question, Mr. Stewart advised about 50 individuals were on the wait list.

Mr. Tracy Cross with Tracy Cross & Associates, Schaumburg, Illinois, discussed his scope of business focuses on marketing analysis and market research. He reminded commissioners the focus of his study was to analyze the housing values around senior citizen facilities that were in a half-mile radius and compare those values to a host community. Initially, the study was inclusive in that the radius was either too large or the senior facility was an isolated campus and did not reflect the respective zoning change or show what happens when homes directly abut such a facility. Mr. Cross walked through his presentation in detail discussing various rezoning examples to multi-family zoning near single-family zoning and the fact that the rezoning had no impact to the housing value. In reviewing home values in single-family developments adjacent to senior facilities, he noted home values have either increased or increased at the same rate as the single-family developments. There has been no impact in the examples presented. Mr. Cross reiterated the proposal adds value or will protect values to a certain degree.

Mr. Cross stated his examples were randomly chosen within DuPage County dating back to 1999. No properties prior to 1999 were reviewed. Chairman Pro Tem Waechtler pointed out during this period it was a time when real estate values increased. He thanked Mr. Cross for his presentation. Per a question, Senior Village Planner, Mr. O’Brien, stated he was familiar with the development in Barrington but not the other developments.

Attorney Jim Russ, 4915 Main Street, Downers Grove, informed the Commission he was the attorney for Siever’s and Stevens Construction, which was the developer of the townhomes south of the Family Video building. Mr. Russ reviewed the history of that project’s rezoning ultimately to the R-5A zoning district, which was approved by Village Council. Reviewing prior minutes and workshop minutes, the concern was whether the townhome development was an appropriate buffer from the commercial to the residential area. The Council felt it was an appropriate buffer. He did not see any reference to any “promise” that there would not be further development along Fairview Avenue. Instead, he found reference to any further development along Fairview Avenue would have to be reviewed on an individual bases, as referenced by Mr. Rathje, the prior Village Community Development Director, and the development would probably come before the Plan Commission as a planned unit development for multi-family use.

Mr. Stewart asked to have two residents of Fairview Village speak to the Commission.

Mr. Donald Vandevander, 200 Village Drive, Dowers Grove, and Mr. Douglas Thaxton, 200 Village Drive, Downers Grove introduced themselves and presented a signed petition from

residents of the facility who supported the expansion efforts of the Fairview Village on the west side of Fairview Avenue. He presented the petition to Chairman Pro Tem Waechtler.

Mr. Vandevander stated he chose Fairview Village because of what it offers in the way of ministries and various activities it offers. Both men invited the Commissioners to visit the beautiful facility. He stated the site was kept up very well. Mr. Thaxton discussed the volunteer activities offered at the facility.

Chairman Pro Tem Waechtler opened up the meeting to public comment.

Mr. Jason Mitchell, 6572 Fairview, Downers Grove, resides directly south of the vacant lot. He raised concern about the amount of vehicles entering and exiting the driveways, and it being very close to his driveway and had safety concerns for his children. His largest objection was the fact that the proposed development will affect the character of his neighborhood and will affect his view from his home. He stated a study paid by the petitioner could present positive numbers over not so positive numbers. He asked that the commissioners "plan" their projects. He also pointed out the facility could change officials and change the use of the property to apartments.

Mr. Ron Detmer, 6580 Davane Court, Downers Grove, stated much has changed since Fairview Village came before the last Plan Commission meeting. He stated the CEO revealed that Fairview Village plans to extend their apartment building concept and purchase available properties along Fairview Avenue north and south of Lynn Gremer Court. He called attention to the fact that the petitioner has made reference that it owns five lots on Davane Lane, two of which abut the proposed development and he questioned the petitioner's intention as it relates to those lots. He voiced concern about future development of Fairview Village and the intrusiveness of the proposal into the neighborhood. He summarized some of the comments made at neighborhood meetings contrasted what Fairview Village had previously stated. Mr. Detmer found discrepancies in the Tracy Cross studies, the Village's Master Plan and the standards of approval for amendments to the Zoning Ordinance as it relates to this proposal.

Commissioners noted some of Mr. Detmer's comments were also speculative.

Mr. Anthony DiSalvo, 6339 Davane Court, Downers Grove, was sworn in. Mr. DiSalvo stated his neighbors in Green Acres have questioned the actions of this Commission. He reviewed the prior annexation and zoning for the site and discussed what occurred over the past few years; i.e., prior builders mis-timed the housing market. As a result, he stated the petitioner was a buyer who purchased lots that did not meet its needs and was now requesting a change to the zoning. He questioned why the Village should grant the rezoning. Mr. DiSalvo stated the residents would like the Commission continue to maintain the residents' neighborhood as it has been represented; i.e., single-family homes. Any deviation was against the zoning and was contradictory to prior meetings. Mr. DiSalvo referenced minutes of January 22, 2002 wherein it was conveyed by a Village Council member that the Village did not have control over the property at all, it was not in the Village of Downers Grove, and if it were annexed into the Village, the Village would be able to define what would exist at the site. It went on to discuss future developments and not to focus just on the present.

Per Mr. DiSalvo, at the meeting of April 23, 2002, the same Council member conveyed if the site was within the Village, the decision would be simple because it depicts the area on the Future Land Use Map as residential. Mr. DiSalvo asked that the neighborhood remain residential. He also

stated that if the Commission approves the rezoning of the property, he and his neighbors would come before the Commission to rezone their property to multi-family.

Ms. Andrea VanBuren, 6576 Fairview, Downers Grove, representing herself and her neighbor, Bill Nelson (6624 St. James Court) who could not attend the meeting, discussed that staff uses MIT's study as a basis for justifying that the proposal will not negatively affect surrounding home values. She pointed out that MIT's study appears to justify the Massachusetts Chapter 40B. of the Anti-Snob Zoning Act which allows developers to obtain state permits to override local zoning regulations if less than 10% of the community's housing stock is defined as "affordable." While staff indicates the density of the study areas of the petitioner's proposal are similar, staff lacks to convey is that the housing stock is very dissimilar. Ms. VanBuren went on to discuss how the housing stock differed in the MIT study, and how some information was dismissed from the study. She believed the MIT study was lending credibility to the Fairview proposal. She discussed in staff's memo, reference is made that the proposal is not consistent with the Village's Future Land Use Map (FLUM), yet staff says the proposal is consistent with the multi-family developments along Fairview Avenue. She found zoning decisions made in Westmont would be a basis for the Village to ignore its own FLUM. There was concern about the Commission rezoning a parcel that was just zoned annexed and rezoned four years earlier. Ms. VanBuren pointed out the subdivision with three buildings on the property has not had time to be successful because it has been discussed at meetings continuously.

She voiced concern about precedent setting and asked that the Commission reject the proposal and adhere to the zoning of its FLUM. She noted the proposal was meeting the setbacks of R-5A zoning and found inconsistencies with the revised Tracy Cross & Associates study. She believed the proposal was an intrusion into an established community.

Mr. Ed Rickert, 6563 Berrywood, Downers Grove, was sworn in. Mr. Rickert noted his home was on the lot directly west of Davane Court. He was not convinced the facility was inappropriate for the area at first. He discussed the concern was not whether it was R-3 zoning versus 5A zoning, but the fact that Fairview was creating a continuum care campus where residents purchase single-family homes, eventually purchase assisted living homes, and then move into the nursing home; i.e., moving a business use into a residential use. It also allowed the petitioner to avail himself to a continuum of care variance and to add beds to an existing property without going through the full Certificate of Need process to show there is a need for nursing home beds in the community. For the above reasons, he opposed the project.

Mr. John Povlivka, 6016 Washington, Downers Grove, was sworn in. He reviewed the zoning the petitioner was seeking, noting the fifth structure, would be an office and clubhouse. He asked if the petitioner was asking for zoning of an office on the property. Mr. O'Brien stated the zoning for the property would be R-5A with a Planned Development overlay with specific uses permitted. In this case, the petitioner requests the existing single-family residence be converted into a small office and clubhouse.

Mr. Bill White, attorney, 5330 Main Street, Downers Grove, has been asked to assist the homeowners. He asked the Commissioners to consider whether the Village's FLUM meant anything given the Village Council recently passed an ordinance to comprehensively review the FLUM. If the Commission was going to deviate from the FLUM, then strong reasons needed to be conveyed. Also, because Fairview Village has openly admitted that it owns other parcels on the

west side of Fairview Avenue, that to rezone this parcel without taking those parcels into account, pre-empts any successful review of the FLUM and places an R-5A zoning in the middle of that piece of property and sets a precedent for future developments. He believed it was inappropriate that this was not conveyed from the very beginning. Personally, Mr. White stated proper planning was looking at Fairview Avenue in its entirety and determining where the parcel should go in the long term and not parcel by parcel. He questioned why the Village would pay a significant amount of money to a consultant to look at proper planning and the Future Land Use Map, especially if the proposal was approved.

Mr. White also questioned whether the MIT study and the Tracy Cross study would find a multi-family project anywhere that would negatively affect single-family home values. He believed it should not be based on one petition but on many and should be considered when the Village's FLUM and Comprehensive Plan was reviewed and be decided upon by the community. In addition, he recalled the word "buffer" being discussed but no promises said. However, he stated the homeowners feel they were promised that single-family would remain. Mr. White asked those residents who were against the petition to stand up or raise their hand for the Commission to see. He reiterated he was not representing the homeowners but merely assisting them to prepare their case. However, he stated their sentiment on this matter was very strong. He pointed out the residents wished to preserve the character of their neighborhood, which could not have a monetary value placed upon it. Again, he asked the Commission what was the compelling reason to deviate from the Future Land Use Map.

Mr. Quinton Ford, 415 66<sup>th</sup> Street, Downers Grove, discussed the contract he entered into to purchase his current home about three months ago. After finding out about Fairview's purchase of nearby properties, he tried to get out of the contract due to such a development. He stated his point was that based on the law of supply and demand, when a single qualified motivated buyer is not interested in a property because of adjacent activities and property uses, it decreases the property value. He questioned Mr. Cross's statement of "he could not find many examples of rezoning from single-family to multi-family" and why, wherein Mr. Ford surmised that planning commissions realize it is not a good idea to do that because it disrupts the character of single-family neighborhoods.

Mr. Tariq Khan, 6450 Fairview Avenue, Downers Grove, commented when he purchased his home that it had been on the market for two years. He did not believe the residents should be penalized for a failed business decision. He agreed that the area was hurting prior to the purchase of his home. However, he noted when reviewing the east side of Fairview there were many various subdivisions and many homes were older and not rehabbed yet. On the west side, the development was occurring and was encouraging. He believed the proposal was going to hinder further development. He did not trust the petitioner because some of their townhomes on the east side of Fairview were already run down for the area.

Ms. Carmella Zinnecker, 6345 Davane Court, Downers Grove, was sworn in, resides directly adjacent to the townhomes, and referenced a comment made by Mr. Stewart regarding Darien Club. She stated those homes were built after Fairview Village, and the residents there have chosen to live there when the development already existed. Wherein, this proposal was something new, and the more recent homeowners including herself bought their property because the lots were there as residential. She stated it was disheartening to see the change. As to the Tracy Cross study, she stated the study had to consider those developments not in the middle of a residential neighborhood

but off to a side, or they were in existence before some of the homes were. She asked that the petitioner and Mr. Cross take into the consideration those items they considered when they purchased their own properties.

Due to no further comments, the public comment portion of the meeting was closed.

No comments were received from the commissioners.

Mr. Stewart closed by stating he was excited about the project and committed to what was being proposed. He did not believe the proposal had a negative impact to the neighborhood and because he paid the consultant for the study, it did not invalidate the study. He thanked Mr. Russ for researching the minutes and clarifying what was said at earlier meetings. Mr. Stewart felt no precedent was being set. The R5A requirements were being met. In addition, he disagreed that the proposal was being characterized as a business use. He asked that the Plan Commission make a positive recommendation to the Village Council.

As to the many references about the Village reviewing the Future Land Use Map and Comprehensive Plan and when it will take place, Mr. O'Brien explained the Village very recently contracted with a consultant to review the Village's Comprehensive Plan, which includes a comprehensive study of the FLUM. He expects it will take until 2010 before the project is completed. Mr. O'Brien stated the FLUM was revised in 2005 for the Siever's project. The map was reviewed in 2002 and 2003 with no formal recommendations adopted by the Village Council. Details followed. The most recent narrative to the map was last approved in 1995.

(The commission took a break at 9:15 p.m.; the commission returned at 9:25 p.m.)

Chairman Pro Tem Waechtler announced that he, Commissioners Beggs and Hamernik were re-appointed for the next three years.

Mr. Matejczyk discussed the difficulty of hearing both sides of the proposal since they both made sense. He also stated spot zoning was very difficult. Another concern was what effect the proposal would have on property values. However, he has heard no data where this type of development is detrimental to property values. Mrs. Rabatah voiced her concern about the upcoming review of the Future Land Use Map when the proposal was before them. While Mr. Cozzo favored the concept of the overall service of the proposal, its architecture, and its attempt to be compatible, he voiced concern about dropping the proposal in the center of a neighborhood. Mr. Matejczyk also clarified this proposal was a residential use versus a residential use, and the issue was the residents' needs in that area versus the needs and benefits of the greater community. He noted the population was aging and would like to remain in the community.

Mr. Webster clarified that this Commission recommends to the Village Council what is appropriate and that staff plans the zoning of the Village. While he understood the opposition of the changes to the fabric along Fairview Avenue, he did not believe it was fair to state the proposal was in the "middle" of a neighborhood, but instead would be contiguous to an existing planned development across the street. He questioned the term "spot zoning", as it was a residential use to another type of residential use. In addition, Mr. Webster stated Fairview Village was an existing part of the community and brought value to the community. The proposal met the standards for planned developments and amendments to the Zoning Ordinance. Mr. Webster supported the project for the

prior reasons stated and left the final decision with the Village Council but did not believe the review of the FLUM had a large bearing on the proposal tonight.

Mrs. Hamernik agreed the standards for planned development were met, but the standards for amendment to zoning were not met. She believed the Tracy Cross study was fair, and the traffic study was valid. The suitability of the site was fine for the zoned purposes, and she believed the length of time the property was vacant was due to current market conditions felt by everyone and not because of the proposed facility. Mrs. Hamernik agreed the value to the community was true. However, her issue was with the existing uses and the zoning of nearby properties. She stated up and down Fairview Avenue was single-family, and she could not support the facility.

Adding to the comments, Mr. Quirk recalled Mr. Beggs brought up some similar situations where uses crossed a street. These expansions do not constitute not meeting the standards under Number 1. Mr. Quirk stated the proposal meets the standards and immediately across the street, the land was zoned at a higher density. He was of the belief that the proposal would improve property values and the Village. The proposal's per square foot cost was also high-end which he believed would bring value to the neighborhood.

Chairman Pro Tem Waechtler reminded the public that the Commission was a fact-finding body and many times had to work between the developers and the development. He recalled residents in this neighborhood purchased their homes with the understanding it would be a single-family neighborhood, but it did not work out. Changing from an R3 to a R5A zoning was significant. He also recalled when the Tracy Cross study was done it was during a time when rising property values were occurring. He, Chairman Pro Tem Waechtler, respectfully disagreed with Mr. Webster. The Plan Commission has the responsibility to deliberate and recommend to the Village Council their findings and decisions. Mr. Matejczyk clarified his understanding of the Tracy Cross study and the fact that there were no studies that showed the property values decreased when such a facility was constructed near single-family. The fact that a large number of residents appeared at the meeting reflected positively on the sense of community in the immediate area and within the Village.

Mr. Webster agreed a recommendation from the Commission was necessary, but the irony was that the project was recommended previously and it was a very decisive project. Ultimately, the Council approves or denies the project.

Chairman Pro Tem Waechtler reminded the four key findings of fact were discussed tonight.

**WITH RESPECT TO FILE NO. PC-35-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND A POSITIVE APPROVAL OF A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO FAIRVIEW BAPTIST HOME PLANNED DEVELOPMENT #32 AND REZONING OF THE SUBJECT PROPERTIES SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE FINAL PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY A.G. ARCHITECTURE DATED SEPTEMBER 10, 2007 AND REVISED ON JUNE 27, 2008; THE PRELIMINARY ENGINEERING PLAN PREPARED BY GEWALT HAMILTON ASSOCIATES, INC. DATED JULY 2, 2008; AND THE PRELIMINARY LANDSCAPE PLANS PREPARED BY 3D DESIGN STUDIO**

DATED AUGUST 31, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

2. THE PETITIONER SHALL FILE A PETITION FOR A FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, PLATS OF EASEMENT, AND A PLAT OF VACATION FOR THE LYNN GREMER COURT RIGHT-OF-WAY NO LATER THAN ONE (1) YEAR AFTER VILLAGE COUNCIL APPROVAL IF SAID APPROVAL IS GRANTED. IF A PETITION IS NOT FILED WITHIN ONE (1) YEAR, ANY APPROVALS GAINED FROM THIS PETITION FOR A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT SHALL BE NULL AND VOID. THE BUILDING ELEVATIONS AND SITE PLAN SHALL SUBSTANTIALLY CONFORM TO ANY PLANS APPROVED BY THE VILLAGE COUNCIL AND PLAN COMMISSION.
3. PRIOR TO THE PLAN COMMISSION CONSIDERATION OF THE FINAL PLANNED DEVELOPMENT AMENDMENT, THE FOLLOWING COMMENTS SHALL BE ADDRESSED:
  - a. A REVISED STORMWATER GRADING PLAN SHALL BE PROVIDED THAT ADDRESSES STORMWATER CONVEYANCE FOR THE WESTERN PORTION OF THE GREEN ACRES SUBDIVISION.
  - b. THE SITE SHALL PROVIDE FOR OVERLAND FLOW ROUTES FROM DAVANE LANE THROUGH THE SITE AND ACROSS FAIRVIEW AVENUE WITHOUT NEGATIVE IMPACTS TO THE SITE OR FAIRVIEW AVENUE.
  - c. BEST MANAGEMENT PRACTICES FOR STORMWATER QUALITY SHALL BE IMPLEMENTED ON THE SITE.
  - d. ALL EXECUTED UTILITY EASEMENTS SHALL BE ABROGATED, AND NEW EASEMENTS SHALL BE PROVIDED OVER ALL RELOCATED UTILITIES, STORMWATER FACILITIES AND OVERLAND FLOW ROUTES.
  - e. THE VILLAGE SHALL ASSUME OWNERSHIP OF THE WATER MAIN AND WATER APPURTENANCES. AS SUCH, EASEMENTS SHALL BE PROVIDED OVER ALL WATER MAIN PIPES, VALVES, FIRE HYDRANTS AND ALL OTHER WATER APPURTENANCES.
  - f. A PHOTOMETRIC PLAN SHALL BE SUBMITTED.
4. THE EXISTING LYNN GREMER COURT RIGHT-OF-WAY SHALL BE VACATED.
5. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.
6. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL DETECTION SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.
7. A FIRE HYDRANT SHALL BE LOCATED WITHIN 100 FEET OF EACH PROPOSED AND EXISTING BUILDING'S FIRE DEPARTMENT CONNECTION.

8. **EACH PROPOSED APARTMENT BUILDING SHALL HAVE ONE MAIN ELECTRICAL DISCONNECT OR A SHUNT TRIP SYSTEM THAT CUTS POWER TO THE ENTIRE BUILDING.**
9. **PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS FOR THE AUXILIARY CAMPUS DEVELOPMENT, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$90,837.34 AS SCHOOL AND PARK DONATIONS (\$63,691.89 TO DOWNERS GROVE PARK DISTRICT, \$20,932.49 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$6,212.96 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

**MR. QUIRK SECONDED THE MOTION.**

**ROLL CALL:**

Per a question, Mr. Popovich stated the current request is for a Preliminary Planned Development Amendment. The petitioner will have to return with a final plan and final plat of subdivision in order to obtain final planned development approval.

**AYE: MR. MATEJCZYK, MR. QUIRK, MRS. RABATAH, MR. WEBSTER**

**NAY: MR. COZZO, MRS. HAMERNIK, CHAIRMAN PRO TEM WAECHTLER**

**MOTION CARRIED. VOTE: 4-3**

Mrs. Rabatah asked that the Village Council be made aware that she is uncomfortable with the rezoning but does understand this is a preliminary plan.

Mr. Cozzo said he voted Nay because on page 8 he is uncomfortable with the impact to home values and was not comfortable with the appropriate use of the land in the rezoning; i.e., Zoning Amendment Standard Nos. 1 and 4. Mrs. Hamernik voted Nay because the proposal deviated from Zoning Amendment Standard No. 1. Chairman Pro Tem Waechtler voted Nay because the proposal did not meet Zoning Amendment Standard Nos. 1, 2 and 4. As to Standards for Approval for Planned Development Nos. 2, 3 and 4, he disagreed with them.

**FILE NO. PC-24-08** A petition seeking approval for Special Uses for a drive-through and a car wash for the property located on the Southeast corner of Ogden Avenue and Belmont Road, commonly known as 2125 Ogden Avenue, Downers Grove, IL (PIN 08-01-405-042); Power Mart Corporation Petitioner; Power Mart Real Estate Corporation, Owner

Chairman Pro Tem Waechtler swore in those individual who would be speaking on File No. PC-24-08.

Mr. Popovich explained the petitioner was requesting Special Use approval to 1) construct a drive-through convenience store and 2) to re-establish a car wash at 2125 Ogden Avenue. The property is located at the southeast corner of Belmont Road and Ogden Avenue. The site is zoned B-3 and both Special Uses are permitted. The site is 37,200 square feet with approximately 150 feet of frontage

along Belmont Road and 240 feet of frontage along Ogden Avenue. There are currently three structures on the site: a vacant 1,188 square foot service station building, a vacant 636 square foot car wash and a canopy.

The petitioner is proposing a two-phase development of the site. The first phase is to convert the existing mini-mart building into a drive-through convenience store to sell food and tobacco products. The petitioner also wishes to re-establish the existing car wash building into a self-service car wash. The site would be used this way for no more than 12 months. The second phase of the development is a comprehensive redevelopment of the entire site with a fuel distribution station, restaurant with a drive-through, office and car wash. Staff stated the second phase was conceptual at this point. The petitioner is seeking Special Use approval for only the first phase of the project.

The drive-through window will be located on the east side of the building with traffic circulating in a counter-clockwise motion. Nineteen (19) parking spaces are provided; six (6) are required for the car wash and for the office use and convenience store. Nine (9) stacking spaces for the drive-through exist and 16 stacking spaces for the car wash exist. The buildings meet the setback requirements of the B-3 zoning district. There is approximately 3,548 square feet of open green space on the site. The overall green space is considered to be legal non-conforming and will be allowed to remain as is because no green space is being lost.

The Future Land Use Plan designates the site as Commercial. The site plan meets all zoning requirements including setbacks, building height, parking and floor area ratio except for the legal non-conforming green space. Mr. Popovich explained that Phase 1 development of the site does not meet with all requirements of the Ogden Avenue Master Plan. Specifically, the petitioner is not proposing to increase green space or close curb cuts along Ogden Avenue. The existing building facades will be cleaned and sections painted, but building facades will not be substantially improved. The Phase 2 comprehensive redevelopment will be required to meet the standards of the Ogden Avenue Master Plan. These improvements will include new buildings, decreased curb cuts, and additional green space.

Staff does not recommend requiring the petitioner to comply with all aspects of the Ogden Avenue Master Plan at this time because Phase 1 is an interim step to a comprehensive redevelopment. Staff is requiring the petitioner to submit Phase 2 comprehensive redevelopment plans for this site to the Village within one year of the passage of the Special Use Ordinance, or the Special Use Ordinance will become null and void 18 months after its passage. If the Phase 2 plans are not submitted within one year, the petitioner will be required to close curb cuts (those two closest to the intersection and driveway heading south) and install the required green space. Also, staff requires the petitioner to submit an engineer's cost estimate and security, prior to the issuance of a building permit for the drive-through window; in that amount to ensure the necessary improvements are completed to meet the requirements of the Ogden Avenue Master Plan should the petitioner not proceed with the comprehensive redevelopment.

The petitioner is providing no site improvements but will be required to remove trees and vegetation growing in the stormwater detention pond on the east side of the property. The underground storage tanks have been removed. Gravel is located above the former tanks and will be removed and replaced with asphalt. Stormwater detention will be located along the east property line within the existing detention pond. In Phase 2, a comprehensive stormwater management plan will be required.

The Fire Prevention Department reviewed the proposed plans and agreed the site provides ample access points. Staff also spoke to one neighbor who asked for clarification regarding the proposal but had no further concerns.

Staff believes the standards for a Special Use have been met. The proposed Phase 1 temporary Special Uses are desirable until a permanent comprehensive redevelopment is undertaken. Staff believes the proposed drive-through and car wash will not be detrimental to the health, safety, or property values in the area. The proposal meets the bulk regulations of the B-3 zoning district as outlined in the Zoning Ordinance and shown above. Both requested Special Uses are listed as allowable Special Uses in Section 28.609 of the Zoning Ordinance.

Mr. Popovich stated staff believes the site is in need of a comprehensive redevelopment, and it sees Phase 1 as a temporary use to last no more than 12 months. If the Phase 2 redevelopment plans are not submitted within one year of Village Council approval, staff can go in and make the necessary changes in order for the site to meet the Ogden Avenue Master Plan. Staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition, subject to the conditions listed in its staff report.

Mr. Popovich recalled the underground storage tanks were removed as part of the previous remediation process. If after 12 months no work is completed, Mr. Popovich explained the steps that the Village would take as previously discussed above. As to additional remediation, he was not aware of further remediation requirements. As to the two-phase process followed by staff, Mr. O'Brien stated there has been a sunset provision used in the past, and the last time it was used was during 2006 petition for an office in a residential structure near Ebersold Park. He did not see the matter as an issue. Two certificates of occupancy will be issued for the project. Details followed on how it affected the drive-through aspect and the car wash. Per Mrs. Rabatah's question, there will be no use of the alley. Phase 2 has not been reviewed by IDOT. The Phase 1 development has full access on all four curb cuts. Mrs. Rabatah recommended looking at the curb cuts in the Phase 1 process. Estimated distances for the curb cuts were discussed. Staff stated the curb cuts would remain for Phase 1.

Mr. O'Brien discussed the two options the petitioner could use for the site; i.e., reuse the site as a by right office building and not meet the Village's Ogden Avenue Master Plan standards, or, a drive-through and car wash which complies with the Ogden Avenue Master Plan but make the improvements only once.

Mrs. Hamernik walked through her understanding of the proposal with staff.

Petitioner, Mr. Luke Casson, P.O. Box 39 Lemont, Illinois, representing Power Mart, introduced Construction Director Mike Carey. He explained Power Mart is a new business, and similar sites exist in Palos Heights and in Elmhurst. The company's focus is not just a typical gas station. Power Mart's corporate office will be moved into the site followed by the other related corporations in the final build-out. Mr. Casson walked through the timeline for the interim site, noting the site will be a prototype for other businesses. Additionally, the community will receive a high tax-generating venture with gas, food, and services. This site will provide training for all of the other sites being built in Illinois.

Discussing the alley, Mr. Casson agreed with staff that the issues identified by staff must be done and will be done. The petitioner will not use the area south of the alley.

Per commissioner questions, no photos were available for Mrs. Hamernik to review. She confirmed with Mr. Casson that during the second phase, the building in the first phase would be demolished. The east side drive-through will be used for various snacks and tobacco. Mr. Casson stated the industry has an overstock of the current-type sites. The Palos Heights site does sell liquor. Mr. O'Brien reviewed some of the requirements of liquor establishments, and the fact that there are Village Ordinance requirement that were against the proposal as it relates to the petitioner selling liquor. Per another question, the petitioner confirmed the existing canopy would be removed.

Per Mr. Casson, the other two-related corporations moving into the site are Power Buying Dealers and GEACC, both of which conduct business in the petroleum industry in retail sales, wholesale or of distribution.

As a suggestion, the Chairman Pro Tem Waechtler suggested the petitioner clean up the site to be a good neighbor.

Continuing, Mr. Casson stated hours of operation were not set yet. Chairman Pro Tem Waechtler discussed concerns about lighting and speaker volume from the drive-through, if any. Mr. Carey discussed Power Mart's signage that will be installed to introduce the business to the community. Mr. Casson discussed the steps that Power Mart uses for being a "green" company. The company will sell E-85 gasoline; the restaurant recycles its oil; and gas pump fumes are "scrubbed" before released.

Mr. Carey discussed landscaping cleanup at the site and the installation of grass to make it more desirable. Chairman Pro Tem Waechtler suggested he contact the Village Forester as to the types of deciduous plantings to install. Mr. Carey invited members to visit their Elmhurst site, which was a similar prototype but a slightly different concept. Mr. Casson described the convenience store and restaurant as having higher-end food.

Chairman Pro Tem Waechtler opened the meeting to public comment.

Mr. Suli Gasfer (phonetic spelling) from Plainfield, Illinois, along with a few partners, owns the parcel south of the proposed site. He stated he was there to observe and to see how the south entrance alley would work with his property, as it was residential. Mr. Popovich stated the entrance alley was closed, and there was no proposal to improve it for now.

Ms. Marge Earl, 4720 Florence Avenue, Downers Grove, asked what would happen to Phase 1 when moving onto Phase 2, wherein Mr. Casson stated he would be closing it entirely. She did not support selling tobacco through the drive-through.

Mr. Casson closed by stating the proposal was exciting, and he was pleased to be in the Village. He asked the Commissioners to support the proposal.

Chairman Pro Tem Waechtler closed the public comment portion of the meeting.

No deliberation by the commissioners.

**WITH RESPECT TO FILE 24-08 MR. WEBSTER MADE A MOTION THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THIS PETITION SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE PHASE 1 SPECIAL USES SHALL SUBSTANTIALLY CONFORM TO THE SITE AND BUILDING DRAWINGS SUBMITTED BY NICK SCARLATIS & ASSOCIATES, LTD. DATED AUGUST 1, 2008, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE APPLICANT MUST SUBMIT PHASE 2 COMPREHENSIVE REDEVELOPMENT PLANS FOR THIS SITE TO THE VILLAGE OF DOWNERS GROVE WITHIN ONE YEAR OF THE PASSAGE OF THE SPECIAL USE ORDINANCE OR THIS SPECIAL USE ORDINANCE SHALL BECOME NULL AND VOID 18 MONTHS AFTER ITS PASSAGE. PROPOSED REDEVELOPMENT PLANS SHALL MEET THE STANDARDS OF THE ZONING ORDINANCE AND OGDEN AVENUE MASTER PLAN.**
- 3. THE PHASE 2 COMPREHENSIVE REDEVELOPMENT SPECIAL USES SHALL REQUIRE SUBSEQUENT APPROVALS FROM THE VILLAGE COUNCIL.**
- 4. IF PHASE 2 COMPREHENSIVE REDEVELOPMENT PLANS ARE NOT SUBMITTED WITHIN ONE YEAR OF THE PASSAGE OF THE SPECIAL USE ORDINANCE, THE PETITIONER SHALL:**
  - a. CLOSE THE WESTERNMOST OGDEN AVENUE CURB CUT PER IDOT STANDARDS.**
  - b. CLOSE THE NORTHERNMOST BELMONT ROAD CURB CUT PER IDOT STANDARDS.**
  - c. CLOSE THE ALLEY ACCESS PER VILLAGE STANDARDS.**
  - d. CONVERT ALL THE CLOSED ACCESS POINTS TO GREEN SPACE TO MEET THE VILLAGE'S GREEN SPACE REQUIREMENTS.**
- 5. PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR THE DRIVE-THROUGH AND CAR WASH, THE PETITIONER SHALL SUBMIT TO THE VILLAGE AN ENGINEER'S COST ESTIMATE DETAILING THE COSTS ASSOCIATED WITH ITEMS 4A THROUGH 4D ABOVE. ADDITIONALLY, THE PETITIONER SHALL SUBMIT TO THE VILLAGE A MONETARY SECURITY IN AN AMOUNT EQUAL TO THE COST OF THESE IMPROVEMENTS.**
- 6. ALL PROPOSED SIGNS SHALL COMPLY WITH THE VILLAGE'S SIGN ORDINANCE.**
- 7. THE EXISTING STORMWATER DETENTION BASIN SHALL BE CLEARED OF DEBRIS AND THE OVERGROWTH SHALL BE CUT BACK SO THAT THE DETENTION POND IS FULLY FUNCTIONAL, AND THE ENTIRE DETENTION VOLUME IS ACCESSIBLE.**
- 8. THE EXISTING MINI-MART BUILDING SHALL BE EQUIPPED WITH A NFPA 72 FIRE ALARM SYSTEM INSTALLED BY AN U.L. CERTIFIED FIRE ALARM CONTRACTOR.**
- 9. ABANDONED EQUIPMENT ASSOCIATED WITH THE PREVIOUS TENANT SHALL BE REMOVED FROM THE SITE.**

**MRS. RABATAH SECONDED THE MOTION.**

**ROLL CALL:**

**AYE: CHAIRMAN PRO TEM WAECHTLER, MR. COZZO, MR. MATEJCZYK,  
MR. QUIRK, MRS. RABATAH, MR. WEBSTER**

**NAY: MRS. HAMERNIK**

**MOTION CARRIED. VOTE: 6-1**

Mrs. Hamernik voted Nay due to her concerns about the corner remaining as a small office building from Phase 1 without improvements from Phase 2 being constructed. Other Commissioners tried to explain and quash any of her concerns.

**MR. WEBSTER MOVED TO ADJOURN THE MEETING. MR. QUIRK SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 11:05 P.M.**

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

**VILLAGE OF DOWNERS GROVE -  
Stormwater and Flood Plain Oversight Committee Meeting  
August 28, 2008, 7:00 p.m.**

**Downers Grove Public Works Facility  
5101 Walnut Avenue, Downers Grove, Illinois**

**Call to Order**

Vice Chairman Gorman called the meeting to order at 7:03 p.m. A roll call followed and a quorum was established.

Members Present: Mr. Barnett, Mr. Gorman, Ms. Matthies, Mr. Scacco

Members Absent: Mr. Crilly, Mr. Eckmann

Staff Present: Asst. Dir. of Public Works, Mike Millette; Lori Godlewski, Recording Secretary

Others Present: Don Kiesling - Larson Eye Clinic, 126 W. 1<sup>st</sup> Street, Hinsdale; Pam Mitrius, 4901 Forest, Downers Grove; Jeff Williams, 52 Main St., #210, Downers Grove; Robert D. Ruyle, 1236 Blanchard St., Downers Grove; Mary Lou Falsted, 925 Burlington, Lisle; John LeDonne, 1930 55<sup>th</sup> Pl., Downers Grove; Daniel Loftus/Jeff Williams – GC Engineering, 5200 Main St., Downers Grove; Frank Falesch, 820 Prairie, Downers Grove; and Lisa Babler, 4929 Forest Ave., Downers Grove

**APPROVAL OF APRIL 24, 2008 MINUTES**

**Minutes of the April 24, 2008 meeting were approved on motion by Mr. Scacco, seconded by Ms. Matthies. No changes.**

**Motion carried by voice vote of 4-0**

**PUBLIC COMMENTS - No comments**

**NEW BUSINESS**

Acting Chairman Gorman opened up the public hearing.

**A. PUBLIC HEARING - Variance Petition regarding 4958 Forest Avenue.**

MR. MILLETTE: I shall. Thank you Mr. Chairman. We are being asked to consider is a variance from two portions of the Stormwater Floodplain Control Ordinance, Section 26.120 and Section 26.130. They relate to the Village's own requirement that three feet of freeboard preferred in structures adjacent to or within a floodplain and the second is for the ponding depth allowed over a parking lot of -- one foot is allowed by code and 18" inches is the request

The petitioner's application was received in a timely manner. Their fees have been paid. We were noticed -- the, the variance was noticed properly and the recommendation -- the possible recommendations are listed in the memo transmittal from myself to you folks, dated August 26<sup>th</sup> and the petitioner has a -- is represented by an engineering firm and I believe, with your permission, they would like to make a brief presentation.

VICE CHAIRMAN GORMAN: Please go ahead.

MR. LOFTUS: As I [inaudible words] here, I'll introduce myself. I'm Dan Loftus with GC Engineering, 5200 Main Street, Suite 210 -- we're upstairs. We'd like to thank you for allowing us to give this presentation tonight. With me this evening is Jeff Williams, our Senior Drainage Engineer from GC Engineering, and Don Kiesling from Larson Eye Clinic, in case you have any questions of the applicant.

Just a bit -- a bit of brief history, for those that might not be one hundred percent aware of what this property is. It is currently a -- it's about a 10,000 square foot parcel at the corner of Forest and Warren Avenues, just north of the railroad tracks on Forest Avenue. The existing use is a bank drive-through facility, unoccupied right now. It's not being used for that but that's what it was built out for and the construction of this parcel was, and historically, just to give us a base of reference, constructed prior to the adoption of the current Stormwater Ordinance that we are currently considering this evening.

Typically, the existing condition is that the, the flow of stormwater -- is it easier for me to turn this around if the public wants to see it as well? Kind of a tough room to present in here. It's like Vanna White, I can -- but the current overland flow condition is typically from the north to the south. From a standpoint of regulatory floodplain -- the majority of this property -- and I can show this to the group, cause I know that the committee members have seen this drawing as part of our application -- based on the regulatory flood mapping in the area -- this is in a Zone A floodplain, and on this exhibit the majority that is hatched here is within that Zone A flood plain. The base flood elevation in the area is 7/10 and that's an important number for us to remember as we proceed here

a little bit. That number was provided to us and verified by the Village staff, the, the stormwater engineer for the Village, and that is the basis for our presentation this evening.

The proposed project, as we get back to this other board here, is an approximately 3,000 square foot eye center with associated parking and, and stormwater improvements. This is an allowable use within the Downtown Business District zoning. The post building, as proposed this evening, would have a finished floor elevation of 7/11. That's one foot higher than the base flood elevation. And it is approximately 2.25 feet higher than the existing finished floor elevation of the bank drive-through.

The fill in the flood plain is a result of this meeting of the ordinance, or, meeting of the requirement to get the building out of the flood plain, is approximately 170 cubic yards. That 170 cubic yards would result in a compensatory storage number of about 255 cubic yards and that is in accordance with the ordinance to provide compensatory storage and one and a half times the fill in the flood plain.

Additionally, the proposed site would utilize the existing pavement -- the existing parking area -- and, and, the grades that are out there, as much as possible, to minimize additional fill in the flood plain. This would also allow us to provide the additional, or, the necessary parking and drive aisle widths for the eye center. And that elevation of the existing pavement and existing parking would be at approximately 708.5 or 1.5 feet below the based flood elevation.

It should be noted, I guess, that some of the existing pavement -- and we, we have a preliminary site plan that shows some of the demolition required -- it should be noted that some of the pavement would need to be removed for the footprint of the proposed building and also -- with your permission -- there is some concrete pavement that is underneath the overhang of the drive-through that we need -- we would need to remove and replace to make it -- the drive aisles and the parking area for the eye center. So there would be some existing pavement removal but we would replace that at an existing elevation.

As Mike mentioned, tonight we are seeking two exceptions to the Village's Stormwater Ordinance. The first is to construct a proposed finished floor elevation at one foot above the base flood elevation, which improves the existing condition by about two and a half feet. But it does not meet the three foot requirement that the Village has adopted in excess of the county-wide ordinance that is one foot.

Additionally, the current elevation of the pavement that we are seeking to maintain is approximately, on average, one and one-half feet below the base flood elevation. The coordinates, as adopted by the Village requires a one foot ponding, or, or, of allowable ponding on parking areas. So we are seeking an extra six inches up to allow us to minimize the fill in the flood plain and maintain that existing pavement.

I'd like to turn things over to Jeff now to talk a little bit more about the details on the exception requests that we have, our justifications for that, and the impacts that we believe are burdensome to the applicant in this case, and the impacts of meeting the ordinance.

Jeff?

MR. WILLIAMS: I'll go back to the colors so it's easier for everyone to see. To our re-write to some degree, by following the Village ordinance as written, we would be three feet above the flood inundation at 7/13. We're looking to follow instead the DuPage County Ordinance, which only requires one foot to go [inaudible] to 7/11. To kind of keep a perspective on things, Dan had mentioned the existing buildings are about 708.75. So it would be either a two and a quarter foot radius for the county ordinance requirements or a four and a quarter foot radius for the Village requirements.

The adjacent finished floor elevations were approximately 708.6, which is roughly even to bank fill-in to the west and 709.1, which is again, roughly even to what's out there now. If we were to raise as high as the Village ordinance required, we'd be in the neighborhood of 3.9 to 4.4 feet higher than the two adjacent parcels -- both of which would be within a hundred feet from the edge of the building to the edge of the proposed building.

So we believe that would make a poor aesthetic and just kind of a bad perception among the neighbors of what our impact would be -- whether it would be adverse or not but it wouldn't look very good. On top of this, if this were [inaudible] this were a residential parcel, they would not allow such a drastic difference between one finished floor elevation and those of its neighbors.

Above and beyond just the overall aesthetic, there is the issue of ADA access. According to the ADA regulations, you would need to provide a landing every 30 inch rise. Based on the elevation we would like to get through the variance of 7/11, we would not go as high as that 30 inches, so we won't be able to do a single ramp for ADA access. Once we go up to 7/13 we raise above both from the existing sidewalk and the proposed pavement. Above that 30 inch, we would need an additional ramp. This would be some hardship for anyone utilizing those ramps as well as taking up more space that could be used for any number of things on the site, such as parking, pedestrian or vehicular access or green space or whatever is eventually decided upon.

Secondly, to touch back on the compensatory storage. As mentioned, the area is pretty much entirely on the property within Zone A flood plain. Zone A means it's the hundred year flood elevation. It's just not mapped by the county. Based on this, Dan had mentioned, for building alone -- and this is regardless of the exceptions to the flood plain below both the Village and county requirements for the finished floor -- but based upon this, it would be 170 cubic yards of fill and using one and a half to one compensatory storage ratio, 255 cubic yards of compensatory storage required. We would anticipate to derive this entirely on the property either through vault building or vaults or pipes beneath the parking lot as appropriate or by Village staff -- once we know the final engineering.

If we were to raise the rest of the lot to comply with the one foot elevation to the flood plain, those numbers go significantly. We only had two foot county topos. This would be -- have to be finalized once we had our surveyors go in and everything else and also once we have final design -- but based upon an approximate look at it, it came out to about 515 cubic yards of total fill

and at the one and a half to one ratio, would be 770 cubic yards of compensatory storage. That's approximately a three-fold factor increase. Even allowing the approximate methods that we use, we're still looking at a two -- two to three times increase for what would be required just from the building itself, if we -- if we have the parking lot as is versus if we raised it.

One other adverse issue from raising the parking lot, we would be modifying the overland flow conditions as they presently exist. Currently, Dan mentioned this before, flows starts from the north and goes south. The low point is roughly at the center section and extends pretty much in all directions up until we reach the base flood elevation. If we were to raise our parking lot, any overland flow that currently spills over the back of curve into our parcel would not have to raise up.

The biggest concern for that, cause we obviously would have to provide some form of pipe or other conveyance so that this flow would have pass through, but the biggest concern you would have is that you always have to consider where the flow goes in the event of failure. In this case, if our pavement was going to be at 709 and then we add -- its a six-inch curb for a standard curb -- it would be 709.5. This building's finished floor, again, was only 709.1. So in the event of a failure of any conveyance system we put through, we would want to make sure that the flow would not go into a neighboring parcel or cause any adverse conditions off-site.

As a final issue, at least from a technical side, due to the relatively small size of the parcel -- it's about 10,500 square feet, pretty much any compensatory storage we provide will have to be underground. And while this is perfectly acceptable under any FEMA, Army Corp, local regulations, it would still have some degree of maintenance and some degree of risk of failure, partly going back to what I said before, which [inaudible words] using underground systems. So, in part, to reduce the maintenance for the future tenant as well as to reduce the risks to flooding for the neighbors, we would like to keep the pavement at the existing grades, and I think I'll give it back to Dan. Thank you.

MR. LOFTUS: Thanks Chuck. I guess just to keep things short because there is a much more eloquent orator from Illinois speaking tonight, that is much better than I am on many issues, except engineering, I just wanted to, to say thank you again, and reiterate that, that what we're presenting here this evening -- the, the -- what we're -- the findings here are, of course, going to be subject to final engineering and an approval by not only the Community Development Department but the Engineering and Public Works Department, but we do not anticipate there being any significant modification to the, the numbers that we presented this evening upon detailed engineering.

We seek both of these exceptions for the purpose of taking what is, I think, a unique parcel in its size and, and location within this flood plain, and allowing a use that we currently don't have in our downtown that we would welcome, that would be a great assets to our community. We don't seek what I think is an undue exception to the ordinance. Both are supportive over -- the first is supported by the countywide ordinance and the second, I think, would certainly allow for a continuance of the existing condition that is out there, especially given that the adjacent properties and, and buildings are currently at their elevations, and, and by raising this, I don't think we make a huge improvement to the watershed as a whole, without taking all of the properties in the vicinity and doing the same thing.

In closing, I guess I would just like to, to mention that we've spoke with the applicant and they are committed to assigning this area for parking and, and the drive aisles, as exclusive for not only their customers but also give some indication and warning that in an extreme event there is the potential for as much as one and one-half feet of ponding on the property.

Again, going to the unique nature of this applicant and their use of this property, this isn't all day parking. There is no overnight parking. There is no long-term parking. These are exclusively for customers or clients of the eye clinic. They would come in for their approximately two hour average --

SPECTATOR: It's going to be a max.

MR. LOFTUS: -- the maximum two hour appointment, and, and they would be leaving, so. If there is a significant event happening, they -- given the nature of the surrounding area -- would be able to a) access the property or b) park their vehicle for, for much longer than it would take for the ponding to occur on the pavement as it is right now. So with that, I'll thank you and ask if there are any questions we would welcome them.

MR. GORMAN: Okay. Thank you. Perhaps before we talk about it as a committee, if there is anyone who wants to make comment on the [inaudible words] you heard the presentation. Is there anyone who would like to speak in favor or even ask a question of the petitioner?

SPECTATOR: Yes. I'm going to have a question.

MR. GORMAN: Your name and address please?

MR. FALISCH: The name is Frank Falisch. Now, I'm wondering --

MR. GORMAN: And your address?

MR. FALISCH: 820 Prairie. Is that area prone to flooding? I, I don't think I've ever seen that. It's not really my direct area but I've never seen that whole area flooding. Is this common?

MR. GORMAN: Well, it's mapped as a -- if I'm right -- it's not on the Flood Insurance Rate Map. This is designated as a locally poor drainage area. It's on the Village's map as a flood plain. It was modeled by Christopher Burke Engineering. They determined that the flood elevation would be 710 for a hundred year, one percent storm. Anything else to add to that?

MR. MILLETTE: We, we seen inundation in, in, in force but to be, to be quite frank with the committee, this may be one of those areas where the theoretical has quite a lot of buffer in it because it didn't flood as high even when we running around on October 2<sup>nd</sup>. It didn't flood as high. As the model shows, there, there's a potential inconsistency. When the modeling was done for Community Bank to the south, there is potential inconsistency or there's one of those hard thing to model and there's the culverts that go into the, the railroad tracks.

And then they, they discharge to the south side on Gilberts. So it -- if this could happen, if, if, you know, all the plants aligned right and the stream was already up and the culverts were already full, but I don't think it's likely an event as maybe the modeling shows.

MR. GORMAN: So it's theoretical flood plain [inaudible].

MR. FALISCH: Yes. Because [inaudible words].

MR. GORMAN: But it's based on modeling.

MR. FALISCH: I've never seen it flood. Of course I wasn't here for the October 10<sup>th</sup> or whatever that was -- flood, but it, you know, just wondered. And it seems to make sense. You don't want to build the area up to, to make a dam to, to flood the area even more. So that looks good.

MR. GORMAN: Thank you. Did you --

MR. RUYLE: Robert Ruyle, 1236 Blanchard in Downers. I looked at the property today. I saw the announcement that there was a hearing and I think the most significant thing is that the level of the final parking not be raised above its existing grade because of the foot proximity of the floor level of the building to the north. They were there first, done before current regulations and as long as the applicant can keep at that level or lower, I don't see a problem in changing the elevation if they are willing to accept the risk factor. Though, in my thirty-four years of the Village, I've not seen water to that level that we're speaking of.

MR. GORMAN: Okay. Thank you. And for our new arrival, we're --

SPECTATOR: Sorry.

MR. GORMAN: -- we're in the public hearing for the property at 4958 Forest --

SPECTATOR: Yes.

MR. GORMAN: -- and we just had a presentation and before the committee starts the discussion and, and decides on the variance petition, would you like to make any comments on that, on that case?

SPECTATOR; No, that's fine.

MR. GORMAN: Okay.

SPECTATOR: Are you done with that section of -- is that what you're saying?

MR. GORMAN: [Inaudible]. We, we, we're still in the middle of talking about that.

SPECTATOR: Okay.

MR. GORMAN: Okay. I guess we'll close the public time period and talk amongst ourselves on the committee about this petition and ask questions.

(Whereupon the chairman closed the public hearing.)

Mr. Millette, explained that when this matter was reviewed at the staff level, the use of the eye clinic and its clientele was considered with a strong consideration for the ADA portion of the petition in order for elderly clients to have easier access to the building. Also, the petition did not change the character of the neighborhood and the comments raised by the residents were factored in staff's decision to report the variance in that if the petitioner was willing to accept the risk of an "as is" condition, staff thought it was reasonable. Per Mr. Millette, if the committee recommended the petition as a variance approval, the applicant would have to be notified that it was reducing the flood protection level by asking for the variance.

Mr. Millette was of the opinion it would not affect the Village's flood rating and, after speaking with Mr. Hefner with the DuPage County Stormwater Department this afternoon, Mr. Hefner was not concerned about the elevation of the building since it was the Village's ordinance which was more stricter. Also, Mr. Millette was of the opinion that Mr. Hefner agreed it was a pre-existing condition and was not interested in reviewing the petition.

Vice Chair Gorman pointed out that a prior variance request was made on a building (a bank) across the street to the south and much of the discussion centered on approving a similar variation, for more than 12 inches of flooding on the pavement. The bank was elevated to meet the elevation. Details followed. One of the concerns raised, at that time, included parking should a flood occur.

Vice Chair Gorman asked whether enough outfall underneath the ground existed where water could discharge after a storm event, such as to a sewer, wherein Mr. Loftus explained that based on his firm's preliminary analysis using the two foot contours and the information provided by staff regarding the sewers, he believed his client was very close in gravity flow to any storage that would be put on the site to the adjacent storm sewers. Mr. Millette said a pump could be used. Vice Chair Gorman voiced his objection to a pump since there was no incentive by the property owner to fix the pump once the its burns out. He strongly urged staff to require a gravity system.

Discussion centered on whether the owner would be required to have flood insurance. Mr. Millette conveyed that it would up to the mortgage holder to get the insurance or not. Vice Chair Gorman, speaking from his own experience, stated the petitioner should be able to receive a letter of map amendment to reflect whether the site was deemed to be in a floodplain to show that the building's finished floor is above the flood plain elevation established by the Village. Other questions followed whether parked cars in the parking lot would open up the Village to any liability, wherein Mr. Millette confirmed a firm "No."

Mr. Barnett confirmed with the petitioner that the intent was that all compensatory storage would be accommodated by the one foot elevation, wherein Mr. Loftus confirmed positively and explained the compensatory storage for the raising of the building itself above the floodplain would be provided underground. The reason for the exception was to keep the parking lot at the current elevation in order to not increase the amount of compensatory storage required. The initial compensatory figure discussed to get the building out of the flood plain would be provided. Recalling the requirements for the sign post, Vice Chair Gorman recalled 12 inches was the Village's own condition placed on the petition.

Mr. Loftus stated that in reviewing storage within a flood plain area, he was providing a benefit to the area because that portion of the flood plain being filled in would be compensated one and a half times, with a .05% percent increase in storage. Ms. Matthies confirmed with the petitioner that he was seeking compliance with the Village's requirements because the petitioner was already in compliance with the county's regulations, except for the six inches.

Vice Chair Gorman relayed the comments he received from Chairman Eckmann. Chairman Eckmann's comments included risk and that the applicant know and understand and accept that the parking lot is in a flood plain, that the further that one reduces the freeboard, the more at-risk one is of having building damage. Vice Chair Gorman believed the petitioner was aware of that information, based on his presentation.

**Mr. Scacco made a motion to forward a positive recommendation to the Village Council that the two requested variances for 4958 forest Avenue be granted: one to Section 26.62-3 for one foot of freeboard versus three feet required, and one to Section 26.62-4 to allow 18 inches of inundation over parking lot pavement, where 12 inches is allowed.**

**Seconded by Ms. Matthies.**

**Roll call:**

**Aye: Mr. Barnett, Mr. Gorman, Ms. Matthies, Mr. Scacco,**

**Nay: None**

**Motion carried. Vote: 4-0**

## **OLD BUSINESS**

**A. DuPage County Water Quality Best Management Practice (BMP) Manual - Update** - Mr. Millette report the committee sent a letter to DuPage County under the chair's name regarding some changes to the BMP ordinance. Some of the recommendations were "heated". The revised ordinance, as amended, according to legal staff, did not need a separate action to adopt again. As of the beginning of August, 2008, the BMP requirements are part of the Village's Stormwater and Flood Plain Control Ordinance. A schedule training session will be held for staff's development engineers. Millette reported the county not only invited he and his staff, but also invited a group of consultants often working in the county.

Vice Chair Gorman envisioned the committee would probably be seeing this portion of the ordinance being petitioned with variations. Therefore, it was a large learning curve for everyone involved. Millette commented that a fee in lieu would not necessarily cover anything and it will require some petitions to find a compelling reason for a pre-existing condition that would steer the committee to another solution. Comments followed on the committee receiving training on not only terminology but expectations of the regulations. Mr. Millette would follow-up.

**B. WIIP Update** - Mr. Millette provided an update on the Watershed Infrastructure Improvement Plan noting 8 out of the 15 high priority projects were under active construction and the remainder were in design. Three projects involved intergovernmental agreement negotiations with the Park District to use Washington Park, part of McCollum Park, and part of Sterling North Park for retention/detention facilities with adjacent watersheds. The Village is close to signing off on those agreements. Details followed.

Progress on the remainder of the first set of high priority sub-watersheds was accelerated for engineering purposes to begin work this fall on these projects. Those projects that were smaller with quicker design efforts were completed. Mr. Millette expected to have plans ready as much as possible and no later than February 2009. Medium priority watershed projects will begin shortly. Also, regarding the WIIP, the bonds (\$24.5 Million) were sold two weeks ago and staff began refinancing the TIF bonds. Per Mr. Millette, money was available for some of the engineering for 2009/10 construction efforts. The draw schedule for the 36-month period was explained. Staffing was also discussed.

The next phase of the Capital Improvement Program will be discussed at the October 11, 2008 budgeting hearing. The first few projects, which were estimated as worst case scenarios, turned out not to be worst-cases. Due to the housing market slow down, staff received very good engineering bids for some of the projects, which saved the Village money.

Continuing, Mr. Millette recalled with the adoption of the current budget, one managerial position was eliminated and it was converted into two maintenance worker positions which have been filled. A second round of ditching was taking place with expectations of three miles of ditches to be completed. The two new maintenance positions have been assigned to the ditching activation. Updates followed on the issues with the televising equipment, the wear and tear on the equipment, and replacing it. Further updates followed on street sweeping; youth groups assisting with storm sewer stenciling this spring; and a \$50,000 increase approved for the Village's Cost/Share Program. Details followed on the how the program works, the four projects to be worked on, and the amount of allowable pipe extension. Positive comments followed regarding the program.

## **ADJOURN**

**Mr. Scacco made a motion to adjourn the meeting at 8:02 p.m. Seconded by Ms. Matthies. Motion carried by voice vote of 4-0.**

Respectfully submitted,  
(as transcribed by tape)

/s/ Celeste K. Weilandt  
Celeste K. Weilandt, Recording Secretary

Approved November 12, 2008

**TRANSPORTATION AND PARKING COMMISSION**

Minutes

October 8, 2008, 7:00 p.m.

Downers Grove Public Works Facility  
5101 Walnut Avenue, Downers Grove

Co-Chairman Wendt called the October 8, 2008 meeting of the Transportation and Parking Commission to order at 7:02 p.m. Roll call followed and a quorum was established.

**ROLL CALL:**

Present: Co-Chairmen Gress and Wendt; Members Schiller, Stuebner, Saricks, Cronin, Van Anne, Barry

Staff Present: Public Works Interim Dir. Weaver, Asst. Dir. of Public Works - Engineering, Mike Millette; Traffic Mgr. Dorin Fera; Police Sgt. Ed Harrison and Ofc. Tim Sembach; Recording Secretary Megan Dugard

Visitors: Bill Wrobel, 7800 Queens Court; Jayne Yurdzentsis, with Lester School; Justin Sisul with Lester School; Mary Blanchard with Lester School; Joe Fisher 4332 Florence; Bonnie Christian, Florence Avenue; Lenny Murdis, 4339 Florence; John and Barbara Purtell, 2000 Lincoln; Lorie Pilster Downers Grove School Dist. 58; Dolores Ronaldson, 220 Lincoln; Jo Potts, 216 Lincoln; Ralph Grimmer, 4401 Florence; Cindy and Joe Gilbert, 240 Lincoln; Becky Rheintzen, 4633 Cumnor; Laura Gilmartin, 229 Indianapolis; Regina Hartnett, 300 Lincoln; Jennifer Wheeler, 306 Lincoln; Bob Labate, 4421 Florence

Co-Chair Wendt informed the commissioners and the public the meeting was being recorded on Village owned equipment to aid in the preparation of the meeting minutes.

**APPROVAL OF THE SEPTEMBER 10, 2008 TRANSPORTATION & PARKING MINUTES**

Clarification followed on the last paragraph of the minutes regarding the EJ&E rail line.

**MR. SCHILLER MADE A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 10, 2008 AS SUBMITTED. MR. STUEBNER SECONDED THE MOTION.**

**ROLL CALL:**

**AYE: MR. SCHILLER, MR. STUEBNER, MR. GRESS, MR. WENDT, MR. SARICKS, MR. CRONIN, MS. VAN ANNE, MR. BARRY**

**NAY: NONE**

**MOTION CARRIED. VOTE: 8-0**

**PUBLIC COMMENTS - None**

**File #10-08 Lincoln Avenue (Lester School) School Drop-Off Alternatives** - Asst. Dir. Millette referenced the voluminous correspondence and reports pertaining to this matter, noting that this matter was addressed by the previous Parking and Traffic Commission. He noted the few changes that were made around the school to date. The bottom line -- a high amount of traffic occurs in a very short period of time to drop children off on the north side of Lester School using Lincoln. The road is 22 feet wide, two-lane, and a large gravel area exists

for buses, which area has been used for drop-offs or parking. Additionally, some parents make U-turns into driveways to head back west to Fairview. The last action item for this matter occurred when changes were made on the Indianapolis side of Lester School where a stop control change was added to the intersection of Indianapolis and Florence and a crossing guard was added.

Traffic Manager Dorin Fera explained Lester School was different than most schools in that it had two entrances on two different streets. The village's involvement with the school dates back to 2005 even though issues went back as far as 2002. Mr. Fera explained that Lincoln Avenue has 17 extra feet of useable pavement that no other school has for various uses. The undefined pavement is used for whatever reasons and the village has tried to address those issues by posting a No U-turn sign but to no avail. Because the school does not have enough on-site parking, parents are dropping off their children on Lincoln Avenue. However, the issues on Indianapolis have been addressed and appear to be working.

As to the suggestion of installing a stop sign at Lincoln and Cumnor, Mr. Fera stated staff was not sure how it would fit into the scenario of what would be discussed tonight. Staff implemented a temporary drop-off area in the gravel area for about six months to address the U-turn problem, the parking-in-the-wrong-direction problem, and forcing parents to follow the path, but with multiple entrances on Lincoln, it did not work. Some of the pavement issues remain, currently. Regarding the traffic signal at Lincoln and Fairview, Mr. Fera believes it is in the wrong location for addressing the school's needs and he believes it should have been located at Indianapolis. However, when the signal was being implemented, he recalled the school's main entrance was still on Lincoln and then eventually was moved to Indianapolis.

Mr. Fera discussed that other than the time when school begins and ends, the traffic for the street is very low.

Public Works Interim Dir. Weaver pointed out that approximately 510 students are enrolled at Lester School and bus service stopped completely in 2001, which was why there was the increased number of vehicles. Mr. Wendt, after speaking with the school recently, stated there were 320 families or, potentially 300 cars coming to the school every morning and afternoon. Mr. Fera stated the problem was more in the morning with parents having about fifteen seconds of time to drop off their child versus picking up their child in the afternoon with 45 minutes of time.

Sergeant Harrison stated he has had an officer out to the area numerous times to enforce some of the rules and agreed Lester School's situation was unique with many vehicles in a one block area and dangerous with students walking across Lincoln. Enforcement was very difficult. He received reports in his office stating that officers who have stopped parents for violations have been yelled at by them while dropping off their students. The crossing guard at Indianapolis and Florence has been sworn at by parents while they drive through the stop sign. His department tries to enforce the law and the parking procedures set by the school with a majority of cooperation by the parents but there are a few who do not cooperate, causing traffic and safety issues for others. The citations have not been helping.

Dir. Weaver stated the school has been partnering with the parents in trying to educate them about their children through a packet of materials being sent home. Mr. Millette pointed out the flyer that is sent home and the included traffic complaint written by one of the sergeants.

At this time, Asst. Dir. Millette stated there was no staff recommendation but that staff has, in the past, recommended a one-way system around the school, a temporary median coupled with a traffic circle at Cumnor, and possibly removing some of the gravel west of the crosswalk so

one cannot drive off the pavement there. Loading/unloading would take place east of the crosswalk in the remaining area. Other options were suggested. Per Commissioner Van Anne's question, Mr. Millette spoke about the results of the one-way eastbound proposal and then the westbound proposal. No consensus was reached on which way worked best. As to the long length of the traffic signal timing at Fairview Avenue, Mr. Fera stated it was required by IDOT due to an offset intersection, and the village may not change it.

Co-Chair Wendt discussed his observations, noting that things have not improved, the street was falling apart, the areas where drop-offs were taking place were basically a gravel driveway, and the street was too narrow to be a two-way street and yet not narrow enough to be a one-way street. He believed reconstruction was necessary. Personally, he believed the children's safety was important and recalled during the two previous meetings on this matter, nobody wanted to move on anything that would support the children.

Discussion followed that it appeared by a raise of hands that the majority of the students lived west of the school. Asked whether staff considered having two one-way streets in one direction, Mr. Millette stated he did not consider it. Mr. Fera recalled the last time the one-way system was used, the residents on Indianapolis did not want any one-way system of any kind.

Ms. Mary Blanchard, 420 Franklin Street, stated she was the PTA Secretary on behalf of the PTA Board and explained that the board did not publicize this particular meeting because the board was trying to keep the discussion moving forward.

Co-chair Gress agreed that he would like to keep the matter moving forward and come to a resolution fairly quickly due to the length of time the matter has been discussed. He posed a question to the school representatives on whether any type of road could be cut through the site, such as near the basketball court.

Ms. Jane Yurtzentsis, Principal of Lester School, pointing to a map, noted the potential for a drop-off area near the intermediate students' playground. Co-Chair Gress suggested installing some sort of temporary barricades and removing them when the bell rings. Co-Chair Wendt suggested using a temporary barricade to make the street one-way during the rush hour in the morning and afternoons only. He recalled that the topic was discussed but went away because no one wanted to be responsible for putting up and taking down the barricades.

As to having a discussion with School District 58 about a driveway being cut through the school site, Dir. Weaver said it was discussed but bad soils were located on the site. She did discuss some entrance options and possibly installing some cones to separate the students from the cars until the bell system rings, but noting that a student could run through the cones. It would keep the traffic drop-offs internal versus external. She also said she had discussions with the school about eliminating the gravel as a parkway and duplicating what was on Indianapolis, i.e., parking farther from the traffic light with fewer people turning in and having a backup. It would also be less tempting for a driver to do a U-turn if the driver was closer to an intersection. The school has indicated to Village staff their interest in working on that gravel improvement. The school has rejected the internal circulation.

Mr. Schiller was surprised about the lengthy discussion about the one-way option and it was not even tried. He spoke about his own experience growing up in Chicago and the streets there changing from two-way to one-way and it not being a significant issue. He asked the residents what their largest issue was with that.

Mr. Cronin also agreed that if there were partial signs at the east ends of Indianapolis and Lincoln Streets, it would be matter of having the maintenance engineer placing a horse for one-

way traffic during 8:00 a.m. to 8:45 a.m. and 2:40 p.m. and 3:15 p.m., similar to what is seen in the city. He suggested to patrol the area for the first couple of months.

Co-Chair Wendt opened up the meeting to public comment.

Ms. Regina Hartnett, 300 Lincoln, in speaking about the one-way option, stated parents begin to arrive about 2:25 p.m. and suggested blocking streets at 2:20 p.m. Regarding the driveway option, she stated parents still park their cars and pull U-turns when the children are playing there or not. She asked what the difference was.

Ms. Laura Gilmartin, 229 Indianapolis, stated that being home last year and watching the chaos, she cannot pull in or out of her driveway between the hours of 2:20 p.m. and 2:50 p.m. due to the cars parked on both sides of Indianapolis. She believed that whatever gets resolved on Lincoln Avenue will spill over to Indianapolis. She supported a one-way street. Also, as far as the children playing, she stated the school opens up the gate on Lincoln for afternoon pickup, but the older students run through the parking lot to get to the playground. As to making that specific area a driveway, she did not know why it was not currently an issue at the end of the day. There was no regulated movement with those vehicles.

Ms. Lorie Pilster, Dir. of Business Services for School District 58, stated part of the issue of making the area a drive-through lane, to get from one street over to the next, was the same concerns as described by the officer and some of the behaviors of the parents. The district did not want to install a straight drive for them. Additionally, the students are assembled in that area to come inside for the morning and the district does not want a drive coming through the area. Secondly, the issue of taking a majority of the traffic from Lincoln and sending it over to Indianapolis was not a good idea since a great deal of traffic already existed on Indianapolis.

Mr. Ralph Grimmer, 4401 Florence, was not present for this specific petition, but did notice a difference between the morning and afternoon foot traffic of students. He stated the children walking on foot are the first to the parking lot before the majority of traffic arrives. In the afternoon, the vehicles are parked in the lot before the children are released from school. He and Ms. Pilster agreed it was nothing like the stressful time in the morning hours.

Ms. Jo Potts, 216 Lincoln, is a licensed family/child care provider said she has eight children four of which attend Lester. She thinks many of her neighbors now think the one-way option is a good idea and cost effective. She pointed out that another school in Westmont became used to the one-way and the residents here had to do what was safest for the children. Ms. Potts believed she and her neighbors would adjust.

Mr. Saricks queried as to how one would coax a vehicle down to the end of the drop-off in order to have the most efficient flow through the area, wherein Mr. Millette responded that the gravel area being used now would be eliminated. Dir. Weaver also added that two current crossing-guards exist and a budget for a third crossing guard does not currently exist.

Co-Chair Gress asked for a show of hands of those residents living on Lincoln and those residing on Indianapolis.

Ms. Jennifer Wheeler, 306 Lincoln Avenue, stated she was opposed to one-way streets, the cones, etc. If the street had to be one way, she preferred that it be the opposite one-way. She has never seen anything bad happen and there were only three driveways on the block that were not paved which was where the activity was taking place. She would like pavement across the street because the dust from the gravel is a health issue. She did not understand why the gravel still existed. She believed all the cones, etc. were an eyesore and brought down

property values. She did not have issues with the drop-offs/pick-ups because it was expected when living next to a school. She felt the older kids could cross the street just fine.

Ms. Becky Rheintgen, 4633 Cumnor Rd., stated the citizens had to look at the common good for the children and neighborhood. She felt it was so dangerous that she was willing to sacrifice her personal convenience for the good of the neighborhood. Speaking to her group, she felt that some of her neighbors would have to be inconvenienced but it was best for the children.

Ms. Cindy Gilbert, 240 Lincoln, asked whether the one-way direction would be for certain hours or permanent, wherein Co-Chair Gress stated it was not decided but it could be recommended as a temporary or permanent installation. She recalled from the last meeting that a majority of the Lincoln Avenue residents were in favor of a temporary one-way direction for certain hours.

Per a question, Dir. Weaver stated that the meeting that took place with residents on Lincoln and part of Cumnor discussed the possibility of a temporary circle and those being inconvenienced by limited use of that light on the street. The full neighborhood was not addressed because it was only local residents at the time.

Ms. Jennifer Wheeler, 306 Lincoln Avenue, did not understand why the light wasn't on Indianapolis, since it was so long to wait for it. She commented on her observations of police enforcement.

Mr. Jim Fisher, 4332 Florence, was attending on another matter but in listening to the comments, he asked why the bus services was discontinued when on the west side of Fairview the schools had service. He believed the one-way street was the best option and making it a temporary a one-way street in the morning and in the afternoon, installing flashing lights, and having an officer out in the area for the first couple of months. He said too much time had been spent on discussing the matter and it was so obvious to make it a one-way street.

Asked how effective the one-way option was at Whittier, Sgt. Harrison said he did not have a violation history but the area was working fine. In this particular matter, he stated one-way signs and temporary one-way signs would be easier to enforce because everyone would be traveling in the same direction, whereas, currently because so many vehicles were traveling in different directions, it was difficult to stop a violator. The public's safety also came into play.

Per Mr. Stuebner's question about the person responsible for the placement of the barricades, Asst. Dir. Millette stated at Whittier, the school's maintenance individual takes care of that. Ms. Pilster, with School District 58, stated that the procedure would be fine. Responding to the bus service question, Ms. Pilster stated the service was eliminated in 2001 due to budget cuts and the state requirement for busing is a mile and one-half. No one at Lester School lives a mile and half a way.

Ms. Barb Purtell, 200 Lincoln, who resides at the corner of Cumnor and Lincoln, was not opposed to a one-way street. She preferred having it with the restricted hours. She suggested having a flashing sign for those hours only rather than having someone place the barricades.

Mr. Fera explained that within the village's ordinance currently, there were two streets designated with one-way systems, that being North High School with a one hour closing, and Whittier School being one-way from 8:00 a.m. to 4:00 p.m. From a traffic operations perspective, Mr. Fera stated restrictions like those were more difficult to enforce and more difficult for the public to comprehend, especially when the restriction returns back to normal.

Ms. Jennifer Wheeler, 306 Lincoln, stated it was not fair to compare Whittier to Lester School because the street by Whittier School was narrower and had no room for drop-offs, and two, possibly one home was on Whittier as opposed to an entire block of homes near Lester School. She did not believe as many residents were affected by Whittier's one-way system.

Discussion followed on how the actual one-way change would occur and whether it would be two lanes of one-way. Commissioners explained it would be one-way with a drop off- lane.

Ms. Pilster, in discussing the one-way system, reminded the commissioners and public about keeping in mind the other road improvements that may be needed, i.e., the gravel area and moving the parking and drop-off so that it is not strictly just a one-way system, but instead a "package" that is being considered. Co-chair Wendt felt that a majority in attendance agreed that should be part of the solution when one is determined.

Dir. Weaver interjected, stating the improvements were not on the schedule for next year. Questions followed on whether the drop-off area could be improved. Dir. Weaver explained the parkway was gravel and to allow vehicles to drive on it was not consistent with protecting the utilities below it, etc. Ideally, she said it should be re-seeded to a parkway and have it as a protected buffer from the school or pedestrians, etc. She also said the loading zone could be mirrored like the one on Indianapolis. She said the school indicated they could pave a portion of the drive apron to match the one on Indianapolis.

Ms. Regina Hartnett, 300 Lincoln, was under the impression that money was set aside since her street had not been improved for 15 years and she recalled seeing the line item for it in the budget. Dir. Weaver stated it was not in the budget for 2009 but could be in 2010. She explained the priority and ranking of street improvements and that others areas of town were worse off and due to increasing fuel costs, less was being done. Ms. Hartnett said that if the streets around Lester School were going to be one-way why couldn't the village hire a crossing guard.

In response, Co-chair Gress stated one of the commission's preferences would be to eliminate the crosswalk in the middle of Lincoln as part of the project because it was a safety issue but then no crossing guard would be needed.

Mr. Ralph Grimmer, 4401 Florence, recalled the crosswalk was there where the path cuts through the retention pond, leading to Florence and Otis. Without the crosswalk there, he believed it was cutting off the students walking to school. He and other parents believed the students would not walk down to Cumnor.

Ms. Laura Gilmartin, 229 Indianapolis, stated that if the area becomes one-way traffic, it would make it that crosswalk safer. She asked how the whole traffic issue arose in general. Dir. Weaver explained how the matter was brought to her attention, i.e., U-turns occurring in the parkway.

Mr. John Purtell, 200 Lincoln, recalled the issue arose initially when a resident complained of a vehicle blocking her driveway while waiting for her child and the resident could not back out. He was pleased that the discussion about the barricades was stopped and believed he and his wife would be fine with a temporary one-way system during certain hours. Per a commissioner's question, Mr. Purtell stated it was "treacherous" turning southbound from Indianapolis. Other residents concurred, stating that vehicles use Cumnor.

Ms. Lori Pilster, School District 58, stated that getting the crossing guard and the stop sign on Florence at the T-intersection has improved much of what was occurring on Indianapolis. And

the Right Turn Only onto Fairview from Indianapolis was a positive but now the school was trying to focus on Lincoln Avenue.

Ms. Jayne Yurdzentis, for Lester School, pointed out on the map where the bottleneck was occurring and spoke about the benefits of the improved area relieving that bottleneck. She believed having the one-way system and communicating to parents that the drop-off was only on the one side, would help relieve the bottleneck, the cross walk area, and some homes.

Ms. Barb Purtell, 200 Lincoln, was not opposed to the one-way system as long as it was during certain times of the day. She stated that if traffic has to go either north or south on Cumnor, it will create more traffic down her driveway. She had already noticed that Cumnor has become very busy since the time she has moved to her home.

Ms. Regina Hartnett, 300 Lincoln, stated she uses her barrier cones because she was almost hit seven times in the last eight years, vehicles were destroying her lawn, and for her own safety. She went to the village to seek assistance.

Asst. Dir. Millette interjected and stated that at the next meeting staff will be bringing observations from Cumnor and from Ogden to Chicago, and some residents will be receiving notice on that matter very soon. He expects to hold a public meeting next week and to return to the commission with a recommendation from tonight and how it would play into what would be done or not done on Cumnor.

In closing, Co-chairman Wendt was of the understanding that this meeting was informational and the commission was not required to provide a recommendation at this time but could make a recommendation to staff. Mr. Stuebner believed a recommendation to staff was in order.

Mr. Stuebner made a recommendation to staff to install a one-way system during the day with limited hours and that temporary barricades be used. Mr. Cronin seconded the recommendation and agreed, believing that the one-way system would eliminate the drivers' options and make traffic flow better. He believed in eliminating the amount of cars at the site by having both Indianapolis and Lincoln heading east for the limited amount of time along with the stipulation that the school district be responsible to monitor and put up the temporary barricades (but not on a trial period). Discussion followed on what hours the streets would become one-way.

Ms. Dolores Ronaldson, 220 Lincoln, stated this was the fourth or fifth meeting that the one-way system was being discussed and she was pleased to see that it may occur in her lifetime. She stated it was much easier to make the restriction on an hour to hour basis, i.e., 8:00 a.m. to 9:00 a.m. and 2:00 p.m. to 3:00 p.m.

Asst. Dir. Millette directed the commissioners to Page 81 of the packet noting the existing turn onto Fairview and the time restriction (8 to 9 and 2 to 3) for the No Right Turn. He stated the same time restriction could be applied to Lincoln Avenue and the system would function better.

Ms. Jayne Yurtzentis, for Lester School, reiterated there was much traffic on Indianapolis and with the three-way stop at Florence Avenue, and the Left-Turn Only onto Indianapolis and the Right-Turn Only onto Fairview, it was in place and working.

Ms. Lori Gilmartin, 229 Indianapolis, stated Indianapolis basically functions as a one-way street during the afternoon already and where she lives, there is no parking restriction, so cars park on both sides of the street, allowing only one car to fit between them. She stated there was really no area to do a three-point turn, but cars have pulled into her driveway to do so. With the

changes that have been made, she definitely saw improvements in the drop-off/pick-up process but the congestion and the students were still there.

A question was raised by Mr. Saricks on whether traffic counts on Cumnor would be monitored coming off of Lincoln and back to Indianapolis to see if there was an increase in traffic. Mr. Millette stated staff would follow up. As to the drop-off process, Mr. Saricks suggested that some parents volunteer to ensure that vehicles keep moving to the front of the queue to keep the traffic flowing and to not block driveways. Ms. Lori Pilster, School District 58, stated the district was always told that parents could not direct traffic.

Ms. Mary Blanchard, 421 Franklin Street, stated the whole discussion was very frustrating and there was no real discussion about the safety of the children. She was also hearing about budgetary issues. She stated the PTA board took this matter on as one of its "pet projects" for the year and she was completing her year this year and hoped to get the matter resolved. She stated the meeting was already an hour and a half with no real direction on what will be recommended. Lastly, she wanted to get on to the next phase in this meeting.

Co-Chair Gress agreed and believed the commission was close to a recommendation.

**MR. STUEBNER MADE A MOTION THAT THE TRANSPORTATION AND PARKING COMMISSION MAKE A RECOMMENDATION TO STAFF THAT LINCOLN AVENUE BECOME A ONE-WAY EASTBOUND STREET BETWEEN THE HOURS OF 8:00 A.M. TO 9:00 A.M. AND 2:00 P.M. TO 3:00 P.M. WHEN SCHOOL IS IN SESSION, WITH TEMPORARY BARRICADES TO BE PUT IN PLACE BY LESTER SCHOOL AND WITH VILLAGE STAFF TO MONITOR THE IMPACT ON TRAFFIC PATTERNS ON INDIANAPOLIS AND CUMNOR. SECONDED BY MR. CRONIN.**

Co-Chair Wendt clarified to Asst. Dir. Millette that the commission wanted staff to take the necessary steps to make the area safer. Co-Chair Gress also confirmed that staff would get the Police Department's support during the initial phases, make notification to the residents as well as notification through the PTA to the parents.

Mr. John Purtell, 200 Lincoln, asked if the hours would be posted on school days only.

Dir. Weaver clarified that the motion was a recommendation to the Village Council with a final vote by the Council. A timeframe would have to be worked out with Lester School.

Ms. Regina Hartnett, 300 Lincoln, thanked the commission for the recommendation, since she was the one who raised the issue initially.

**ROLL CALL:**

**AYE: MR. STUEBNER, MR. CRONIN, MR. SCHILLER, MR. SARICKS, MS. VAN ANNE,  
MR. BARRY, MR. GRESS, MR. WENDT**

**NAY: NONE**

**MOTION CARRIED. VOTE: 8-0**

Co-Chair Wendt thanked the residents and Lester School for their patience.

Ms. Lori Pilster, District 58, also thanked the commission.

**File #07-08 Florence Avenue - Ogden Ave. to Grant Street, Parking Modifications -** Mgr. Fera explained that this matter was raised back in 2002 and the discussions back then focused on the problems at Ogden and Florence Avenue caused by, as stated by the public, Luxury Motors and abuse of parking south of Ogden on a regular basis. The former commission had staff institute strict parking restrictions, i.e. No Parking 6 AM to 6 PM Monday through Saturday. While it addressed the problem initially, it made it difficult for the residents to park their own vehicles. As a result, the residents have a new petition to review the situation. A meeting was held on September 18, 2008 with residents to discuss their needs. To date, because Luxury Motors has purchased more land and there is the belief from staff and the residents that Luxury Motors will provide their own internal parking for their employees and customers off the street, there is no need for the current restriction to be in place.

Therefore, staff was proposing to remove the restriction on the east side of Florence entirely and leave the west side of Florence as is. Mr. Fera said he did discuss with the residents the chance that Luxury Motors may return to their on-street parking habits. The residents stated they would be willing to talk to Luxury Motors in person and offer some requests instead of village staff.

Mr. Fera also alerted the commission that he received a couple of phone calls from two residents on the north side of Florence who were petitioners back in 2002 but did express reservations about the proposal. However, Mr. Fera noted there appeared to be an overall majority of residents who supported the request.

Co-Chair Wendt inquired whether Florence Avenue was still being used as a test track for Luxury Motors, commenting that usually parked cars slow down vehicles.

Mr. Ralph Grimmer 4401 Florence felt the original petitioners' complaint probably involved more of LaMantia Enterprises employees versus Luxury Motors. To date, he said LaMantia moved and Luxury Motors purchased a building. He agreed a dozen cars would be parked from the stop sign running south on the east side of Florence daily. He did not know if Luxury Motors was the biggest culprit, however.

Mr. Schiller, while he supported the residents' request to return the parking, did ask if there was the option for the village to designate a particular area for resident parking only using a sticker. Mr. Millette stated there was nothing in the ordinance to allow residential zones.

Mr. Joe Fisher, 1432 Florence, said that once the No Parking signs were installed, he was under the impression that there was only one No Parking sign which was from his driveway to Ogden Avenue, which did clear out the traffic. He asked if the restriction could be just for the few hundred feet and not the entire side of the street because it seemed more logical.

Mr. Bob Labate, 4421 Florence, asked about the status of Luxury Motors given the residents were present last year and there appeared to be a hurry to get an approval for the street renovation. He clarified that it appeared Luxury Motors had no timeline. Mr. Millette understood that the detention installed under Florence was undertaken prior to the end of last year and completed this spring. He did not have further details and suggested the residents speak to the Manager's Office. Mr. Labate continued by stating Luxury Motors was still dropping off cars in the middle of the street and he and his wife would continue to call the police department. He suggested that if the parking ban was going to be lifted, that it only be for the residential portion.

In response, Mr. Fera stated the parking restriction imposed in 2002 was to allow parking on the east side between Ogden and the alley. The west side was always restricted because of the turns and visibility issues at Ogden Avenue. Staff was now asking to remove the parking

restriction on the east all the way to Grant; the west side would remain as No Parking. Mr. Fera explained from a staff perspective it was a matter of removing the signs.

Mr. Labate voiced his concerns again and stated that Luxury Motors deserves no credit at all and believes they will return to their old ways because they have shown no concern for the neighborhood.

Mr. Lenny Mordis, 4339 Florence, stated he was the person who initiated the petition to get the signs removed. He agreed LaMantia abused the parking. He has not seen car racing, other than the trucks from Auto Zone. He has not seen any Luxury Motors employees parking on the east side of the street from the alley to Ogden. He believes they have are using their own parking lot.

Mr. Bob Labate asked about the steps to follow if the abuse returns. Co-Chair Gress said the process would start over again unless everyone agreed to move forward on a temporary basis.

Mr. Ralph Grimmer, 4401 Florence, said he conveyed to Mr. Fera at the previous meeting that he did in fact contact the president of Luxury Motors and has become the spokesperson for his neighbors and he does have the ability to contact the president again should the abuse return. He stated that since the time the restrictive signs have appeared, Luxury Motors acquired more parking on the southwest corner and now no need existed to park on the street anymore.

A resident stated that when Saab first opened, there were no parking issues on Cumnor. When Luxury Motors purchased Saab, the vehicles began parking on Cumnor and residents started calling and complaining. He was concerned that if the restriction was lifted the vehicles would return.

Mr. Mordis expressed concern that if the commission votes to restore the parking the way it used to be and it is abused, was there a way to by-pass some of process, wherein Co-Chair Wendt stated the process would have to begin all over.

Mr. Joe Fisher, 4332 Florence, stated the parking problem only extended 100 to 200 feet past the alley. He did not understand why there was a need to make the one entire side of the street as No Parking. He believed the village could make the residents happy by having just a limited parking area and leave the rest of the street open. There would be no trial period necessary. He said the west side could remain as No Parking but on the east side, make it from the alley south 200 to 400 feet leaving a majority of the area open for residents to park on the east side. He clarified the problem did not exist on the entire east side of the street; it only existed for a few hundred feet.

A female resident asked whether the parking for the business could be eliminated, noting her company provides parking for her.

For informational purposes Mr. Fera explained that there were many other business along Ogden Avenue that have the same need for parking in and around their business. The village's objective was to find a balance between the businesses and the residents. He reiterated that for this particular petition, a physical cut-off point was preferred, and not dividing the block halfway.

Asked if an area could be stripped diagonally to restrict parking, Mr. Fera explained the ordinance allows the village to paint the curb line yellow to designate No Parking, which could be done. Mr. Stuebner stated he was concerned that if the restriction was removed for the

entire side, the residents would be returning, particularly those on the north end.

Mr. Ralph Grimmer, 4401 Florence, reminded the original petitioner was the woman who lived in the northern most home on the east side of Florence. He recommended placing restriction signs south of her property.

Since there was no curb, Mr. Stuebner asked if the striping could take place on the street, wherein Mr. Millette said it was possible to do.

Some ideas were discussed on how to restrict the area. Mr. Fera offered a suggestion of a lesser restriction between certain hours. Asked if residents were asking for No Parking from the alley north to Ogden, resident, Mr. Labate spoke on how he would like the business parking to remain, followed by a No Parking restriction, followed by an unrestricted area for the residents.

Another resident believed the issue was not being addressed correctly and believed that Luxury Motors would stick to their word and improve the nearby lot and they would have a place for vehicles to park and the residents would not be discussing restrictions. Co-Chairman Gress suggested that the resident or resident(s) should take up the issue with the Village Manager or the Village Council.

**MR. CRONIN MADE A MOTION THAT THE TRANSPORTATION AND PARKING COMMISSION MAKE A RECOMMENDATION THAT THE VILLAGE INSTALL A NO PARKING RESTRICTION FROM THE ALLEY TO A DISTANCE OF 200 FEET SOUTH OF THE ALLEY AND REMOVE ALL EXISTING RESTRICTIONS TO GRANT.**

**SECONDED BY MR. STUEBNER.**

**ROLL CALL:**

**AYE: MR. CRONIN, MR. STUEBNER, MR. SCHILLER, MR. SARICKS, MS. VAN ANNE,  
MR. BARRY, MR. GRESS, MR. WENDT**

**NAY: NONE**

**MOTION CARRIED: VOTE: 8-0**

**File #08-08 Prentiss Drive - Woodward Ave. to Puffer Rd. Parking Modifications -**

Mr. Millette explained the parking restriction is for the south side of Prentiss between Woodward and Puffer. Reviewing the photographs, the area is exclusively apartment buildings which have interior parking lots. Staff has recommended that the areas be striped as part of the bicycle plan approved in 2000. Discussion followed on where the bike path connected to and future engineering of the path. Staff has received no response from the apartment management companies on this matter. Sgt. Harrison said he was the committee policing sergeant and stated one of his officers was assigned Prentiss Creek and the matter was brought up to management, who had no issues with the restriction.

**MR. STUEBNER MADE A MOTION THAT THE TRANSPORTATION & PARKING COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL THAT THE FOLLOWING BE IMPLEMENTED: AUTHORIZE A "NO PARKING ANY TIME" DESIGNATION ALONG THE SOUTH SIDE OF PRENTISS DRIVE BETWEEN WOODWARD AND PUFFER ROAD.**

**SECONDED BY MR. SARICKS .**

**ROLL CALL:**

**AYE: MR. STUEBNER, MR. SARICKS, MR. SCHILLER, MR. CRONIN, MS. VAN ANNE,  
MR. BARRY, MR. GRESS, MR. WENDT**

**NAY: NONE**

**MOTION CARRIED. VOTE: 8-0**

**File #09-08 Sidewalk Matrix - 2009 Projects** - Mr. Millette expects the process for updating the sidewalk matrix will return to this commission in February/March 2008 which is routine. He briefly explained how the original matrix process worked and how funding worked at that time. To date, he described the sidewalk projects that were being proposed and noted some scheduling changes took place to match other capital projects to save money, i.e., some of the stormwater projects. He provided examples around town, calling attention to the fact that 6<sup>th</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 8<sup>th</sup>, 7<sup>th</sup> and Victor Streets will have a preliminary storm water design by the time the sidewalks are being designed. Asked if any residents were interested in repairing their own sidewalks, Mr. Millette stated there is a cost-share program (up to 50%) for residents but the village does have a sidewalk Removal and Replacement program which the village is obligated to move trip hazards. Asked if there would be more savings to both the village and the resident if there was alternates to the proposals so that contractors could piggyback on top of the program, Mr. Millette stated the Removal and Replacement program was a large enough contract that prices were good.

**OLD/NEW BUSINESS**

Mr. Wrobel was welcomed by the Chairmen.

Mr. Wrobel said he appreciated hearing the input on Lester School and was pleased to see the matter moving forward quickly, since the matter was ongoing for years.

Mr. Millette announced the traffic circle that was being tested on College and Katrine was pulled up and enough data was received. The humps remained. As to the Claremont Street issue, only 10 humps were placed on Claremont and not the 11 as recommended. The additional 18 traffic counters were also approved by Village Council last night and will be used on Monday. All humps will be lifted up starting October 31st, due to the upcoming snow season.

Mr. Fera announced that Darien's traffic speed bump on east 71<sup>st</sup> Street has been converted to a more permanent speed hump. He asked commissioners to visit and test drive over it. Also, he noted the Downers Grove Bike Club was monitoring this commission and will be possibly attending these meetings to provide input and to promote their bike program. He had available copies of the village's Bikeway Plan as adopted in 2000. Mr. Wendt asked Mr. Fera to bring in copies for the next meeting.

Mr. Stuebner asked about the status of the loading zones in the Downtown Business District and traffic counts for Palmer Street, wherein Mr. Millette said the earliest he will get to the counts will be in November.

Mr. Bill Wrobel, 7800 Queens Court, noted that the pattern of installation for the speed humps on Darien's 71<sup>st</sup> Street has been three humps. The last configuration installed was four groups of "pillows". He actually found it very practical.

**ADJOURN**

**MR. SARICKS MOVED TO ADJOURN THE MEETING. MR. SCHILLER SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 9:37 P.M.**

Respectfully submitted,

Celeste Weilandt,  
Recording Secretary  
(as transcribed by tape)

VILLAGE OF DOWNERS GROVE  
ZONING BOARD OF APPEALS  
MINUTES OF AUGUST 27, 2008 MEETING

**Call to Order**

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

**Roll call**

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

**Absent: Mr. Stanton, Ms. Earl**

**A quorum was established.**

**Staff: Damir Latinovic, Planner; Jeff O'Brien, Senior Planner**

**Minutes of June 25, 2008**

**Mr. Benes made a motion to approve the minutes of the June 25, 2008 Zoning Board of Appeals meeting as presented. Mr. Domijan seconded the Motion.**

**AYES: Ms. Benes, Mr. Domijan, 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 in any of the petitions before the Board to rise and be sworn in. He then called upon the Petitioner to make its presentation in the first petition.

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**ZBA-12-08** A petition seeking a front yard setback variation for the property located at the Southwest corner of Ogden & Middaugh Avenues, commonly known as 1303 Ogden Avenue, Downers Grove, IL (PIN 09-06-406-015); Absolute Architecture PC, Petitioner; Mutual Bank, Owner

**Petitioner's Presentation:**

Mr. James Kapche of Absolute Architecture, 300 N Michigan Ave, Chicago, IL 60601 said he represented Mutual Bank in this case. They wish to complete interior renovation of the existing building and are looking to complete a small addition on the northeast side of the existing building. Mr. Kapche explained the existing building is not perfectly straight with the east property line and is, therefore, located between 7.92 feet and 8.3 feet from the east property line. The building has a dated mansard roof which is located as close as 2.42 feet from the east property line. He stated the owner would like to partially enclose the existing outdoor space currently covered by a mansard roof which is supported by a column. The new wall enclosure would be located 12.5 feet from the east property line, and the existing column located 8.3 feet from the east property line would remain and would be clad with different decorative material to better fit with the updated modern look of the building.

Mr. Kapche stated the building expansion into existing covered outdoor space is needed to accommodate a conference room for the bank. He explained the renovation work cannot accommodate a conference room without a building expansion. The proposed location was the most feasible alternative. He stated the signage shown on the rendering was provided for reference only. He is aware these signs might not be permitted, but the owner will get a sign permit prior to installing any signs.

Mr. Benes asked why the petitioner is requesting a 12.5-foot setback rather than 8.3 foot setback as the existing building setback. Mr. Kapche replied the conference room will be big enough with just a 12.5-foot setback. Additionally, the building addition in the northeast corner of the building is symmetrical to the conference room expansion with the proposed 12.5-foot setback.

Mr. Benes inquired if the entire mansard roof will be removed and what the blue line shown on the front elevation represented. Mr. Kapche confirmed that the entire mansard roof will be removed to install a more modern roof line typical for contemporary bank buildings. The blue line shown on the elevation is a design and decorative element that will break up the white façade and then wrap-around to the four drive-up lanes.

Mr. Benes asked the petitioner if he is aware they will have to get a sign permit, and that the signs shown might not be allowed. Mr. Kapche acknowledged that he has discussed with staff that a separate sign permit will be required prior to installation of any signage on the property.

Mr. LaMantia inquired about the material used for the façade. Mr. Kapche replied it will probably be spray-on plaster stucco.

There being no further comments Chairman White asked for staff's presentation.

**Staff Presentation:**

Damir Latinovic, Village Planner, reviewed the petition before the Board. He stated the existing one-story 4,893 square foot building is an existing nonconforming structure located as close as 7.92 feet from the east property line. The mansard roof is located up to 2.42 feet from the east property line. He stated the required front yard setback along the east front property line per Section 28.1110 of the Zoning Ordinance is 25 feet. The petitioner is proposing to enclose existing outdoor space at the northeast corner of the building covered by the mansard roof and is requesting a 12.5-foot front yard setback along the east property line.

Mr. Latinovic stated the petitioner's request represents a minor expansion of the existing nonconformity because the petitioner is increasing the footprint of the building within the required front yard. Historically, the Village has not allowed horizontal expansion of nonconforming structures unless new construction meets current zoning setbacks.

Mr. Latinovic stated staff believes the property and proposal represent a unique situation because the petitioner is proposing to enclose an outdoor space which is already covered by an existing roof overhang. The addition will not encroach further into the required front yard than the existing building. The proposal will allow the owner to get a reasonable return of the existing outdoor space which is not practically usable now. The proposed building addition will not alter the essential character of the locality as the area of expansion is already covered by a roof overhang supported by a column. The requested variation, if granted, would not be applicable to other nonconforming structures on Ogden Avenue as the petitioner is proposing to enclose an existing outdoor space. Additionally, Mr. Latinovic stated the proposed variation will have no dramatic impact on providing adequate light and air to surrounding properties, public safety or neighboring property values and will not alter the land use characteristics of the B-3 zoning district.

Mr. Latinovic concluded by saying based on staff's analysis the requested front yard setback variation meets all zoning standards for granting the variation as requested. Staff supports the request subject to the one condition outlined in the staff report.

Chairman White inquired if the setback in this case is measured to the wall of the building and not to the column or the roof overhang, and Mr. Latinovic confirmed all setbacks are measured to the building walls.

Mr. Benes asked, if approved, would the variation carry approval for building signage as shown on some plans. Mr. Latinovic said the request in front of the Board is strictly for the front yard setback variation for the building addition. The signs are not a part of petition and will have to comply with the Sign Ordinance. The petitioner is aware that they will have to obtain a separate sign permit prior to installation of any signs on the property.

There being no further questions, Chairman White opened the hearing for public input.

There being none, Chairman White offered the petitioner a closing statement and asked if the petitioner has heard from any of the neighbors. Mr. Kapche stated he sent letters as required to surrounding neighbors but has not hear from any of them.

**Board’s Deliberation:**

Mr. LaMantia commented, based on the evidence presented, that this would be an improvement to the building. The petitioner is removing the old mansard roof and would actually be further away from the property line than currently exists.

Mr. Benes said he agreed that the proposed building renovation would be a significant improvement for the property.

**Mr. Benes made a motion that the Zoning Board of Appeals approve the requested variation for a 12.5 foot front yard setback variation along Middaugh Avenue as presented in case ZBA-12-08 with following condition:**

- 1. The proposed building addition shall substantially conform to the Architectural plans prepared by Absolute Architecture dated May 14, 2008, last revised July 2, 2008 attached to Staff Report dated August 27, 2008 except as such plans may be changed to conform to Village codes, ordinances, and policies.**

**Mr. Domijan seconded the Motion.**

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

**NAYS: None**

**The Motion passed 5:0 and the petition was approved**

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There being no further business, Chairman White adjourned the meeting at 8:15 PM.

Respectfully submitted,

Damir Latinovic  
Planner