

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
APRIL 6, 2009, 7:00 P.M.

Chairman Jirik called the April 6, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Mrs. Hamernik

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager; Mr. Damir Latinovic and Mr. Stan Popovich, Village Planners

VISITORS: Michelle Jackson, 4020 Grove Avenue, Western Springs; Benson Sennestrom, 4941 Wilcox Avenue, Downers Grove; Ray Morrissy, 5015 Wilcox Avenue, Downers Grove; Brian & Colleen McLachlan, 605 Rogers Street, Downers Grove – Petitioners; Tina Krumbrock, 5442 Ashbrook Place, Downers Grove; Sandra Raschke, 450 Florence Avenue, Downers Grove; Gerald Hodina, 3004 Wilcox Avenue, Downers Grove; Sandra Fabian, 5019 Fairview Avenue, Downers Grove; Jean Gottlieb, 1603 Janet Street, Downers Grove; Nicole Kibiloski, 1016 Blanchard; Audrey Elisha, 4533 Bryan, Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

MARCH 2, 2009 MEETING MINUTES- MR. COZZO MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. MATEJCZYK. MOTION CARRIED BY VOICE VOTE OF 8-0.

The meeting's protocol followed. Chairman Jirik swore in those individuals who would be speaking on behalf of File PC-07-09.

PC-07-09 A petition seeking an amendment to Chapter 28 of the Municipal Code – Zoning Ordinance Section 28.606 B-2 District Special Uses to amend the list of Special Uses in the B-2 General Retail Business District to allow an animal kennel as a Special Use; Brian McLachlan, Petitioner

Mr. Damir Latinovic, Village Planner, discussed the petition before the Commission seeking approval of an amendment to Section 28.606 B-2 District – Special Uses of the Zoning Ordinance to allow an animal kennel to the list of permitted Special Uses in the district. He explained an animal kennel, as defined in the Zoning Ordinance, is a facility that has over four (4) domestic animals or which has more than two (2) animals boarded for compensation or kept for sale. Mr. Latinovic explained the parameters of the B-2 District in general. More specifically, the B-2 areas are currently located around the Belmont Road and Fairview Avenue Metra stations, at the intersection of Belmont Road and Maple Avenue, at the intersection of Main and 63rd Streets, the

Meadowbrook Shopping Center at 63rd Street and Woodward Avenue and the corridor along the north side of 75th Street.

Mr. Latinovic explained there are uses in the B-2 district that are similar in nature to the animal kennel, such as animal hospitals, which are by-right permitted uses and are allowed to board animals for a short time. Having the kennel use listed as a special use would allow the Village more control over the use and would require the Plan Commission review and Village Council approval for such use proposed in B-2 district.

Per Mr. Latinovic, staff did not receive any neighborhood comments on this petition and believes the petitioner's proposal is consistent with the intent of the Zoning Ordinance to allow the Village more control over land use development, specifically the animal kennel use, which is a more intense use. Therefore, staff recommended the Plan Commission forward a positive recommendation to the Village Council.

Clarification questions followed. The Chairman inquired of staff whether there was any consideration, within the definitions, to codify what an animal kennel is. Wherein, Mr. Latinovic stated the definition was reviewed, and the existing definition described the use sufficiently that staff decided not have to add a new use and definition just for the B-2 district. Per staff, veterinary hospitals remain a separate use and this specific request would not include a veterinary hospital. As to what animals were not allowed to be kenneled, Mr. O'Brien clarified Chapter 5 of the Code addresses the animals that are allowed in the Village, with certain limitations. Typically, animals allowed in a kennel are those found in a Village pet store.

As to a maximum number of animals allowed in a kennel, Mr. Latinovic stated there was no maximum number listed. The Department of Agriculture regulates that figure. He pointed out, as proposed, an animal kennel in the B-2 district would be allowed only as a Special Use, which would be reviewed by the Village Council so that specific limitations could be considered and/or imposed, if necessary. As to why the animal kennel should be extended into the B-2 district as a special use, Mr. Latinovic explained the existing B-2 district areas in the Village are in essence not much different from the areas zoned B-3 where an animal kennel is allowed. Per a question, Mr. Latinovic stated the petitioner came forward with the request for an animal kennel for a specific location zoned B-2. In order to continue with that request, the petitioner must amend the Zoning Ordinance to allow an animal kennel in the B-2 district as a Special Use. Staff explained the use is more Village-wide in nature and B-2 areas of the Village have better access for such use. Per a question, Mr. Latinovic replied he was not aware of any other inquiries for kennels in the B-2 district.

To the point, the Chairman noted the petition was a request to add two words to the list of Special Uses under the B-2 district and create the possibility to site such a business in the future since one could not currently. The Commission was not approving a specific activity for a specific location.

Chairman Jirik then asked staff to strike the final page of the packet because he found it prejudicial.

MR. BEGGS MOVED TO REMOVE THE LAST PAGE OF STAFF'S PACKET, SECONDED BY MR. WAECHTLER. MOTION CARRIED BY VOICE VOTE OF 8-0.

Per Mr. Beggs' question, Mr. Latinovic did not research other local municipalities as to their business district classifications nor what districts allowed animal kennels. It was noted that a few animal kennels in the Village were grandfathered in even though they were located in residential areas. A description followed on the location of the various existing kennels within the Village. In some cases, the grandfathered kennels keep the animals outside in a kennel the entire day while in other cases, the animals are inside for the majority of the day and taken outside at specific times.

Mr. Matejczyk raised concern on the fact that no Special Use requirements existed for the B-3 district or the Light Industrial use, and, in fact, he queried whether it made sense to have a Special Use requirement for animal kennels for all districts since a noise factor existed with all kennels. Staff shared the same concern. Commissioner Waechtler supported Mr. Matejczyk's comments for considering the Special Use for all districts. As to the Village receiving complaints from any of the existing kennels, staff stated there were no complaints received over the past two years. However, prior to that, the Community Response Center did receive some calls regarding the noise coming from the kennels located in the residential areas (Bel Aire and Dunham Road).

Mr. Brian McLachlan, 605 Rogers Street, Downers Grove, petitioner, discussed he arrived at the request with the assistance of staff and stated he could locate his business in a B-3 property by right. He considered combining two parcels and rezoning to B-3 district but received negative comments from the community and, therefore, decided to amend his proposal to allow animal kennels as Special Use in the B-2 District.

Again, the Chairman reminded the Commissioners that this particular hearing was discussing the addition of two words to the Zoning Ordinance, and each petition was based on its own merits and separate from any other petition. Chairman Jirik proceeded to open up the meeting to public comment and clarified the differences between PC 07-09 and PC 08-09.

Mr. Ray Morrissy, 5015 Wilcox Avenue, Downers Grove, had a question on the limitation of animals and asked for clarification between the B-2 District and B-3 District. He asked why B-2 would even be considered then, given that the animal kennel is covered by the B-3 and M-1 zoning. He stated he was new to the area and believed the B-2 district was unique. He did not support the request.

Ms. Tina Krumbrick, 5442 Ashbrook Place, Downers Grove, suggested the Commissioners approve the two words in this petition and then review the second petition more thoroughly.

Ms. Sandra Raschke, 4950 Florence Avenue, Downers Grove, asked the Chairman to explain the differences between the business districts. She did not support the petition.

Hearing no more comments, Chairman Jirik closed public participation. The petitioner had no closing comments.

Mr. Matejczyk noted no concerns with this petition and reiterated his request to consider the petition for all business districts. Mr. Waechtler concurred stating he preferred the Special Use permit for all kennels, including the B-2 District. He noted the Commission and the Village Council had jurisdiction over such petitions. Mr. Beggs pointed out the intensity of the 57 uses already allowed in the B-2 District and it could be a legitimate reason to add another business, but with an additional review by this Commission and the Village Council.

Chairman Jirik reiterated this matter was a policy question and not a particular property.

Looking through the list of 57 uses, Mr. Webster understood this animal kennel use had an outside component and he did not believe animal kennels belonged anywhere else except in the B-3 zoning district where transitioning was taking place. He noted the B-2 district abutted up to residential uses. He did not concur with the Chairman's comment.

Regarding Mr. Matejczyk's earlier suggestion to consider adding the change to the B-2, B-3 and R-6 districts, the Chairman pointed out it could not be considered because public notice was not provided to those districts and the Commission could not act upon it. Mrs. Rabatah was comfortable allowing the use but was unsure whether she wanted to allow the use to be conducted in a wholly confined building, or include the use as a stand-alone without the additional language. She stated she would like to know what other municipalities were doing.

The Chairman emphasized additional restrictions could be placed on a Special Use and be tailored to the use, as stated by Mr. Matejczyk. Mr. Matejczyk again stated the restriction should be Village-wide and as general as possible which allows further restrictions and conditions later through special use review process.

As a last comment, Mr. O'Brien explained how a motion could be made and refined without going out of the scope of the petition. Any expansion of the Special Use into other zoning districts would have to come from the Village Council. Mr. Webster added he supported adding language that states, "Animal kennels conducted wholly within a completely enclosed building" to the proposed Special Use. Mr. Quirk then questioned that specific language. Mr. Matejczyk pointed out the refined restriction, as suggested by Mr. Webster, could be added to any future petition.

WITH RESPECT TO FILE PC- 07-09, REQUESTING A ZONING ORDINANCE TEXT AMENDMENT TO ADD "ANIMAL KENNELS" AS A SPECIAL USE IN THE B-2 GENERAL RETAIL BUSINESS DISTRICT, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL.

MR. COZZO SECONDED THE MOTION.

ROLL CALL:

AYE: MR. MATEJCZYK, MR. COZZO, MR. BEGGS, MR. QUIRK, MRS. RABATAH, MR. WAECHTLER, CHAIRMAN JIRIK

NAY: MR. WEBSTER

MOTION CARRIED. VOTE: 7-1

Mr. Webster stated he voted nay because he believed the entire operation should be operated within the building, as stated earlier.

PC-08-09 A petition seeking a Special Use for an animal kennel for property located at the Northwest corner of Burlington & Wilcox Avenues, commonly known as 340 Burlington Avenue, Downers Grove (PIN's 09-09-109-013,-014,-015,-016,-017); Brian McLachlan, Petitioner; Oak Properties Ltd, Owner

Chairman Jirik swore in those individuals who would be speaking on PC-08-09.

Mr. Latinovic reported the petitioner is requesting a Special Use approval for an animal kennel/animal daycare for the property located at 340 Burlington Avenue. Currently, the property is improved with a vacant one-story, 14,861 square foot commercial building and two adjacent parking lots -- one east and one north of the building.

He explained, the property falls into three zoning districts with the building located on the southwest corner of the site the majority of which is in the B-3 General Services and Highway Business District. The eastern portion of the building and east parking lot are zoned B-2 District. The north parking lot (5th lot) is zoned R-6, Multiple Family Residence District. Mr. Latinovic noted that tonight's Special Use request was for the four (4) southern lots zoned commercial, and the north parking lot zoned residential was not part of the request and would remain as is.

Mr. Latinovic discussed that the current building on the site is located in two different zoning districts -- B-2 and B-3 -- with the more restrictive B-2 zoning district applying to the building. Because animal kennels are not allowed in the B-2 District, he stated the Village Council would have to approve the prior petition (PC-07-09) first before it can approve this petition.

Reviewing the site plan, staff explained the petitioner is proposing to install an eight-foot high fence (allowable in the district) which will be located 36 feet from the south property line and 51 feet from the east property line. The petitioner intends to make minor interior improvements to the building to accommodate the dog/daycare business. Re-stripping of the existing east and north parking lots is planned to maintain the same number of parking spaces. A new wooden six-foot solid fence will be installed along the north property line as well. Landscaped screening will be provided along the east property line to screen the parking lots from adjacent residential uses.

Mr. Latinovic stated the petitioner operates his current business at 605 Rogers, and he plans to relocate his business to the proposed location.

Regarding compliance with the Future Land Use Plan ("FLUP"), staff explained the southern four lots are designated for commercial use, and the proposed animal kennel is a commercial use. Staff believes the proposal complies with the FLUP as well as the Zoning Ordinance, subject to approval of PC-07-09.

Continuing, Mr. Latinovic reported several phone calls and e-mails were received from surrounding property owners regarding this petition. Many oppose the petition and have conveyed concerns that it would change the character of the neighborhood. One business owner next-door to the proposed property opposed the 8-foot fence. However, other commercial property owners supported the petition or had no comment. Staff has not received any written neighborhood comment regarding the petition at this time.

Mr. Latinovic stated staff believes the standards for a Special Use have been met, and an animal kennel/daycare is a desirable use in the community. It provides animal boarding and training and contributes to the general welfare of the community. The development will not be detrimental to the health, safety, and general welfare of the community, and to minimize impact to the neighborhood, the petitioner is installing the eight-foot high fence for the dogs, a six-foot solid fence along the north property line and landscaped screening for the parking lot. Lastly, the proposal meets all zoning requirements of the B-2 and B-3 zoning districts. Based on those findings, staff recommended that the Plan Commission make a positive recommendation to the Village Council, including the five conditions in the staff report.

Per Mr. Waechtler's question, Mr. Latinovic explained the petitioner was proposing an eight-foot fence adjacent to the east side of the building for the outdoor play area for dogs. As to the Future Land Use map differentiating the intensities of commercial uses, Mr. Latinovic explained the map only designates properties as residential, commercial, industrial use, etc., and the proposal was a commercial use based on the four southern parcels that are already zoned commercial. The R-6 lot would remain as a parking lot, which is its current use.

To date, the petitioner has not provided specific landscape screening details, but staff explained the petitioner had to meet Village requirements and the landscaping details would have to be supplied to the Village prior to a building permit being issued. Mr. Waechtler suggested in the future that a plan be provided to the Plan Commission and Village Council as part of staff's packet. As to parking requirements, Mr. Latinovic stated the existing parking for the existing commercial building on the site was non-conforming, but the use did not require as much parking as a typical commercial use and the petitioner is maintaining the current number of parking spaces. An explanation followed on how the parking for this use was calculated at 39 parking spaces. Mr. Cozzo questioned about the lighting for the outside area, which the petitioner has not specified.

Asked if the Zoning Ordinance addressed the outside exercise area, Mr. Latinovic stated it did not.

Regarding the details of the fence surrounding the outdoor area, Mr. Latinovic explained it would be an eight-foot, solid commercial grade fence, as discussed by the petitioner. Staff did not have specific details yet. Regarding the Village's noise ordinance, staff noted a sound level table is depicted in Section 28.2001, *Noise Regulations*, and staff would measure the levels in case of complaints. Mr. O'Brien clarified the Noise Regulations dealt with sustained noise levels and were meant to regulate heavy industrial uses. However, he explained regarding a proposal such as this, if noise occurred during business hours, Community Development would most likely send Code Enforcement to investigate, and fines could be issued. After hours, the Police would be contacted.

Ms. Colleen McLachlan, Petitioner, 605 Rogers Street, Downers Grove, distributed handouts for her presentation, which contained information about the doggie/daycare business. She and her husband reside in the Village and opened up Doggie Depot in 2006. Most of their business is doggie daycare and owners drop off their dogs in the morning and pick up their dogs at the end of the day. Overnight services and training are also offered. Fifteen employees are proposed to staff the business. Over 365 active clients come to their business. She believes the business's visibility is a positive to the community and currently she collaborates with other local businesses in Downers Grove, which is another plus to the community. She and her husband have spoken to residents in order to ease their minds about this proposal so that the residents understand the type of business coming into the area. One of the major concerns was noise. However, she explained many residents were more comfortable

knowing the operation would be housed mainly indoors, and no dogs would be outside unattended. She believes the improvements to the site will be a positive to the area.

Commissioner questions included confirmation of no outdoor kennels, when dogs are outside, they are out during the day, and they are supervised. As it currently operates, the first supervised outdoor time for the dogs is at 6:30 a.m. with the last supervised outdoor time at 8:30 p.m. The last employees leave at 9:00 p.m. Lighting was not a concern for the petitioner because there currently is lighting on the building. Barking is addressed through training, and excessive barking dogs are removed from the facility. The average number of dogs is just under 60 dogs per day with around 20 allowed outside at one time. Per Mr. McLachlan, the number of dogs will increase slightly to a maximum of 75 or 80 at the new facility. The retail space will also increase somewhat. Staff does not stay on the premises when dogs are staying overnight. However, the petitioners can view the facility from their home via cameras and monitors. Ms. McLachlan emphasized that the dogs are exhausted by day's end due to the high activity they engage in during the day. Screening of the dogs takes place, including proof of vaccines and temperament, and the dog must spend a day at day care prior to the business allowing a dog to stay overnight at the facility.

Questions followed on the procedures for removing dog excrement indoors and outdoors.

Mr. McLachlan stated sanitation was a priority; otherwise, his business would not be successful. The petitioner was asked to expand on the landscaping plans for the east side, wherein Mr. McLachlan explained he was going to be working with the Village forester to ensure compliance. No landscaping is being planned for the north side of the site, only the six-foot solid wood fence. Details of the solid screening followed. An eight-foot fence will be installed for noise reduction and to keep the dogs inside the outdoor play yard. Mr. Waechtler strongly recommended the petitioner install an eight-foot fence next to the residents. However, staff clarified a six-foot fence was the maximum allowed from one residentially zoned property to another residentially zoned property. Per a question, the adjacent tenant had reported no noise objections in the past two and one-half years in their current business nor had the surrounding neighbors reported any noise objections.

Mr. McLachlan explained the outdoor exercise area would be used intermittently throughout the day; however, from 11 a.m. to 2:00 p.m. there is no outside activity because the dogs nap. Staff is at the building from 6:00 a.m. to 9:00 p.m. The earliest time a dog will go to the outside exercise area is at 6:30 a.m. to accommodate the boarded dogs, and then at 8:50 p.m. for the last time before being boarded overnight. Weekend hours are from 8:00 a.m. to 5:00 p.m. Dogs "attended by staff" means two staff persons will always attend dogs whether inside or outside. Asked if the fence could absorb or reflect sound, Mr. McLachlan stated they have researched some fences but not in terms of sound deadening or reflective sound. Asked if the petitioner considered further sound mitigation for the interior of the building, Mr. McLachlan stated he has not and does not intend to because the building is brick and frame, as is his current building, and the noise does not escape. The petitioner noted there are no windows in the area where the kenneling will operate.

Discussing the petitioner's normal business practices and understanding that failure of any of them on the petitioner's part to perform could result in penalties or fines by the Village, etc, the Chairman asked Mr. McLachlan whether he was adverse to including the petitioner's business plan as a requirement for the Special Use. Mr. McLachlan stated he was not adverse to the suggestion at all. Per a question, Mr. McLachlan stated he expected the new building to have 20 to 30 dogs outside at one time. Asked if consideration for the outdoor area be created as a structured area, the petitioner stated it was considered briefly, but he was not considering it at this time. Fencing details were not determined yet.

Asked if the property owner was assisting with any improvements to the property, Mr. McLachlan stated he was not paying the \$800 in petition fees as required by the Village. Mr. McLachlan stated an allowance is being received for sprucing up the building. However, he clarified the transaction was a lease to purchase of the property, and he was willing to assume certain financial burdens. Mr. McLachlan briefly explained the initial opposition to his petition to rezone to a B-3 District back in February 2009 and why he changed the proposal to its current request.

(The Plan Commission took a five-minute break at 9:30 p.m. and then reconvened at 9:35 p.m.)

Chairman Jirik opened up the petition to public comment.

Mr. Ray Morrissy, 5015 Wilcox Avenue, resides directly across the street and questions the location of the use in a residential area, next to a train station. He did not support a dog kennel at the site, he noted that he thought the area would be best used for condominium development to compliment the Fairview Train Station. He questioned if the Department of Agriculture had a requirement for the maximum number of dogs. Other concerns included loose dogs, dog excrement, and the petitioner becoming the purchaser. He wanted the petitioner to return with landscaping plans. He asked Commissioners to vote against the petition.

Ms. Tina Krumbrick, 5442 Ashbrook, Downers Grove, takes her dog to Doggie Depot and speaks highly of the petitioners' current business and its spotless interior and exterior. She encouraged Commissioners and neighbors to visit the current site.

Mr. Benson Sennestrom, 4941 Wilcox Avenue, Downers Grove, voiced concern about the traffic pattern around the building, including the commuter traffic and their safety. He voiced concern about noise and that a dog kennel was not right for the site. He purchased his property for investment and thought the proposed use would have a negative impact on his property's value.

Mr. Gerry Hodina, 3004 Wilcox Avenue, Downers Grove, did not have an issue with the proposal in general, except for the business opening up very early. He asked that the starting time be moved back to 7:00 AM. He thought that a sound-deadening fence would help reduce potential noise impacts.

Ms. Sandra Fabian, 5019 Fairview Avenue, Downers Grove, owns a dog grooming business, and she also walks dogs, as do others in the area. She supported the petition. She tried to open her business in Westmont, but that Village had too many restrictions, so she moved to Downers Grove.

Mr. Ray Morrissy, 5015 Wilcox Avenue, Downers Grove, found it interesting that the above resident was not allowed to locate her business in Westmont. He asked the Commission to oppose the petition, since they would be long-term players, and asked to see other types of development. Asked what the train station had to do with the petition, Mr. Morrissy stated the train station is desirable from the Village's standpoint and from his perspective. He thought a more suitable location for the proposed use would be rural. He did not believe the petition would draw more visitors to the area. He owns a property with three rental tenants across the street and envisioned something grand at this location instead. Mr. Waechtler pointed out some of the other intensive proposals that could go in place of the petitioner's proposal.

The Chairman also pointed out findings of Fact and Standards of Approval at this time.

Hearing no more comments, Chairman Jirik closed public participation.

Regarding the question of the number of dogs the kennel would have, Mr. McLachlan envisioned 75 to 80 dogs in the new facility. As to dogs barking as late as 9:30 p.m., he stated the business would close at 9:00 p.m. He was open to the Village mandating that to some form. As to the Department of Agriculture regulating the kennel, he stated it does not mandate specific square footage per dog nor mandate the number of dogs. He stated it was a matter of business sense and keeping the premises clean. Mrs. McLachlan stated the Department of Agriculture does inspect facilities annually, and she and her husband follow trade standards. Ms. McLachlan summarized that she and her husband were residents of the Village and were willing to work with the Village to have a good relationship.

Mr. Matejczyk supported the business model, specifically after hearing the petitioner's willingness to work with the Village. Personally, he felt bringing a residential development to the site would take years, and in the mean time, the building would sit and deteriorate. He emphasized the owners were residents, they paid taxes, and the site would be improved and be occupied. Mr. Beggs shared comments about his own building on Fairview, the changing development landscape occurring over the years, and the minimal interest in the construction of new residential developments. He believed having a viable business in the location was a positive, and the owners resided very close to their establishment. He supported the proposal. Mr. Cozzo stated he was not initially in favor of the kennel proposal but after hearing the owners and their presentation, he believed the proposal was a positive, and it met the four standards. However, he did believe there was a concern about the 6:30 a.m. start time and suggested a start time of 7:00 a.m. Regarding the traffic pattern at the northeast corner, he believed that if the landscaping were adjusted, it would not be a visibility problem. Mr. Quirk supported the proposal and was not concerned about the start time.

Mrs. Rabatah supported the proposal and supported a start time of 7:00 a.m. She recommended the petitioner provide the Village Council with a list of its business practices and research sound barriers if needed in the future. She too, was not initially in favor of the petition but was convinced it was a sound and viable business. Mr. Webster opposed the proposal because he did not believe the site was the right location for the business due to the character of the neighborhood unless the entire operation would be completely enclosed. He believed it was a good business just the wrong location. He believed approving the proposal would set a precedent for the rest of the B-2 District. Mr. Waechter stated he was not a dog owner, but he supported the petition. He credited the petitioner for taking a risk to expand its business and to answer all of the Commissioners' questions. He concurred that the petitioner should investigate sound barriers.

Chairman Jirik confirmed with staff that a Special Use runs with the land, which was a concern. He conveyed that limits needed to be set for an animal kennel since there was nothing binding in the proposal. The petitioner's business plan was not practically enforceable. Additionally, should the petitioner sell the business to another individual, he pointed out that an individual does not have to appear before the Plan Commission because the Special Use, again, runs with the land. Mr. O'Brien clarified the conditions in the Special Use also run with the land; i.e., operational hours, supervising dogs outside, etc. and would require the new owners to follow suit. Reviewing the standards, Chairman Jirik pointed out that with Standards A and B -- Contributing to the Welfare of the Neighborhood -- it was necessary that proper protections be built into the Special Use permit so as not to diminish the general welfare of the neighborhood, especially since the Special Use runs with the land. He also preferred that the time the dogs run outdoors be limited to 7:00 a.m. to 9:00 p.m.

Monday through Friday, and 8:00 a.m. to 8:00 p.m. Saturday and Sunday. He strongly recommended that the sound barriers for the eight-foot fence be enhanced since a wooden wall was not a sound wall.

Mr. Webster believed the eight-foot fence would not diminish the sound and thinking so was unrealistic. He believed the other allowed Special Uses were more appropriate because they were self-contained uses. He pointed out that the petitioner could run his entire business on the interior of the building without appearing before the Plan Commission. However, he pointed out the petitioner cannot run his business the way he would like because it was the outdoor portion of the petition which needed the Special Use permit. Chairman Jirik responded by reiterating his above comments and recommended restrictions. The question was whether the Commission could add additional protections to promote the public good and promote a business.

WITH RESPECT TO PC-08-09, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, ALONG WITH STAFF'S FOLLOWING FIVE (5) CONDITIONS, AS PRESENTED:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE ALTA/ACSM LAND TITLE SURVEY PLAN PREPARED BY SCHOMIG LAND SURVEYORS, LTD. DATED FEBRUARY 25, 1994 ATTACHED TO THIS REPORT EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PC-08-09 PETITION IS CONTINGENT ON THE APPROVAL OF THE PC-07-09 PETITION. THE PC-07-09 PETITION FOR THE ZONING ORDINANCE TEXT AMENDMENT TO ADD AN ANIMAL KENNEL TO THE LIST OF SPECIAL USES IN THE B-2 ZONING DISTRICT SHALL BE APPROVED BY THE VILLAGE COUNCIL PRIOR TO THE VILLAGE COUNCIL CONSIDERATION OF THE PETITION PC-08-09. IF THE PC-07-09 PETITION IS NOT APPROVED, THEN THE PC-08-09 PETITION BECOMES ANNULLED AND CANNOT BE CONSIDERED BY THE VILLAGE COUNCIL.**
- 3. ALL DOGS IN THE OUTDOOR AREA SHALL BE SUPERVISED AT ALL TIMES.**
- 4. ALL NEWLY PROPOSED PARKING LOT STALLS SHALL BE MINIMUM NINE FEET WIDE AND 18 FEET LONG.**
- 5. A SIX-FOOT HIGH SOLID FENCE SHALL BE INSTALLED ALONG THE NORTH SIDE OF THE EXISTING NORTH PARKING LOT, ALONG THE ENTIRE NORTH PROPERTY LINE, TO SCREEN THE COMMERCIAL USE FROM ADJACENT RESIDENTIAL PROPERTY TO THE NORTH.**

SECONDED BY MR. BEGGS.

ROLL CALL:

The Chairman asked if the Commissioners preferred to amend the motion to include placing limitations on the presence of dogs outdoors, especially since the Special Use runs with the land.

MRS. RABATAH AMENDED THE MOTION TO INCLUDE THE LIMITATION OF THE OUTSIDE ACTIVITIES OF THE DOGS, INCLUDING, BUT NOT LIMITED TO, THE USE OF THE OUTDOOR EXERCISE AREA, SHALL BE LIMITED TO THE HOURS OF

7:00 A.M. TO 9:00 P.M. MONDAY THROUGH FRIDAY, AND, 8:00 A.M. TO 9:00 P.M. SATURDAY AND SUNDAY.

MR. MATEJCZYK SECONDED THE AMENDMENT.

ROLL CALL:

AYE: MRS. RABATAH, MR. MATEJCZYK, MR. BEGGS, MR. COZZO, MR. QUIRK, MR. WAECHTLER, CHAIRMAN JIRIK

NAY: MR. WEBSTER

MOTION CARRIED ON THE AMENDMENT. VOTE: 7-1

Chairman Jirik stated his next concern was the sound deadening properties for the eight-foot wall being proposed, and that the petitioner investigates same to mitigate the source of noise. Mr. O'Brien recommended if the Plan Commission wanted the petitioner to investigate sound-deadening devices on the fence, that they require sound deadening devices be installed on the fence. He further believed it would be in the petitioners' best interest to determine the devices prior to going before the Village Council.

MRS. RABATAH AMENDED THE MOTION TO ALSO INCLUDE THAT THE PETITIONER SHALL PROVIDE EFFECTIVE SOUND DEADENING TECHNIQUES, EITHER INSTALLED ON OR DESIGNED WITHIN, THE EIGHT-FOOT FENCE.

MR. BEGGS SECONDED THE AMENDMENT.

ROLL CALL:

AYE: MRS. RABATAH, MR. BEGGS, MR. MATEJCZYK, MR. COZZO, MR. QUIRK, MR. WAECHTLER, CHAIRMAN JIRIK

NAY: MR. WEBSTER

MOTION CARRIED ON THE AMENDMENT. VOTE: 7-1

THE ROLL WAS CALLED ON THE ORIGINAL MOTION TO RECOMMEND APPROVAL TO THE VILLAGE COUNCIL AND ALL THE CONDITIONS AND AMENDMENTS AS FOLLOWS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE ALTA/ACSM LAND TITLE SURVEY PLAN PREPARED BY SCHOMIG LAND SURVEYORS, LTD. DATED FEBRUARY 25, 1994 ATTACHED TO THIS REPORT EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PC-08-09 PETITION IS CONTINGENT ON THE APPROVAL OF THE PC-07-09 PETITION. THE PC-07-09 PETITION FOR THE ZONING ORDINANCE TEXT AMENDMENT TO ADD AN ANIMAL KENNEL TO THE LIST OF SPECIAL USES**

IN THE B-2 ZONING DISTRICT SHALL BE APPROVED BY THE VILLAGE COUNCIL PRIOR TO THE VILLAGE COUNCIL CONSIDERATION OF THE PETITION PC-08-09. IF THE PC-07-09 PETITION IS NOT APPROVED, THEN THE PC-08-09 PETITION BECOMES ANNULLED AND CANNOT BE CONSIDERED BY THE VILLAGE COUNCIL.

- 3. ALL DOGS IN THE OUTDOOR AREA SHALL BE SUPERVISED AT ALL TIMES.**
- 4. ALL NEWLY PROPOSED PARKING LOT STALLS SHALL BE MINIMUM NINE FEET WIDE AND 18 FEET LONG.**
- 5. A SIX-FOOT HIGH SOLID FENCE SHALL BE INSTALLED ALONG THE NORTH SIDE OF THE EXISTING NORTH PARKING LOT, ALONG THE ENTIRE NORTH PROPERTY LINE, TO SCREEN THE COMMERCIAL USE FROM ADJACENT RESIDENTIAL PROPERTY TO THE NORTH.**
- 6. THE OUTSIDE ACTIVITIES OF THE ANIMALS, INCLUDING, BUT NOT LIMITED TO, THE USE OF THE OUTDOOR EXERCISE AREA, SHALL BE LIMITED TO THE HOURS OF 7:00 A.M. TO 9:00 P.M. MONDAY THROUGH FRIDAY, AND, 8:00 A.M. TO 9:00 P.M. SATURDAY AND SUNDAY.**
- 7. THE PETITIONER SHALL PROVIDE EFFECTIVE SOUND DEADENING TECHNIQUES, EITHER INSTALLED ON OR DESIGNED WITHIN, THE EIGHT-FOOT FENCE.**

AYE: MR. WAECHTLER, MR. BEGGS, MR. MATEJCZYK, MR. COZZO, MR. QUIRK, MRS. RABATAH, CHAIRMAN JIRIK

NAY: MR. WEBSTER

MOTION CARRIED. VOTE: 7-1

Mr. Webster explained that he thought the outdoor use was inappropriate at the location, but that the use could fit in the neighborhood if it was conducted within the building.

Chairman Jirik explained to the public that the motion and information presented would move forward to a Village Council workshop on or about May 12, 2009.

PC-09-09 A petition seeking a Special Use for a Montessori Preschool in the Downtown Business (DB) Zoning District for property located on the East side of Forest Avenue, approximately 320 feet South of Franklin Street, commonly known as 4925 Forest Avenue, Downers Grove (PIN 09-08-116-007); Jean Gottlieb, Maple Tree Academy, Petitioner; Graham Mosey, Owner

(Due to a conflict, Mr. Beggs recused himself from the discussion.)

Chairman Jirik swore in those individuals who would be speaking on behalf of PC-09-09.

Mr. Popovich stated the petitioner is requesting a Special Use for a Montessori preschool at 4925 Forest Avenue (7,013 sq. feet in size) in the DB, Downtown Business district. A private school is an allowable Special Use in the DB district. Currently, the building is being used as offices. Photographs were shown on the overhead screen. Mr. Popovich explained the petitioner is proposing to maintain the existing building and will have to create handicap access to the building either through construction of a ramp or a lift. Minor interior renovations to comply with Building

Accessibility and Fire Prevention Codes are proposed. An existing paved area will be fenced to become a playground to the south and east of the existing building. The rear parking lot will be striped.

Staff believes the proposal is consistent with the Future Land Use Plan and is consistent with the surrounding residential and service uses and will not impact the land use characteristics of the property or neighborhood. Additionally, staff believes the existing building complies with the DB bulk regulations of the Zoning Ordinance, and the DB Zoning District does not require any parking for this type of use in the Downtown District.

Mr. Popovich walked through the proposed vehicular circulation traffic pattern, noting vehicles will travel west to east through the site along the north side of the building. The plan is for visitors and parents dropping off their children to enter from Forest Avenue, stop at the northeast corner of the building for approximately 30-40 seconds to drop off their child and then exit the site via the alley, with all vehicles exiting to the north. Staff supported this recommendation. A description of how the vehicles dropping off children would proceed through the site followed.

Staff is recommending a signage plan directing traffic on-site and exiting. The site is located within a 100-year floodplain, and staff recommends that a gap between the bottom of the fence and the pavement be provided to allow water to flow through the site. Per the Fire Prevention Division of the Fire Department, the building will need to meet all Fire and Building Codes. One property owner to the north contacted staff regarding this petition and had no concerns.

Staff believes the standards for a Special Use have been met, and the proposed preschool is a desirable use to the community and will not be detrimental to the health, safety, morals, general welfare or property values. The proposal complies with the regulations of the DB zoning district and is an allowable Special Use in the Zoning Ordinance.

Staff recommended the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the five conditions in its report.

Questions followed on who ensures proper regulation of ventilation and asbestos remediation, wherein Mr. Popovich stated it asbestos remediation would be the State of Illinois or through the Village's general building codes. Mr. O'Brien clarified the Department of Children and Family Services will be regulating any special building considerations. Mr. Webster asked what triggered stormwater management practices; i.e., disturbing certain areas. A question followed on the revised Exhibit "A" depicting the fenced play area.

Petitioners, Jean Gottlieb, 1603 Janet Street, Downers Grove, and Nicole Kibilowski, 1016 Blanchard Avenue, Downers Grove were present. Ms. Gottlieb stated the pre-school is for children from ages 18 months to six years, and she believes the school is a positive addition to the downtown area. Approximately 60 students will be attending and will be broken into three different age categories. Because the school is not a daycare facility, but a teaching facility, DCFS has been invited into the school to inspect it and to let the petitioner know how the school can better serve the community. The school is not regulated by any specific body, but the State is invited in to inspect the facilities. All staff is background checked as well. Per a question, the ratio of teachers to students will be 1:10 and Ms. Gottlieb expects a maximum of seven teachers in the facility or a

minimum of two teachers. She was not sure what ratio DCFS required for private schools. The State requires a ratio of 1:30.

Ms. Gottlieb was not sure about required ventilation for the school. The playground area will include a fill material for the children to prevent injury. Mr. Webster cautioned her to not improve it too much in order to avoid triggering stormwater management regulations due to the site being in a flood plain.

Mr. Waechtler voiced concern that traffic traveling south on Forest can back up to this site when the train gates are down. He expressed concern that people may cut through this property or adjacent properties. He stated communication to the parents would prove beneficial with regard to traffic flow.

Chairman Jirik opened up the meeting to public comment.

Ms. Audrey Elisha, 4533 Bryan, Downers Grove, was excited to see a Montessori school coming to the Village, and stated her belief that parents needed other school choices in Downers Grove.

Michelle Jackson, 4020 Grove Avenue, Western Springs, is looking forward to the petitioner's school.

Hearing no further comments, public comment was declared closed by the Chairman.

There were no further comments/questions by the Commissioners nor were there any further comments or closing statement from the petitioner.

Mr. Matejczyk voiced concern about lead and asbestos in the building since there were no regulations. As to an occupancy number, staff confirmed the Village Fire Marshal will issue an occupancy permit.

Ms. Gottlieb stated she did have the building inspected by an inspection agency before she obtained a license. A radon test was also done.

Mr. O'Brien stated a prior inspection took place at the building, which included the Village Fire Marshal and the Village building inspector, who also noted the number of bathrooms, occupancy, room sizes, egress, which will determine the facilities within the building. As to the asbestos, he stated the building was remodeled in 1999 for offices, and the interior was much different than a single-family home.

Mrs. Rabatah asked that staff update Exhibit "A" prior to the petition going to the Village Council.

MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THIS PETITION, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO EXHIBIT A EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**

2. **THE EXISTING BUILDING SHALL HAVE A MANUAL AND AUTOMATIC FIRE DETECTION SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
3. **THE EXISTING BUILDING SHALL HAVE A COMPLETE AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
4. **A SIGNAGE AND TRAFFIC CALMING PLAN SHALL BE DEVELOPED THAT IDENTIFIES DIRECTIONAL SIGNAGE THROUGHOUT THE SITE AND PROPOSES TRAFFIC CALMING DEVICES ALONG THE NORTH SIDE OF THE BUILDING. THE PLAN SHALL SUBSTANTIAL CONFORM TO EXHIBIT A, ATTACHED HERETO.**
5. **A 'NO RIGHT TURN' SIGN SHALL BE INSTALLED AT THE ALLEY ACCESS POINT.**

MR. MATEJCZYK SECONDED THE MOTION.

ROLL CALL:

AYE: MRS. RABATAH, MR. MATEJCZYK, MR. COZZO, MR. QUIRK, MR. WEBSTER, MR. WAECHTLER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Mr. O'Brien announced the next meeting would be May 4, 2009. He stated the Board and Commissions workshop discussing the budget would be held at Midwestern University on May 2, 2009, starting at 8:30 am. to 12:00 noon. He stated there would be an opportunity for the Commission to provide input into the Total Community Development #3 project. Mr. O'Brien explained neighborhood workshops for TCD 3 will be held April 16 and April 20 at 7:00 PM. He told the Commission more information on these workshops could be found on the Village's website. Chairman Jirik asked if staff could confirm with the Commissioners if they have the latest copy of the Future Land Use Map and current Zoning Ordinances. Mr. O'Brien said he would provide updated materials at the May meeting.

MRS. RABATAH MOVED TO ADJOURN THE MEETING. MR. QUIRK SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 11:40 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
October 23, 2008, 7:00 p.m.**

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

Call to Order

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

Members Present: Chairman Eckmann, Mr. Barnett, Mr. Crilly, Mr. Gorman, Mr. Ruyle, Mr. Scacco

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

Others Present: Scott Padalik, 4742 Cumnor Road, Downers Grove; Walter Krawczyk, P.E., with Southwest Engineering Consultants, Inc., 7621 Baimbridge Drive, Downers Grove

APPROVAL OF AUGUST 28, 2008 MINUTES

The following changes were noted: Page 10: fifth paragraph, second line, delete the words "and the committee" and insert the words "on the committee." Page 11: third paragraph, third line, delete the following text: "lower one is in a flood plain, the further one reduces the freeboard, and the more." Insert in its place the following text: "parking lot is in a flood plain, that the further that one reduces the freeboard, the more." **Minutes of the August 28, 2008 meeting were approved with noted corrections, on motion by Mr. Gorman, seconded by Mr. Barnett. Motion carried by voice vote of 4-0-2.**

PUBLIC COMMENTS - No comments.

NEW BUSINESS

Chairman Eckmann opened up the public hearing.

A. PUBLIC HEARING - Variance Petition regarding 4742 Cumnor.

CHAIRMAN ECKMANN: Would you like to speak first or last? You may speak first.

MR. MILLETTE: If it would please the chair.

CHAIRMAN ECKMANN: Go ahead Mike.

MR. MILLETTE: Thank you for your indulgence. I [inaudible] wants to disagree with me a bit. What we have before you this evening is a variance to Section 26.62-3 of the Stormwater Flood Plain Control Ordinance or section of the code, rather, for a non-attached garage accessory

structure to have a variance for freeboard from the required three feet to one and a half feet. Proper notice was given. The application was received, was complete, and in a timely fashion.

Staff has reviewed and our consultant has reviewed the request and we concur in our advised concurrence on the request for variance. If the commission so chooses and does concur, we would advise that pursuant to Section 120-12, that the applicant should be advised of a consideration that this variance may increase their insurance rating as the ability to obtain insurance. And, I believe the petitioner is here and would like to make a brief presentation.

MR. KRAWCZYK: Yes.

CHAIRMAN ECKMANN: Doesn't have to be brief. Notwithstanding --

MR. MILLETTE: And here to answer your questions.

MR. KRAWCZYK: If that pleases the commission. Thank you. Again, for the record, my name is Wally Krawczyk. I'm with Southwest Engineering Consultants. I was retained by my client, Mr. Scott Padalik, to help him through what I would call a lengthy process, in that we provided an addition on this property once back in -- it was in May of '05 when we applied for a deck permit. Again, because the property has a flood plain on it, we did that back in October of '07 and then finally Scott reminded me that ultimately he wants a garage on the property.

So, rather than doing all three steps together, we've kind of evolved to where we're at today. The subject property -- if everyone can see from here or [inaudible words].

CHAIRMAN ECKMANN: We have small drawings of that in our packet.

MR. KRAWCZYK: Sure.

CHAIRMAN ECKMANN: Is there anything you want to point out?

MR. KRAWCZYK: It's -- the site itself is .75 acres in size. I think what's important and why we're here today, recognizing that the freeboard, with such a large lot, you can be able to obtain that under normal, normal circumstances. What happens in the design, however, all of the high property is located on the north side of the property. So, consequently, that's where we cause the least amount of impact to the existing floodway and flood plain and, and construction activities.

Only the side yard setback for the garage -- it's a six-foot side yard setback -- we've provided seven to help with some horizontal clearance due to the vertical elevations that we're raising the structure. Because we're raising the structure -- right now, we've got the garage floor at 728.5; the existing base flood elevation on the lot is 727 -- so, we're a foot and a half above that freeboard with this detached accessory structure.

When, when I designed it back at 730, what happens is, as we, as we ramp up to the garage, we're left with these voids on both sides of the garage that, in my opinion, start to look unsightly to the neighbors and, and given the close proximity to the north property line, our only option then would be retaining walls, which we could do. But I just feel with it being residential with bicycles and cars and icing conditions, it just is not the best, safest condition.

I, I felt that it was best to present to the commission, ask for some consideration, make the homeowner aware of what the ordinance is, and then look for some direction from some of the, the commission, and, and hopefully you hear our, our need for this variance.

CHAIRMAN ECKMANN: Okay.

MR. KRAWCZYK: I'm happy to answer any questions --

CHAIRMAN ECKMANN: Yes, that's just what I was going to say --

MR. KRAWCZYK: -- and I know it was short and --

CHAIRMAN ECKMANN: -- Does anyone on the committee wish to ask or ask -- [inaudible] answer -- ask any questions relative to this variance?

MR. BARNETT: Mr. Chairman, I apologize for not having asked this off-line prior to the meeting, but for my own clarification, is there -- am I missing an element? It appears like there's a technical memorandum dated 8/6 that I, I haven't seen [inaudible words]?

MR. MILLETTE: That is a typo. You're never seen anything. My apologies. That -- that's from the previous --

MR. BARNETT: Okay.

MR. MILLETTE: -- variance petition. My apologies.

MR. BARNETT: That's my primary issue, [inaudible] I'll have another one in a moment.

CHAIRMAN ECKMANN: Yes?

MR. GORMAN: I, I remember the property from a few years ago and, if I recall, at that time, you had requested to put an addition on the house and this commission had recommended denial. Was that denial upheld by the, the council?

MR. KRAWCZYK: [Inaudible words.]

MR. GORMAN: A few years ago --

MR. KRAWCZYK: Yes.

MR. GORMAN: -- and, and correct me if I'm not remembering --

MR. KRAWCZYK: 2003.

MR. GORMAN: 2003 --

MR. KRAWCZYK: And what we did was we removed -- we removed the -- after being educated quite quickly that there was some flood plain issues that we had no idea about, we removed our petition for variance and then we were able to work within the, the bounds of, of flood plain variance -- flood plain regulations -- itself, to be able to put the addition on. Not requiring any sort of variance then.

MR. GORMAN: And I've driven by your house to look at it -- the addition -- it looks great.

MR. KRAWCZYK: Thank you.

MR. GORMAN: You've done a great job with the house.

MR. KRAWCZYK: Good grading.

MR. GORMAN. That said, I -- with the location of the garage, not only is it outside the map floodway, looking at what is called a conveyance shadow -- Mr. Millette knows what I'm talking about -- water is typically given to expand at four to one ratio and contract at a one to one ratio, it's even outside of that in the flood fringe areas. So I don't see that as blocked flood flows. So my, my only concern was whether or not compensatory storage was being provided at a one and half to one ratio.

MR. KRAWCZYK: Actually, we, we have gone through and final engineered it. We've -- we submitted a submittal package for compensatory storage. We are able to achieve all the compensatory storage on the site and actually under the addition, the driveway, the deck, and the garage plan, we've -- we, we meet compensatory storage. So, so in short, the site has more storage on it today and in the future than it did when we started the project.

MR. GORMAN: Okay. And then the grading shows that, there's probably -- in just knowing the area -- there's quite a large drainage area -- there's a tributary to your lot. You can see it slopes up, and, do you have concerns, as the design engineer, about heights? You're showing, I believe, it would sheet flow, catch and swale, go around the garage in a sheet flow over the driveway.

MR. KRAWCZYK: Over the driveway. Actually, we feel that the, the swales -- and I'm happy to provide those, those calculations in the cause slopes -- by, by diverting the water to, like a low point or a summit, before we slope up to the garage, I, I feel that that overflow would be the safest location in the driveway. We'd come through the, the house. We would hit the summit -- that would be the overflow -- and then we would ramp up to the garage there. And the rest of the water would be diverted back around the garage, in the garage, with only being -- I think it's 22 feet in depth along that face -- I, I think we can easily accommodate those overland flows.

MR. GORMAN: Okay. It's -- and, honestly, it's outside of purview of hearing the variance petition, but just looking at it, if, if we could refine it to, to make it work better, I've looked at hundreds of plans and [inaudible] with, perhaps you might want to consider some kind of culvert that runs underneath the driveway, as just a suggestion.

MR. KRAWCZYK: I'd be happy, happy to look at that.

MR. GORMAN: It's strictly up to you, but you may, you may have an ice problem the way I'm looking at it.

MR. KRAWCZYK: [Inaudible word.]

MR. GORMAN: Those are my comments.

CHAIRMAN ECKMANN: Okay. Anyone else? Yes?

MR. SCACCO: What's -- what is the finished floor elevation of the main structure -- of, of the house?

MR. KRAWCZYK: 730.

MR. SCACCO: It's at 730?

MR. KRAWCZYK: At, at the addition, as -- I mean, it was funny. We, we built the house at 730 but then the building commissioner insisted that we put a ventilation trap in the foundation and the ventilation traps, but while the base flood elevation, so I mean, I guess in theory, we're using the house as -- it could be considered compensatory storage but fortunately we have that hundred year event, or, or darn close to it, and, and we didn't -- the water never even croached up to the foundation nor did it take advantage of the previous compensatory storage. So, we're, we're pretty comfortable with everything but to answer your question, it's 730.

MR. SCACCO: Okay. And, I understand the reason, or that the -- you have a lot of raising up, raising the finished floor elevation of the garage up would cause some drainage between the property line -- the north property line there. Is there -- I think you might have mentioned -- is there a reason why you don't want to move the garage a little bit off that property line?

MR. KRAWCZYK: Sure. The further -- we're trying to take advantage of all the high ground that we have right now. So, by moving -- by moving the garage further south, we then incorporate more compensatory storage and more filler requirements and it just -- it ends up still being -- then it starts to feel more like an island. Right now, it's, it's, it's still somewhat connected to the north property. It still fits within the neighborhood. If we pushed it further south and, and further west, it would truly feel like an island with this, you know, kind of a, more of a pier-type presence to the garage [inaudible word].

MR. SCACCO: And then one last question. Is that flat area with the retaining wall behind the garage? Is that where you're going to concentrate storage at?

MR. KRAWCZYK: Actually, we're, we're working within the parameters. We are planning that, but right now we, we meet under the compensatory storage that we originally provided and the

supplement plan that we put together, we meet the low -- the lower frequency storms up to elevation 726. Where we struggle, it's from 726 to 727. We're going to cut a weir within the foundation wall and create a basin within the garage, below the garage floor, for that 26 to 27 elevation of that. It starts to feel a lot like underground detention on some of the commercial properties.

MR. SCACCO: And then you'll have an outlet pipe that --

MR. KRAWCZYK: Actually, the code says that it has to be able to drain without any mechanical backup. It does drain gravity from the, from the -- if you will -- the basement of the garage. The gravity outlet provides positive drainage to the creek. There will be a backflow preventer to allow the creek not to back up. The water would rise to the 726, spill over the weir that's built into the garage, and then it would drain as the creek around it, drained.

MR. SCACCO: Okay. That's all I have.

CHAIRMAN ECKMANN: Are, are you thinking that this last storm in September was a hundred year storm?

MR. KRAWCZYK: Maybe not [inaudible word].

MR. _____: 2006 was.

CHAIRMAN ECKMANN: Yes, according to official records, it's about a twenty-five -- twenty-four hour basis --

MR. KRAWCZYK: Was that it?

CHAIRMAN ECKMANN: -- so, pardon?

MR. KRAWCZYK: Would we have 6.3 inches of rain?

CHAIRMAN ECKMANN: On a 24-hour basis.

MR. KRAWCZYK: Oh, okay.

CHAIRMAN ECKMANN: It's, it's about a 25-year storm, so [inaudible].

MR. KRAWCZYK: We've got 75 more years.

CHAIRMAN ECKMANN: I don't think you've seen a hundred year storm, or the owners don't think.

MR. RUYLE: I have a couple of questions --

CHAIRMAN ECKMANN: Yes, go ahead.

MR. RUYLE: -- dealing with the storage in the garage area. I noticed that you have raised the access panel a little over an inch on the floor. It seems that in my mind that would be for keeping automotive fluids from going into that area, is that correct?

MR. KRAWCZYK: Was that -- that was on the blow-up detail?

MR. RUYLE: Yes. It's --

MR. KRAWCZYK: I think what I was -- my original thought process there was to, to have enough room to bring the pipe in and the backflow preventer [inaudible words] the access panel. It was this blow up-here. [He points.]

CHAIRMAN ECKMANN: The one you're looking at, that's the one we're looking at.

MR. GORMAN: The bottom right-hand corner.

CHAIRMAN ECKMANN: Bottom right-hand corner.

MR. KRAWCZYK: Yes. Yes, we had the proposed invert at 722.3 and then we had the pipe coming in and then there was the backflow preventer in there and then the basement floor elevation was at 722.3. I can, I can make sure that we provide a trap in there for auto-- you know, but the deck on the garage floor is going to be a cons-span (phonetic spelling), solid, no drainage to that basement.

MR. RUYLE: Okay. That, that's --

MR. KRAWCZYK: So, it will drain.

MR. RUYLE: -- that's where I was going.

MR. KRAWCZYK: Yes, it will drain as any conventional garage --

MR. RUYLE: Out through the garage.

MR. KRAWCZYK: Out through the garage doors, back into the driveway --

MR. RUYLE: Okay.

MR. KRAWCZYK: -- and into the grassy areas.

MR. RUYLE: Okay. That --

MR. KRAWCZYK: That won't --

MR. RUYLE: -- that was my concern, that we weren't creating a situation where fluids that would drain through and then go down that pipe directly into the stream.

MR. KRAWCZYK: No. It would -- no sir. It will be designed as solid conspan --

MR. RUYLE: Okay.

MR. KRAWCZYK: -- with no drainage through the floor. There will be the opening to access the panel below.

MR. RUYLE: Right.

MR. KRAWCZYK: And that hatch will be --

MR. RUYLE: That panel --

MR. KRAWCZYK: -- elevated --

MR. RUYLE: -- is elevated.

MR. KRAWCZYK: -- as that panel can elevate that panel to keep drainage from going down that.

MR. RUYLE: That was my first. And the second question I have is, with the advent of a storm, which you don't want, but may and then what we're planning for, that area flooding in there -- the basement, we'll call it, of the garage, flooding and then subsequently draining, I'll question the business of is there sufficient ventilation to ensure that the organic material that would be carried in as flotsam during a flood period, that that material dries out completely so that we don't have a process of fungus growth, bacterial growth, things of that nature?

MR. KRAWCZYK: I, I think it would be fair to say that I could engineer a ventilation system, like a fan or an exhaust fan, when we actually get to the structure design with, with the architect. And I think that it would be fair to say that under the event that that was the primary reason for

having the access panel, to go down there to be able to hose it out; clean it back up under the hundred year event when this would occur.

But I'm, I'm happy to work with the architect to ask that question. It will be cement floors, cement walls, cement ceiling. So, from a mold -- and it's uninhabitable structure, of course, but from a mold standpoint, I'm happy to talk to the architect. Maybe there's a dual seal where we would seal the outside of the foundation and maybe seal the inside of the foundation. And I'm happy to explore that and present it to the commission.

MR. RUYLE: Maybe instead of an active system, like a fan, maybe just a stacker --

MR. KRAWCZYK: Event stacker --

MR. RUYLE: -- something of that nature.

MR. KRAWCZYK: -- from the lower all the way --

MR. RUYLE: Right.

MR. KRAWCZYK: Yes. Similar to the soils when we run into the soil conditions.

MR. RUYLE: Right.

MR. KRAWCZYK: A passive system.

MR. RUYLE: Yes.

CHAIRMAN ECKMANN: Any more comments or questions?

MR. KRAWCZYK: [Inaudible words.]

CHAIRMAN ECKMANN: Well, let me kind of ask [inaudible] question is that -- is it fair there is a consensus that the -- we would not be opposed to, to the variance? Is that a reasonable consensus from the committee's point of view?

MR. GORMAN: I'm willing to make a motion.

CHAIRMAN ECKMANN: Okay. I would like to change our procedure a little bit, than, than simply "approving" variances, if, if you will. That -- I think our ordinance is really a minimum standard and when petitioners ask for something less than, if you will, our standard, what they are, in essence, asking for is to assume more risk of flooding. That's, that's what it is. They are asking

to, to assume more risk and flooding. And I think where our position is, if I kind of understand it, the garage that we are not unalterably opposed to the petitioner, assuming this additional risk. I mean, this is not to say that some day that there are going to be two expensive cars in there that are not going to be worth much.

So, I would say -- I would like to suggest to whomever makes the motion that the motion be something along these lines: the owner of the property at 4742 Cumnor has petitioned the Village to increase the risk of flooding of their garage by constructing the floor of the garage, one and a half feet below the elevation required by our ordinance. The Stormwater and Flood Plain Oversight Committee is not opposed to granting the petitioner's request to assume this additional flooding risk. Is something like that -- would that be acceptable to somebody to make a motion along those lines?

MR. GORMAN: Yes, I'd be happy.

CHAIRMAN ECKMANN: Okay. Go [inaudible words.]

MR. GORMAN: I may modify it a little bit --

CHAIRMAN ECKMANN: Go ahead, go ahead. I'm -- this is just a -- it's just a concept more than exact words.

MR. GORMAN: I'd like to make a motion to --

MR. SCACCO: Right before you do that, can I ask a question? Is, is that in any way going to impact what their official filed request was?

CHAIRMAN ECKMANN: It -- like, what, what do you mean? It, it bears exactly on what their request is. Yes.

MR. GORMAN: I, I -- the change that I would make and, and the wording would be exactly to reflect the, the freeboard amount of one and a half feet versus three, just so that in 20 years anyone looking at it, doesn't have to refer to a 20 year-old ordinance to see what the requirement was.

CHAIRMAN ECKMANN: That's a good change.

MR. SCACCO: Like, specifically it says in here that “we are requesting a variance of the finished floor elevation to be 1.5’ above the BFE” and so we’re motioning something that’s worded differently and I’m just wondering if there needed to be an exact correlation between what their request was versus what we’re granting.

CHAIRMAN ECKMANN: I think, in essence, we’re granting what they are requesting. It’s, it’s looking at it in a little different perspective. I think a -- probably a more proper reason -- perspective because the people that are making the petition have to clearly understand that they are taking on additional risk of flooding and if they want to do that, and we think it’s in an area that is not particularly detrimental, we would have no objection to it. But I, I think there’s a -- there is a difference between that and just simply saying, “Yes, you can have a variance.”

MR. MILLETTE: I would concur Mr. Chairman, that’s in, in the spirit of 26-120.12 --

CHAIRMAN ECKMANN: Yes.

MR. MILLETTE: -- and then perhaps Mr. Gorman, to just -- I would think doing both cite 26 or -- cite 26-62.3 and then also state in plain words. I think that would cover it.

CHAIRMAN ECKMANN: So, I’ll let you go Dave.

MR. GORMAN: Give me one second here.

MR. RUYLE: In this particular situation, because there is already an existing driveway to that area, cars sitting in that driveway would be at the same risk. However, the previous petition for variance -- the bank building to become a clinic -- I specifically stated that the business [inaudible] meeting that they have to understand that they are taking on a greater risk.

CHAIRMAN ECKMANN: I, to be very candid, that if I was here, I would have requested the committee to seriously consider a -- I think it was more important there than it is here, but is serious -- similar approval, if you will, of their variance, because I -- and, and actually there -- I would have gone a couple of steps further that it would have been recorded and I didn’t name the document, but that would be provided by the city/Village attorney -- with certain wording provided by the Village

attorney so that anyone buying that building in the future would be made aware of the fact that they are taking on more risk. That's what it is --

MR. RUYLE: Right.

CHAIRMAN ECKMANN: -- of flooding. And yes, I thought it was important but it did get passed that way and I wasn't here and I -- but -- and I'm glad, I'm, I'm glad that you brought that up because I think that's proper thinking on, on how we ought to be looking at these, where people want to assume more risk. And, in this case, I think most of us agree it's not significant risk, but in a home, I think it's, it's very significant and, and that's why, of course, historically we denied your and anyone else it would have come in we would have denied their petition.

The -- you know -- and, and just for the benefit of -- I'm getting days and times to write. For the benefit of the rest of the commission, I've seen this argument, and for the two new members in particular, that we have a minimum standard of three feet above high water levels. The County has one foot. The -- always the argument is, is why are we more stringent? Well, I think any of you that -- I don't know Bob, if you have done any work, but the federal government -- it is three feet. I mean, this is -- where this one foot came from I don't know.

We have seen earlier this year where -- and I can't remember how much of both -- remember where the inlets were, were blocked and all that? It was -- I believe it was close to the three feet above high water levels. So, we have seen it right in this town this year. So, the three foot -- I mean -- that's not guarantying anything. It's just -- it's just probably a -- it's a higher minimum than a county but not a higher minimum that one is a standard in this country.

MR. MILLETTE: Mr. Chair, there was a question asked at the council meeting pursuant to your recommendation that would also, in the event for our two members, in that the Village benefits on the community rating system, which is FEMA's actuarial exercise on what flood insurance rate is paid in your community, and by having our standard at a three-foot of freeboard, it basically gets us an extra ten percent discount for flood insurance for those who since require it -- flood insurance. And, and that's [inaudible].

CHAIRMAN ECKMANN: Yes, that's -- but because it's meeting a federal standard, I mean, I think that's the reason for it. I mean this, you know, again, it's arbitrary but arbitrary on our part to have that.

MR. MILLETTE: [Inaudible] particularly [inaudible] applies to detached structures.

CHAIRMAN ECKMANN: No, I think we all agree to that, unless a detached structure is a second home.

MR. ____: Sometimes they become that.

MR. SCACCO: Do variances or how do -- how do variances from our standard affect our rate if we keep grant -- if we grant too many of them, it's going to --

MR. MILLETTE: My, my experience with them is that they really will only be concerned if it becomes habitual for primary structures. The, the, the commercial -- they don't particularly seem to care about the commercial issues at all and a detached garage, I don't think will raise any, any red flags with FEMA either.

CHAIRMAN ECKMANN: What you have to think about is this. A new home being built will probably be used -- what -- a hundred years? And there are going to be many owners over that period of time and it is within that hundred year period, it is very likely that if that house sits not high enough, there could be disastrous circumstances. So it's, it's prudent that, that anything built in the future meet a sterling standard, if you will.

How we doing Dave?

MR. GORMAN: Okay. I would like to make a motion.

Mr. Gorman made a motion that the owner of property at 4742 Cumnor has petitioned the Village to reduce the required freeboard above the base flood elevation from three feet (3') to one and a half feet (1-1/2') as required per Section 26-62-3 of the Village's Flood Plain Ordinance in order to construct a proposed garage and recommend that the Village Council grant this variation to the Village code with the understanding that the property owner acknowledges and assumes the additional flooding risk.

Mr. Ruyle seconded the motion.

A voice vote was taken and the motion carried unanimously. Vote: 6-0.

Mr. Krawczyk thanked the committee for their supporting motion. Mr. Millette explained the next steps for the petition, noting it will be scheduled for the second workshop (4th Tuesday) in November.

Chairman Eckmann welcomed new members Mr. Barnett and Mr. Ruyle to the committee. Mr. Barnett briefly explained why he got involved with the Stormwater Committee, i.e., community service. Mr. Ruyle briefly explained he joined the committee due to the flooding he has personally experienced in his own home and thought he could use that experience with others involved in the same type of situation.

OLD BUSINESS

Chairman Eckmann distributed copies of letter which was sent out about a year ago suggesting that a new letter be sent out, but asked that members contact him by one o'clock tomorrow if they felt changes were necessary.

A. DuPage County Water Quality Best Management Practice (BMP) Manual - Update -

Mr. Millette reported a few submissions have come in since the ordinance was revised. From what he has seen, the county has provided positive outreach to the consultant community on this matter. Permits have declined which has eased the process. Chairman Eckmann commented on his attendance at a seminar which discussed green roofs. For informational purposes, he pointed out, the green roof best management practices produces more phosphorous and run-off than any other practices, which he found very interesting. In general, he stated the overall discussion at the seminar was the fact that the emphasis on best management practices was not on the individual homeowner, but instead on the governmental entity to collect and treat.

B. WIIP Update - Mr. Millette reported that the Village council recently ordered engineering contracts for three new and two Phase II (SW42 and SW33) projects on the Watershed Infrastructure Improvement Plan. The three new projects are SW37, SW38, and SW39 scheduled for later construction in the current CIP. Details followed on the flexibility needed for those projects. Copies were available on the Village's web page. Furthermore, he reported the schedule for projects SW33, SW42 and McCullom Park, which have intergovernmental agreements, have been approved by both park district boards subject to some temporary easement language. On the Sterling North Park project (SW33), preliminary conversations by the consultants were held with the Corp of Engineers who have not rejected the concept of impounding the creek to create a wet pond/lake. The design work for the Washington Park project (SW42) has been accelerated along with the other two projects and final design plans are expected by the end of the year. Lastly, the Brooke Drive Center project was expected to be project ready for construction by next year.

Further reported, the proposed Community Investment Program ("CIP") was discussed by the council during the budget hearing process and the current draft is available on the Village's web site. Revisions will be considered by Council next Tuesday night. All final actions on matters are scheduled for the second meeting in November. Mr. Millette offered to answer any questions on the above matters.

Chairman Eckmann asked that a new version of the CIP be forwarded to members, along with the agenda for the next meeting. Lastly, Mr. Millette stated there may have another variance request. Details followed. Asked whether the committee would be objected to holding their next meeting on November 24th or November 25th Chairman Eckmann conveyed to Mr. Millette that the committee would try to accommodate the petitioner for the November 24th date.

Stormwater Oversight Committee
October 23, 2008

ADJOURN

Mr. Crilly made a motion to adjourn the meeting at 7:50 p.m. Seconded by Mr. Barnett. Motion carried by voice vote of 6-0

Respectfully submitted,
(as transcribed by tape)

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