

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MARCH 2, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use for a Health and Fitness Club (ATI) at 939 Burlington Avenue	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Special Use Ordinance has been prepared to permit the construction of a health and fitness club (ATI) in the Downtown Business (DB) zoning district at 939 Burlington Avenue, commonly known as Acadia on the Green, Building #1.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals identified an *Authentic Downtown – The Heart of our Community*. Associated objectives include: *More People Attracted to Downtown, Destination for Residents and Non-Residents and Increase Service Businesses*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the February 16, 2010 meeting. During the discussion, members of the Village Council expressed concerns regarding potential noise problems if ATI elected to extend its hours to become a 24-hour facility after the proposed special use is approved. ATI's special use petition states that the health and fitness club will operate from 5am to midnight. A condition has been added to the ordinance which limits the hours of operation as noted in the application. Any change in the hours of operation would require an amendment to the Special Use Ordinance and would require Village Council approval. ATI supports the condition limiting the hours of operation.

Staff recommends approval on the March 2, 2010 active agenda.

BACKGROUND

In October 2009, the Village Council approved an amendment to the Acadia on the Green (AOTG) Redevelopment Agreement (RDA). The RDA amendment approved the lease of the commercial space at 939 Burlington Avenue to ATI physical therapy and health and fitness club. The RDA states that the development shall conform to the Village Zoning Ordinance. The Zoning Ordinance classifies health and fitness facilities as Special Uses in the DB zoning district. To allow the proposed use at this location Village Council approval of both an amendment to the RDA and a Special Use for a health and fitness club in the DB district are required.

ATI's primary role will be to provide physical therapy services to individuals who have been injured. The physical therapy portion of the business will be primarily located along Burlington Avenue and include treatment areas and rooms, offices, and a physiotherapy room. The health and fitness club will be primarily located along Mochel Drive. This area will include an open gym, crossing training room, locker rooms,

juice bar and an office.

Staff believes the proposed health and fitness club will not impact the land use characteristics of the downtown and is consistent with the Zoning Ordinance. The Village Council discussed the proposal as part of the Redevelopment Agreement amendment and found that the use was consistent with the intent and goals of the Downtown Business district, the Acadia on the Green redevelopment project, the Future Land Use Plan and the Downtown Master Plan.

The Village received two letters from residents living within the AOTG development. One resident was supportive of the ATI use. A group of homeowners in Building 1 submitted a letter supporting the use; however, there were several concerns with the specific plans as they related to the alley on the west side of the building. One resident spoke at the hearing and expanded on the concerns the letter described. Specifically, there are concerns regarding the following:

- *Garbage Location and Pick-up* – The residents noted there are multiple scavenger services and the numerous dumpsters in the alley are not organized. They requested the Village require the dumpster(s) be placed in the existing enclosure. The residents also requested that the Village limit the pick-up times for the garbage. *The Village is requiring ATI to locate their dumpsters in the existing enclosure. New England Builders and ATI confirmed they will be using this enclosure for the garbage.*
- *HVAC Units* – The second concern was the location of four air conditioning units for ATI within the alley immediately adjacent to the west wall of Building 1. The residents are concerned about the noise that will be created by these new units in combination with the existing units in the alley that are used by existing AOTG commercial tenants. *The approved AOTG Planned Development site plans identify air conditioners being located in the alley. Staff is working with ATI to ensure that proper screening and additional measures are provided to ensure the HVAC units meet the Village's noise requirements.*
- *Parking* – The third concern was the disorganized parking on the Acadia on the Green property west of Building 1. The residents noted the area is generally disorganized and the tenant parking occurring on private property was adding to the clutter in the alley. *New England Builders stated that the portion of the alley owned by Acadia on the Green was not approved as a parking area and that the existing retail tenants were aware of this. New England also stated ATI would not be permitted to use the area for employee parking.*

The Plan Commission considered the petition at their February 1, 2010 meeting. The Commission found that the proposed physical therapy and fitness center met all of the special use standards. The Plan Commission stated they did not disagree that there were existing issues with the use of the ally, but felt the proper forum for these discussions was not the special use approval for ATI.

The Commission stated the proposed ATI use would not be substantially different than any by-right use being located in the remaining vacant space of Building 1 and locating their air conditioning units and dumpsters within the alley. The Commission believed the evening's discussion identified pre-existing conditions with regard to noise, garbage and parking but that these pre-existing conditions were not materially affected by the ATI proposal and therefore were not included within the Plan Commission recommendation and motion. The Plan Commission believes that these important issues should result in continued dialogue between the homeowners association and the property owner.

The Plan Commission recommended approval of the special use by a vote of 8:0. Staff concurs with the Plan Commission's recommendation.

ATTACHMENTS

Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** March 2, 2010
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** PC-01-10
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A HEALTH AND FITNESS CLUB IN THE DOWNTOWN BUSINESS DISTRICT", as presented.

SUMMARY OF ITEM:

At their meeting of February 1, 2010, the Plan Commission recommended that a Special Use be granted to permit a health and fitness club in the Downtown Business District.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE
TO PERMIT A HEALTH AND FITNESS CLUB
IN THE DOWNTOWN BUSINESS DISTRICT**

WHEREAS, the following described property, to wit:

Lot 1 in the Acadia on the Green Subdivision, being a part of the West Half of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat recorded December 16, 2005, as Document R-2005-279310, in DuPage County, Illinois

Commonly known as 939 Burlington Avenue, Downers Grove, IL 60515 (PIN 09-08-130-027)

(hereinafter referred to as the "Property") is presently zoned in the "*DB, Downtown Business District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.610(d)(3) of the Zoning Ordinance be granted to permit a health and fitness club in the Downtown Business District.

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on February 1, 2010 and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. That Special Use of the Property is hereby granted to permit a health and fitness club within the Downtown Business zoning district.

SECTION 2. This approval is subject to the following conditions:

1. The hours of operation for health and fitness club and physical therapy activities shall be restricted to 5:00 am to 12:00 am from Monday-Sunday. Any proposed changes to increase the operational hours will require an amendment to this Special Use pursuant to Section 28.1900 of the Municipal Code.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use to allow a health & fitness club in the Downtown Business zoning district is hereby granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

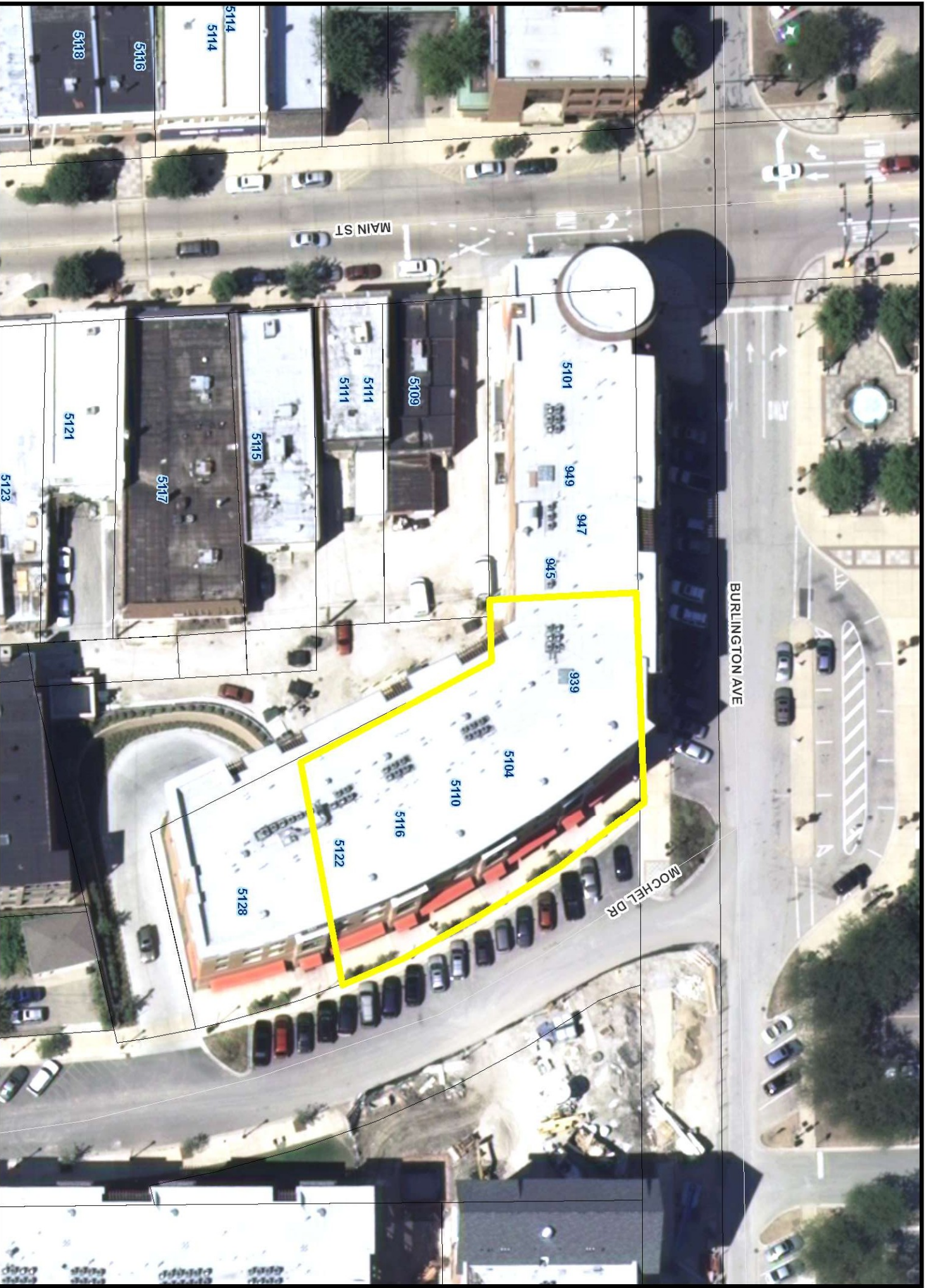
Mayor

Passed:

Published:

Attest: _____

Village Clerk



BURLINGTON AVE

MAIN ST

MOCHEL DR

0 25 50 75 100 Feet

939 Burlington Avenue Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
FEBRUARY 1, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-01-10 939 Burlington Avenue	Special Use to permit a health and fitness club in the Downtown Business zoning district	Stan Popovich, AICP Planner

REQUEST

The petitioner is requesting approval of a Special Use to permit a health and fitness club at 939 Burlington Avenue in the Downtown Business (DB) zoning district.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Acadia on the Green, LLC
4927 Main Street
Skokie, IL 60077

APPLICANT: Chris Orr
ATI Physical Therapy
790 Remington Boulevard
Bolingbrook, IL 60440

PROPERTY INFORMATION

EXISTING ZONING: DB, Downtown Business
EXISTING LAND USE: Commercial
PROPERTY SIZE: 27,486 square feet (0.631 acres)
PIN: 09-08-130-027

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
North:	DB, Downtown Business	Commercial
South:	DB, Downtown Business	Commercial
East:	DB, Downtown Business	Commercial
West:	DB, Downtown Business	Commercial

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Summary
3. Architectural Drawings
4. Plat of Survey

PROJECT DESCRIPTION

The petitioner is requesting a Special Use to locate a health and fitness club within Building #1 of the Acadia on the Green development at the southwest corner of Burlington Avenue and Mochel Drive. The property at 939 Burlington Avenue is zoned DB, Downtown Business. A Special Use is required for a health and fitness club in the Downtown Business district.

The petitioner, ATI Physical Therapy (ATI), is proposing to lease the approximately 10,000 square feet of remaining vacant commercial space in Building #1 and operate a physical therapy center and health and fitness club. In October 2009, the Village Council approved an amendment to the Acadia on the Green redevelopment agreement which effectively allows ATI to locate within the commercial space at 939 Burlington Avenue.

ATI's primary role will be to provide physical therapy services to individuals who have been injured. The physical therapy portion of the business will be primarily located along Burlington Avenue and include treatment areas and rooms, offices, and a physiotherapy room. The health and fitness club will be primarily located along Mochel Drive. This area will include an open gym, crossing training room, locker rooms, juice bar and an office.

The construction project entails only an interior build-out with minimal exterior work anticipated for mechanical equipment and emergency exiting at the rear (west) of the building.

COMPLIANCE WITH FUTURE LAND USE PLAN

The Future Land Use Plan designates the site as Commercial. Staff believes the proposed health and fitness club will not impact the land use characteristics of the downtown. The Village Council discussed the proposal as part of the amendment to the Acadia on the Green Redevelopment Agreement and found that the use was consistent with the intent and goals of the Downtown Business district and the Acadia on the Green redevelopment project. As such, staff believes the proposal is consistent with the Future Land Use Plan and Downtown Master Plan.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned DB, Downtown Business. The proposed health and fitness center, is a permitted special use in this zoning district. The existing building was constructed in accordance with the Zoning Ordinance and Planned Development #37, approved on October 17, 2005. Per Section 28.610 of the Zoning Ordinance, all mechanical equipment associated with the proposed use will be entirely screened from public view. Staff believes the proposal is consistent with the Zoning Ordinance.

ENGINEERING/PUBLIC IMPROVEMENTS

There are no substantial engineering or public improvements proposed by this petition.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division of the Fire Department has reviewed the proposed plans and has not noted any life safety concerns.

NEIGHBORHOOD COMMENT

Staff has not received any written neighborhood comment regarding the proposal at this time. During the Village Council discussion regarding the amendment to the Acadia on the Green Redevelopment Agreement, numerous individuals expressed concerns regarding the proposed physical therapy and health and fitness club. This discussion was generally focused on maintaining the space for retail tenants as opposed to a service oriented business. The boards of both the Downers Grove Economic Development Corporation and Downtown Downers Grove Management Corporation supported the amendment.

FINDINGS OF FACT

Staff believes the standards for a Special Use, as shown below, have been met. The proposed health and fitness center is a desirable use to provide health and fitness services to the community. The use will contribute to the general welfare of the community. The development will not be detrimental to the health, safety, morals, general welfare or property values in the vicinity. The proposed development complies with the regulations of the DB zoning district. The requested Special Use is listed as an allowable Special Uses in Section 28.610(d) of the Zoning Ordinance.

Section 28.1902 Standards for Approval of Special Uses

The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as to establish the following:

- (a) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*
- (b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.*
- (c) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located or will comply with any variation(s) authorized pursuant to Section 28-1802.*
- (d) That it is one of the special uses specifically listed for the district in which it is to be located.*

RECOMMENDATIONS

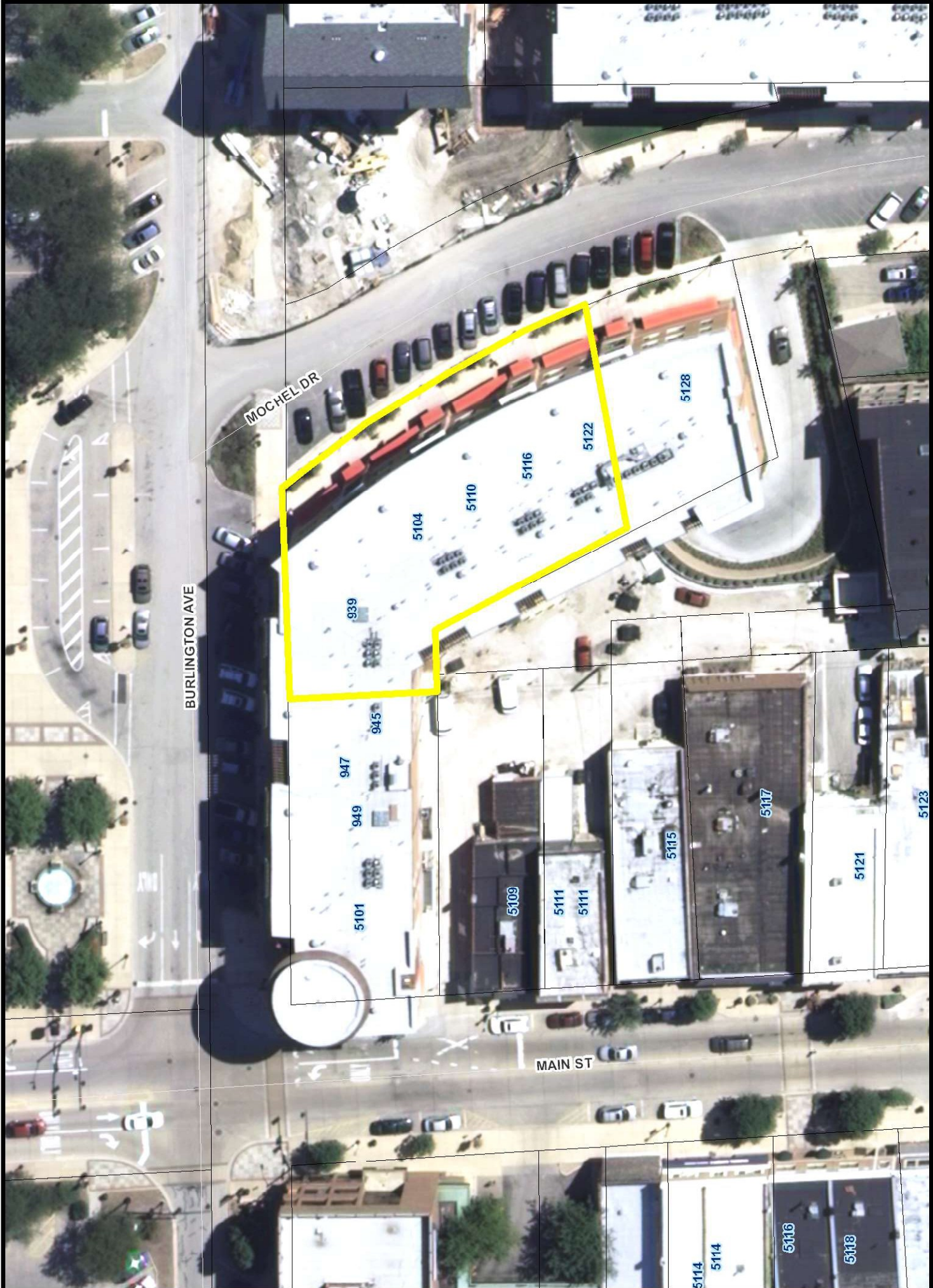
The proposed Special Use is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:sjp
-att

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BURLINGTON AVE

MOCHEL DR

MAIN ST

5101

947

949

945

939

5104

5110

5116

5122

5115

5117

5121

5123

5114

5114

5116

5118

5128



939 Burlington Avenue Location Map



SERVICES

PHYSICAL THERAPY

WORK
CONDITIONING/HARDENING
(F.I.R.S.T.™)

FUNCTIONAL CAPACITY
EVALUATIONS

SPORTS MEDICINE

WOMEN'S HEALTH

ILLINOIS

AURORA/FOX VALLEY

AURORA (WEST)

BOLINGBROOK (EAST)

BOLINGBROOK (WEST)

BOURBONNAIS

CAROL STREAM/WHEATON

CHICAGO/AVONDALE

CHICAGO/BEVERLY

CHICAGO/BRICKTOWN

CHICAGO/MIDWAY

CHICAGO/NORTH PARK

DARIEN

ELMHURST

FOREST PARK

GENEVA

GLEN ELLYN

HICKORY HILLS

JOLIET

LOCKPORT

LOMBARD

MATTESON

NAPERVILLE (EAST)

NAPERVILLE (NORTH)

NAPERVILLE (SOUTH)

NEW LENOX (EAST)

NEW LENOX WEST

OSWEGO

PLAINFIELD

PLAINFIELD HAND CLINIC

ROCKFORD

SHOREWOOD

TINLEY PARK

WILLOWBROOK

WINFIELD

WOMEN SERVING WOMEN

WISCONSIN

GREENFIELD

KENOSHA

MEQUON

MILWAUKEE - THIRD WARD

NEW BERLIN

WAUKESHA



Making a positive difference in the life of our patients, employees and the community through the pursuit of excellence in service and the patient experience.

January 7, 2010

Village of Downers Grove
Department of Community Development
801 Burlington Avenue
Downers Grove, IL 60515

Re: ATI Fitness Center/ATI Physical Therapy Special Use Petition for Plan Commission
Description of Services Provided

To Whom it may concern,

The following is a description of the services provided by ATI regarding our new location at 939 Burlington Avenue in Downers Grove:

ATI's primary role is to provide physical therapy services to individuals who have been injured on the job or during sports, suffer from neck or back pain, or seek treatment for acute and chronic conditions. Many of ATI's patients are prescribed physical therapy by doctors after suffering from a work-related injury. Rehabilitative therapy is provided on an individual basis by licensed physical therapists.

ATI's normal operation hours for Physical Therapy are from 7am to 7pm. Patients are served on an appointment basis; and appointments are typically one hour long.

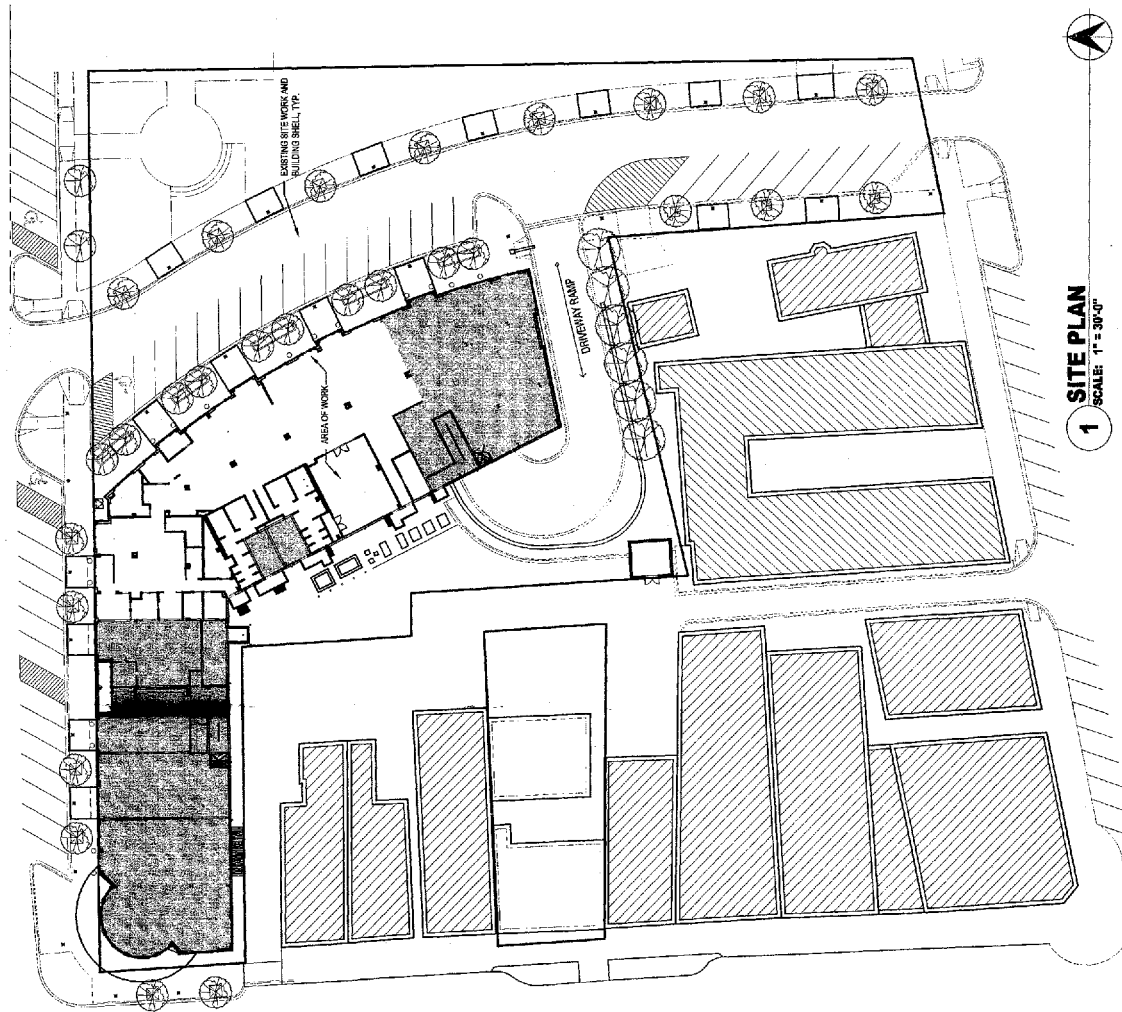
ATI clinics are staffed by a full time Director, reception staff, and clinicians. Physical therapists administer treatment in a gym environment with the use of massage/treatment tables, weight-lifting machines, free weights, cardio equipment, and heat/cold packs. There are also closed treatment areas for private consultations and treatment.

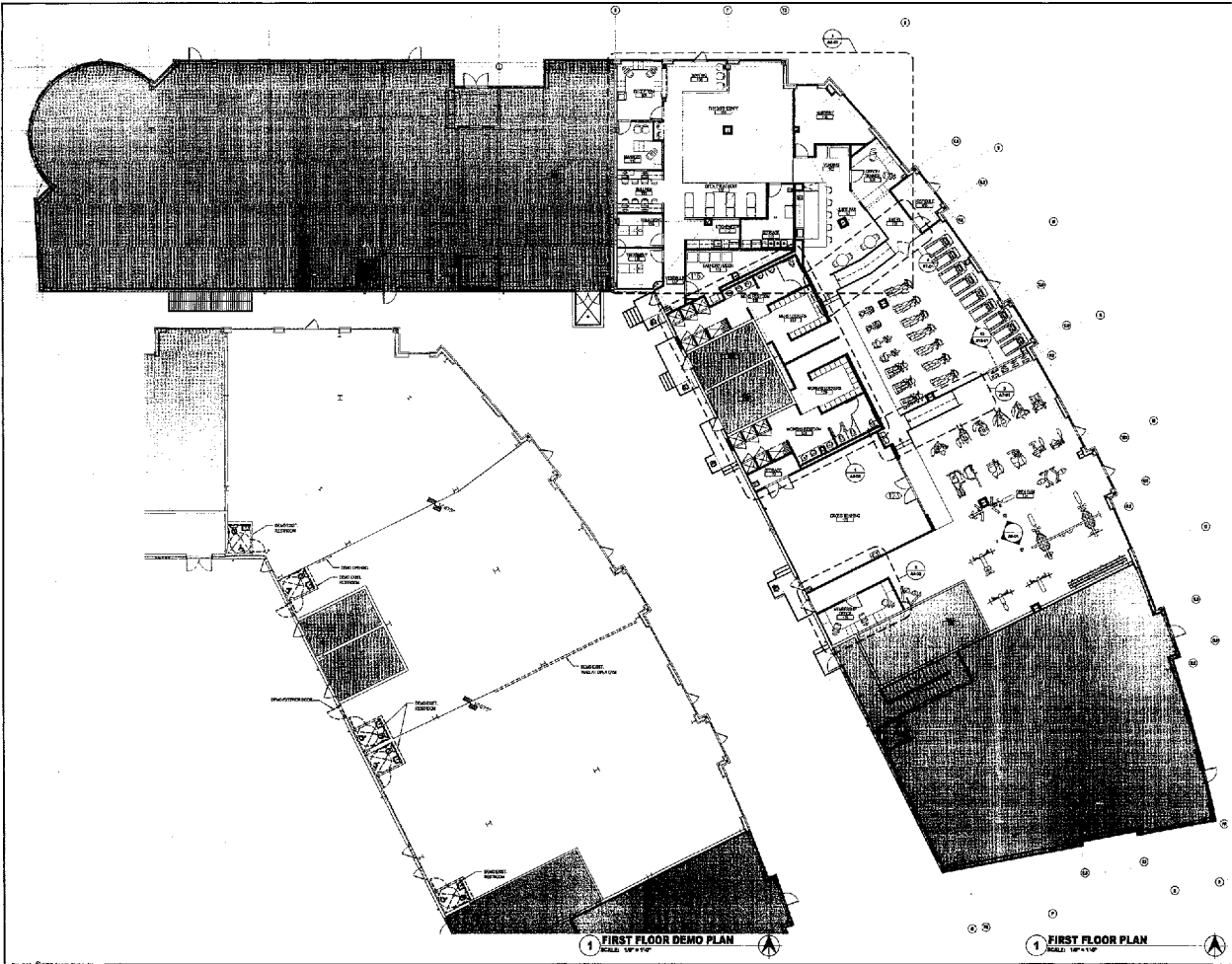
In addition to the Physical Therapy clinic, ATI will also operate the ATI Fitness Center. ATI Fitness Center is a full service fitness center that includes amenities such as cardiovascular training, resistance training, group fitness classes, and individual personal training. The center will include locker rooms with showers, a snack bar, and a group exercise room in addition to the open gym area. The Fitness Center hours of operation will be 5 a.m. – Midnight Monday through Friday. Weekend hours will be 6 a.m. – 8 p.m.

Please don't hesitate to call me if you have any questions.

Respectfully,

Chris Orr
Director of Facility Development – ATI
630-272-7900





1 FIRST FLOOR DEMO PLAN
SCALE: 1/8" = 1'-0"

1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

<p>FORUM ARCHITECTURAL FIRM, INC. 1000 UNIVERSITY BLVD., SUITE 100 ANNAPOLIS, MD 21403 TEL: 410-291-1000</p>	
<p>DATE: _____</p>	
<p>PROJECT: _____</p>	
<p>CLIENT: _____</p>	
<p>ARCHITECT: _____</p>	
<p>PROJECT: ATI PHYSICAL THERAPY</p>	
<p>DATE: _____</p>	
<p>SCALE: _____</p>	
<p>PROJECT NO: A02-01</p>	

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945 Burlington Avenue
Downers Grove, Illinois 60515

January 28, 2010

Mr. Jeff O'Brien, AICP
Community Development Department
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515-4776

Re: File PC-01-10, ATI Physical Therapy and Fitness Center at 939 Burlington Avenue

Dear Mr. O'Brien, Plan Commission Members, and Village Council Members:

The undersigned residents of Acadia on the Green wish to go on record as being in favor of the applicant's request to locate the ATI Physical Therapy and Fitness Center at 939 Burlington Avenue. It is a suitable occupancy of the building's commercial space and will be an asset to Downtown and all of Downers Grove.

We do, however, request that the Village takes measures to ensure that the certain aspects related to the occupancy of this space are compatible with the residential occupancies of the upper-floor condominiums, as we are concerned that some factors related to this occupancy will, if unmitigated, create or increase existing disturbances to building residents. In particular, we are anxious about noise and activities in the rear yard and alley of the structure:

- Location of refuse storage and appropriate hours of collection.
- Air conditioner location, noise, and number of proposed units, and lack of soundproofing measures.
- Employee parking and circulation in the rear yard and alley.

Because this is a Special Use Permit, the Village Council has the authority to require modifications to the Applicant's proposal, require the Property Owner to make building and site modifications, and establish reasonable restrictions on activities associated with the proposed occupancy as conditions for approval. Therefore, we request that, in granting the Special Use Permit, you also specify that a number of conditions be met that will reduce the potential for conflict. Meeting these conditions will most likely entail a continuation of the public hearing until additional information can be provided by the Applicant and Building Owner.

Refuse Disposal

Refuse storage and collection have been serious issues since the first AOTG commercial occupant opened for business and have continued even after the alley was paved. Please consider the following:

Issue: At present time, the refuse container shelter at the south edge of the property is used only by the Egg Harbor Café. The Building Owner gave permission to Capri Ristorante to keep its containers in the open.

Issue: The Property Owner is allowing Giordano's Pizza to keep its large refuse container and grease container on AOTG property, in the open.

Issue: Scavenger collection and grease trap pumping services continue to blatantly disregard Village prohibitions for pickups before 6:00 a.m. on weekdays. The beeping reverse horns and loud clattering of garbage trucks continue to disrupt residents in the very early morning hours.

To prevent this ugly and unsettling situation from getting worse, we recommend the following conditions:

1. That the Applicant agrees to store all refuse containers in the existing shelter that is situated at the southwest corner of the property.
2. The Applicant, and all other commercial occupants, shall contract with the same refuse scavenger company as a measure to optimize collection activities.
3. That the Applicant shall, when arranging pickup service with the refuse scavenger, include a contractual provision that pickups be conducted between the hours of 7:00 a.m. and 10:00 p.m. on weekdays, between 8:00 a.m. and 10:00 p.m. on Saturdays, and no pickups on Sundays or holidays.
4. That the periodic emptying of the building's common underground grease trap also be performed only during the same hours specified above.
5. That the Property Owner shall coordinate with Giordano's Pizza to determine a more suitable location, configuration, and screening of its refuse and grease container.

Air Conditioning Equipment

Ground-mounted air conditioning equipment for the existing commercial occupants is poorly located and stunningly loud when heard from above.

Issue: The two units for Egg Harbor Café are poorly muffled and have been situated beneath residence windows and balconies. The units themselves have dual-speed reciprocating compressors that flip from one mode to another several times per minute, producing a two-pitched "singing" noise that is especially disturbing.

Issue: To our knowledge, the Village of Downers Grove does not have any regulations or performance standards regarding air conditioner noise at adjoining property lines.

The issues above are aggravated because, during the AOTG PD #37 approval process and during pre-construction sales of condominiums, there were no indications of ground-level air conditioning units or pads depicted in any submitted site plans or promotional literature. Had homebuyers known that the rear yard would eventually become the site of an intensive air conditioning "condenser farm," they might have reconsidered or renegotiated their purchases. (Because this information was omitted in the original PUD

#37 application, one could reasonably conjecture that the building permit for installation of the existing Egg Harbor air conditioning units was issued in error, and that the site plan in the PD agreement associated with Village Ordinance 4413 should be amended before that error is magnified.)

Issue: The Building Owner is proposing the installation of four more air conditioning units. The Property Owner's representative expressed the intent to install the additional units on the ground, near the wall of the building in a similar fashion as Egg Harbor's. This was stated during a "courtesy" meeting with the condominium property manager and two of the home owners' association board members—after being advised by the Village to do so. It was made clear by the representative in this meeting that board members' opinions "would not affect the placement of the [air conditioning] units."

Issue: The air conditioning unit that serves Humidor is mounted on the exterior wall and encroaches into the required side-yard of the property. The unit was either installed without a permit, or that permit was issued in error. (This issue is raised under the premise that a Special Use Permit for a new occupancy should not be approved until all previous zoning violations have been corrected.)

To minimize air conditioner noise and to correct the existing zoning violation(s), we request that the following conditions be added to the Special Use Permit:

6. That the Property Owner engages the services of an acoustical consultant (such as Shiner + Associates of Chicago) that has expertise in mechanical equipment sound control and attenuation for multifamily residential projects in DuPage County. In adhering to the consultant's recommendations, the Property Owner shall install the quietest equipment available on the market, shall provide the maximum available muffling and baffling, shall make every reasonable effort to redirect vertical noise away from the condominium units, and shall follow any other recommendations of the consultant. The findings and recommendations of the acoustical consultant shall be made available to the Village staff, Plan Commission, and public before any recommendation this Special Use Permit is forwarded to the Village Council.
7. That Egg Harbor Café's air conditioning units shall be retrofitted, adjusted, relocated, repaired, or replaced in accordance with the acoustical consultant's recommendations, as specified above, by the Property Owner.
8. That Applicant and all other commercial occupants that utilize ground-mounted air conditioning units shall shut down their a.c. chilling units *entirely* between one-half hour after normal business closing and one-half hour before preparations for business opening. Exceptions may be allowed for times of non-business hour occupancy and when the night time temperature exceeds 90° F.
9. That the Property Owner corrects the existing zoning violation by relocating Humidor's air conditioning unit to the roof.

Rear Yard and Alley

Issue: The poor circulation and parking disarray in the rear yard and alley defy description.

Issue: During the approval process of PD #37, an orderly plan of circulation, parking, and loading was illustrated—even to the point of including a small amount of landscaping. This was a clear and intentional deception; everyone was led to believe that the commercial air conditioning units would be placed on the roof.

A valid site plan is badly needed, and placement of the additional employee parking spaces and air conditioning units increases this need. We request that the following condition be added to the Special Use Permit:

- 10. That air conditioning equipment placement and any rear-yard employee parking spaces for the Applicant be designated, identified, delineated in accordance with a professionally designed and rendered site plan for the entire rear yard and alley area. Parking and loading areas shall comply with the parking and loading standards specified in Article 28.1400 of the Village Zoning Ordinance. Any deviations from these standards shall be approved as a Variance by the Zoning Board of Appeals. Agreement to this provision shall be required by the Property Owner as a condition of Special Use Permit approval, the site plan shall be reviewed and approved by the Community Development Department and/or City Engineer before implementation, and the implementation of striping and any other needed site improvements shall be completed before the Applicant opens for business.

We believe that these requests are reasonable, are inexpensive, and will effectively preserve property values. They simply make good sense for downtown mixed-use developments, anywhere. As the Village addresses future AOTG modifications and other projects of this nature, we would hope that the Plan Commission and Village Council give strong consideration to improved development standards that would ensure greater harmony between residential and commercial occupancies.

Thank you for considering this request.

Respectfully,

Residents of Acadia on the Green, Building #1.

_____ Mac Birch

_____ Angela Birch

_____ Pat Marengo, Association Board Member

_____ Jack Marengo

_____ Kim Sullivan, Association Board Member

(more will sign the final)

945 Burlington Avenue
Downers Grove, Illinois 60515

January 28, 2010

Mr. Jeff O'Brien, AICP
Community Development Department
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515-4776

Re: File PC-01-10, ATI Physical Therapy and Fitness Center at 939 Burlington Avenue

Dear Mr. O'Brien, Plan Commission Members, and Village Council Members:

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- Location of refuse storage and appropriate hours of collection.
- Air conditioner location, noise, and number of proposed units, and lack of soundproofing measures.
- Employee parking and circulation in the rear yard and alley.

Because this is a Special Use Permit, the Village Council has the authority to require modifications to the Applicant's proposal, require the Property Owner to make building and site modifications, and establish reasonable restrictions on activities associated with the proposed occupancy as conditions for approval. Therefore, we request that, in granting the Special Use Permit, you also specify that a number of conditions be met that will reduce the potential for conflict. Meeting these conditions will most likely entail a continuation of the public hearing until additional information can be provided by the Applicant and Building Owner.

Refuse Disposal

Refuse storage and collection have been serious issues since the first AOTG commercial occupant opened for business and have continued even after the alley was paved. Please consider the following:

Issue: At present time, the refuse container shelter at the south edge of the property is used only by the Egg Harbor Café. The Building Owner gave permission to Capri Ristorante to keep its containers in the open.

Issue: The Property Owner is allowing Giordano's Pizza to keep its large refuse container and grease container on AOTG property, in the open.

Issue: Scavenger collection and grease trap pumping services continue to blatantly disregard Village prohibitions for pickups before 6:00 a.m. on weekdays. The beeping reverse horns and loud clattering of garbage trucks continue to disrupt residents in the very early morning hours.

To prevent this ugly and unsettling situation from getting worse, we recommend the following conditions:

1. That the Applicant agrees to store all refuse containers in the existing shelter that is situated at the southwest corner of the property.
2. The Applicant, and all other commercial occupants, shall contract with the same refuse scavenger company as a measure to optimize collection activities.
3. That the Applicant shall, when arranging pickup service with the refuse scavenger, include a contractual provision that pickups be conducted between the hours of 7:00 a.m. and 10:00 p.m. on weekdays, between 8:00 a.m. and 10:00 p.m. on Saturdays, and no pickups on Sundays or holidays.
4. That the periodic emptying of the building's common underground grease trap also be performed only during the same hours specified above.
5. That the Property Owner shall coordinate with Giordano's Pizza to determine a more suitable location, configuration, and screening of its refuse and grease container.

Air Conditioning Equipment

Ground-mounted air conditioning equipment for the existing commercial occupants is poorly located and stunningly loud when heard from above.

Issue: The two units for Egg Harbor Café are poorly muffled and have been situated beneath residence windows and balconies. The units themselves have dual-speed reciprocating compressors that flip from one mode to another several times per minute, producing a two-pitched "singing" noise that is especially disturbing.

Issue: To our knowledge, the Village of Downers Grove does not have any regulations or performance standards regarding air conditioner noise at adjoining property lines.

The issues above are aggravated because, during the AOTG PD #37 approval process and during pre-construction sales of condominiums, there were no indications of ground-level air conditioning units or pads depicted in any submitted site plans or promotional literature. Had homebuyers known that the rear yard would eventually become the site of an intensive air conditioning "condenser farm," they might have reconsidered or renegotiated their purchases. (Because this information was omitted in the original PUD

#37 application, one could reasonably conjecture that the building permit for installation of the existing Egg Harbor air conditioning units was issued in error, and that the site plan in the PD agreement associated with Village Ordinance 4413 should be amended before that error is magnified.)

Issue: The Building Owner is proposing the installation of four more air conditioning units. The Property Owner's representative expressed the intent to install the additional units on the ground, near the wall of the building in a similar fashion as Egg Harbor's. This was stated during a "courtesy" meeting with the condominium property manager and two of the home owners' association board members—after being advised by the Village to do so. It was made clear by the representative in this meeting that board members' opinions "would not affect the placement of the [air conditioning] units."

Issue: The air conditioning unit that serves Humidor is mounted on the exterior wall and encroaches into the required side-yard of the property. The unit was either installed without a permit, or that permit was issued in error. (This issue is raised under the premise that a Special Use Permit for a new occupancy should not be approved until all previous zoning violations have been corrected.)

To minimize air conditioner noise and to correct the existing zoning violation(s), we request that the following conditions be added to the Special Use Permit:

6. That the Property Owner engages the services of an acoustical consultant (such as Shiner + Associates of Chicago) that has expertise in mechanical equipment sound control and attenuation for multifamily residential projects in DuPage County. In adhering to the consultant's recommendations, the Property Owner shall install the quietest equipment available on the market, shall provide the maximum available muffling and baffling, shall make every reasonable effort to redirect vertical noise away from the condominium units, and shall follow any other recommendations of the consultant. The findings and recommendations of the acoustical consultant shall be made available to the Village staff, Plan Commission, and public before any recommendation this Special Use Permit is forwarded to the Village Council.
7. That Egg Harbor Café's air conditioning units shall be retrofitted, adjusted, relocated, repaired, or replaced in accordance with the acoustical consultant's recommendations, as specified above, by the Property Owner.
8. That Applicant and all other commercial occupants that utilize ground-mounted air conditioning units shall shut down their a.c. chilling units *entirely* between one-half hour after normal business closing and one-half hour before preparations for business opening. Exceptions may be allowed for times of non-business hour occupancy and when the night time temperature exceeds 90° F.
9. That the Property Owner corrects the existing zoning violation by relocating Humidor's air conditioning unit to the roof.

Rear Yard and Alley

Issue: The poor circulation and parking disarray in the rear yard and alley defy description.

Issue: During the approval process of PD #37, an orderly plan of circulation, parking, and loading was illustrated—even to the point of including a small amount of landscaping. This was a clear and intentional deception; everyone was led to believe that the commercial air conditioning units would be placed on the roof.

A valid site plan is badly needed, and placement of the additional employee parking spaces and air conditioning units increases this need. We request that the following condition be added to the Special Use Permit:

- 10. That air conditioning equipment placement and any rear-yard employee parking spaces for the Applicant be designated, identified, delineated in accordance with a professionally designed and rendered site plan for the entire rear yard and alley area. Parking and loading areas shall comply with the parking and loading standards specified in Article 28.1400 of the Village Zoning Ordinance. Any deviations from these standards shall be approved as a Variance by the Zoning Board of Appeals. Agreement to this provision shall be required by the Property Owner as a condition of Special Use Permit approval, the site plan shall be reviewed and approved by the Community Development Department and/or City Engineer before implementation, and the implementation of striping and any other needed site improvements shall be completed before the Applicant opens for business.

We believe that these requests are reasonable, are inexpensive, and will effectively preserve property values. They simply make good sense for downtown mixed-use developments, anywhere. As the Village addresses future AOTG modifications and other projects of this nature, we would hope that the Plan Commission and Village Council give strong consideration to improved development standards that would ensure greater harmony between residential and commercial occupancies.

Thank you for considering this request.

Respectfully,

Residents of Acadia on the Green, Building #1.

_____ Mac Birch
_____ Angela Birch
_____ Pat Marengo, Association Board Member
_____ Jack Marengo
_____ Kim Sullivan, Association Board Member

(more will sign the final)

PC 01-10 A petitioner seeking a Special Use Approval and a Health and Fitness Club in the Downtown Business District at the Southwest Corner of the Intersection of Burlington and Mochel Drive (commonly known as 945 Burlington Avenue, Downers Grove, IL); Chris Orr ATI Physical Therapy, Petitioner; Acadia on the Green, LLC, Owner.

Chairman Jirik swore in those individuals who would be speaking on File PC 01-10.

Mr. Popovich explained the request is for a Special Use approval for a health and fitness club in the Downtown Business District at 939 Burlington Avenue in Building 1 of the Acadia on the Green development. A site map of the property was presented on the overhead. Mr. Popovich stated there had already been public discussion at the Village Council-level in October 2009 during the process amending the Redevelopment Agreement for Acadia on the Green to permit ATI to locate in the building. Per staff, the change in the Redevelopment Agreement revised the 90/10 mix of retail versus non-retail uses to a mix that would allow the proposed business on the site. Council believed the use would be compatible with the Downtown Business District and the Future Land Use Plan.

Mr. Popovich reported that ATI will lease the remaining 10,000 sq. feet of Building No. 1. He reviewed the floor plan for the health club. Exterior work will include the relocation of the HVAC units on the west side of the building and signage on the main facades.

Staff believes the proposal meets the goals of the Future Land Use Map and the Downtown Business District. Staff is working with the petitioner to screen the HVAC units for any noise. As to parking, all parking will be street parking or in the parking garage. Fire Prevention has reviewed the plans and has no comments for the Special Use approval.

Jeff O'Brien, referenced neighborhood comments placed on the dais regarding this petition. Specifically, a letter received from Ms. Mary Hoberg supported the petition. He noted a second letter from Building 1 residents supported the use, but cited a number of issues, including how the HVAC units, garbage dumpsters, and parking would be addressed. Mr. O'Brien indicated some of the concerns were related to existing conditions in the alley. He stated the Plan Commission should only focus on the concerns as they directly relate to the proposed use for ATI. Other concerns about the larger Acadia on the Green PD approvals should be discussed in other forums.

Mr. O'Brien briefly described how ATI and staff were working to correct the HVAC, garbage and parking issues related to tonight's petition.

Per questions, Mr. O'Brien confirmed there was a concrete floor separation between the commercial spaces and the residential units above them. As to the Commission requiring noise abatements for any HVAC units, Mr. O'Brien confirmed the Commission could add specific conditions for the new units to their recommendation. In observing the alley and the various dumpsters, Mr. Beggs asked staff what he was to consider for tonight's meeting. Mr. O'Brien stated the Plan Commission should only focus on the impacts that could be directly attributed to ATI.

Asked if the special use was specific to the area outlined, Mr. O'Brien explained that the special use was specific to the number of square footage of the use but that generally staff confirms the square footage that is allowed is what the Plan Commission has approved. In this case, he explained, the square footage will be limited due to tenants being on either side of the use. Chairman Jirik confirmed with staff that the special use request was for approval of a 10,000 sq. foot health and fitness club and not to a specific part of the building. The chairman suggested placing verbiage to "specify as shown on the plan." Staff concurred.

Asked if the petitioner could release some of its space in the future either to continue the special use or to release it out of health and fitness, Mr. O'Brien stated the petitioner could release it for another permitted use. Mr. O'Brien stated the Village typically allows the property owners to convert special uses to permitted uses without additional review from the Plan Commission or Village Council. Mr. O'Brien recalled there was a general plan approved for the alley area. In response to Mrs. Rabatah's question about the delineation of space between the fitness center and physical therapy space, Mr. O'Brien explained the delineation was fine as long as the interior space remains largely the physical therapy and fitness center and does not negatively impact the health, safety, and welfare of the community.

Mr. Webster asked for clarification of how the space can be revised. Mr. O'Brien stated the interior space could be re-arranged provided the overall use was substantially the same.

Mr. Joel Spaulding, New England Builders, 4927 Main Street, Skokie, Illinois, introduced himself. Mr. Chris Rintz, New England Builders, 4927 Main Street, Skokie, Illinois, owner of the retail portion for Acadia on the Green, introduced himself. Chairman Jirik swore in Mr. Chris Rintz.

Mr. Spaulding stated he agreed with staff's recommendation. However, as to the HVAC units, he said a permit was in place to install what was depicted on the original plans for Building 1. The units were placed tighter together, but he offered to return the units to where they were permitted. He intends to make ATI use the dumpster enclosure at the southern end of the site. As he understood it, the Giordano's dumpsters would remain on their own property. To date, there was no parking for the ATI employees on-site.

Mr. Rintz proceeded to explain the special use under the Redevelopment Agreement. Specifically, the special use permit is attached to ATI and in the event should ATI leave, the special use permit would terminate and the original requirements of the Redevelopment Agreement would return. The petitioner would then be required to return for another special use request from the 90/10 use. Per Mr. Rintz, the Redevelopment Agreement stays with the property (as recorded) as long as the property is located there.

Per Mr. Waechtler's question about the hours of operation, Mr. Rintz explained the trend in fitness is a 24-hour fitness center and he envisions that if there is no demonstrated use for the late hours, that ATI would probably not keep staff for those hours. As to the confirmation of concrete between the first floor and the condominium units, Mr. Rintz stated there was a "four-hour" fire wall separation (concrete barrier; 12 inches) between the two. Also, in the lease, specific language addresses the sound transmission that is allowed to travel or pass between the

floors. No fixed sound equipment can be affixed to the underside of the structure. Per Mr. Waechtler's question Mr. Rintz stated there was a mixed use facility in Bartlett Center similar to the one being proposed.

Chairman Jirik opened up the meeting to public comment.

Mr. Mac Birch, 945 Burlington Avenue, Unit #412, Downers Grove, referenced his letter to the village, which is in support of the proposal. He believes the proposal will be an asset to the building and to the area. His concerns, which already appeared to be addressed, included the handling of the dumpsters. He proceeded to explain the various noise issues from haulers, times that the haulers arrive, and whether it was a code enforcement issue. Mr. Birch stated that when he purchased his unit, he reviewed the approved Planned Development plans and did not see any reference to the location of the units in the rear yard. Therefore, he assumed the units would be placed on the roof. He stated he was surprised when the units for Egg Harbor were placed in alley and were again shown for the proposed build-out for ATI. He stated the existing units were not screened and when screening is installed for the new units the condominium owners also needed to be screened. Mr. Birch believed the HVAC units could still be placed on the roof. He voiced concern about the noise of the HVAC units running 24-hours versus stopping after certain times. He recommended that the building owner work with an acoustical consultant to reduce the sound of the HVAC units. Lastly, in addressing parking, Mr. Birch felt staff addressed the parking appropriately but felt that a unified site plan which addresses the HVAC units, parking and dumpsters could be crafted.

Mr. Birch suggested that this Commission recommend to the Village Council certain provisions on the special use permit that will ensure the developer completes the build-out correctly and tastefully. Mr. Birch presented two sketches, based on the applicant's site plan, of what the alley proposal could look like (Alternative 1 and 2). Details of both alternatives followed, along with some of the challenges for the area. He preferred Alternative 2 and stated the additional landscaping would soften the area. He hoped the recommendations in his letter would be forwarded to the Village Council.

No further public comment received. Chairman Jirik closed the meeting to public comment.

In response to the public comments, Mr. Rintz reported that since November 2006 the configuration of the HVAC units, as shown, was part of the architectural and mechanical drawings and was planned accordingly. Permits had been received according to the plans. Mr. Rintz stated there was no deception or intent to deceive the residents. He stated he was open to addressing some of the issues being raised but he stated he did not think it was fair to begin changing plans at this point. Having been made aware of the parking that was occurring in the alley area, he explained that he could have easily addressed the issue by contacting Egg Harbor. He pointed out no parking was approved for or permitted on the Acadia on the Green property and that employees for the commercial users should be parking at the nearby public parking deck.

He stated ATI would be using the existing dumpster. The dumpster location was chosen as specified by the Village. Since the building was 100% leased, he offered to speak to all tenants

of the building and members of the condo association to address the dumpster issues in the alley or address any sound issues. As to planting landscaping, he did not believe it would last because of the hot pavement during the summer.

Mr. Waechtler disagreed about the landscaping idea and believed it would survive if someone watered it. Mr. Matejczyk believed many of the issues being raised are between the developer and the homeowners association and these concerns should have been communicated to Mr. Rintz through the condo association. Mr. Matejczyk encouraged Mr. Rintz to continue the dialogue with the homeowners association. Mr. Rintz stated he has been in communication with the condo association's building manager to solve some of the issues.

Mr. Webster supported the project. He agreed that the HVAC units were permitted in the alley, but adding more HVAC units would make the area less desirable and the noise needed to be addressed. He thought the parking and garbage issues were adequately addressed by the property owner. He indicated that staff's recommendations for noise baffling should be included in the recommendation. Chairman Jirik summarized his own thoughts on the matter: 1) enforce parking in the parking deck; not in the alley; 2) staff's recommendation regarding the noise (adding more some sound-proofing); and 3) promote collaboration with regard to garbage pick-up to reduce disorder and disturbances. Chairman Jirik emphasized that the noise issue had to be addressed very carefully.

Ms. Hamernik indicated that she was having a tough time placing conditions on the request. She stated there were clearly issues with the current use of the alley. She stated that she felt compelled to add conditions to the ATI request, but did not think that the current conditions would be entirely corrected or worsened by this proposal. She believed the concerns in the alley were due to poor planning on the Village's part. Ms. Hamernik concurred that the current dumpster enclosure was too small and there was not enough delineation of property lines which was a site plan issue. However, she thought the proposal to place another dumpster enclosure in the alley was a good idea.

Mr. Beggs agreed the alley was crowded and questioned whether code enforcement could solve the matter. He stated the dialogue between the developer and homeowners association should continue. He stated a commercial tenant was always contemplated for the space, the HVAC units were also contemplated, as the permits were issued. Therefore, he could not attach conditions to ATI's request to correct situations that were granted initially. He believed it was up to the Village Council to discuss any remedial measures for the proposal. Mr. Beggs stated the two private parties should continue to work on the issues related to the alley.

As to attaching conditions to the Special Use permit, Chairman Jirik suggested a middle ground by strongly encouraging the petitioner to have dialogue and not mandating conditions. Some commissioners agreed that the conversation should take place between the property owner, the condo association, and the tenants, not the Plan Commission. Mr. Waechtler concurred, reminding the commissioners what the real issue was the special use request met the Village's standards and whether it was compatible with the surrounding zoning and land use classifications. The Chairman agreed explaining that as long as pre-existing conditions are unaffected by the special use and the use does not exacerbate a difficult condition.

The Commissioners proceeded to review each of the four standards to see if the standards were being met. Commissioners agreed that Standards A, C and D were met but that Standard B required some additional discussion.

Specifically, Mr. Webster pointed out that whether the petitioner was ATI or a jewelry store, the fact remained that the HVAC units would still have to be installed on the ground as was permitted initially and the fact that the Commission was now listening to dialog taking place between the tenants who purchased units in the building and the person who sold them the units, and not having the same idea of what was going to be acceptable conditions under which to live. Mr. Webster believed the Commissioners needed to stay out of the latter. Arguing his rationale for Standard B, Mr. Webster stated that having the ATI physical therapy use did not make the situation any better or any worse than any other tenant that could come in as a permitted use without review by this Commission or Village Council, which could make the situation worse. Mrs. Rabatah concurred and also agreed that it was poor planning initially. She encouraged the parties to continue their dialog outside the motion because residents were being affected.

WITH RESPECT TO PC 01-10, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL.

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

**AYE: MR. BEGGS, MR. MATEJCZYK, MR. COZZO, MRS. HAMERNICK,
MRS. RABATAH, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK
NAY: NONE**

MOTION CARRIED. VOTE: 8-0

Chairman Jirik stated the Plan Commission had a thorough discussion on the proposed use and the issues in the alley. He continued that the Commission identified pre-existing conditions in the alley with regard to noise, parking, dumpsters and other planning issues. The Commission found these issues to be pre-existing and materially affected by the ATI petition. The Plan Commission believed the issues deserved continue dialogue.

The Plan Commission concurred with Chairman Jirik's sentiments.

Popovich, Stanley

From: OBrien, Jeff
Sent: Friday, January 29, 2010 8:14 AM
To: Popovich, Stanley
Subject: FW: Public Hearing for ATI PT and Fitness Center

Letter of support for ATI.

Jeff O'Brien, AICP
Planning Manager
Village of Downers Grove

-----Original Message-----

From: Mary Hoberg [mailto:mary.hoberg@gmail.com]
Sent: Friday, January 29, 2010 5:52 AM
To: OBrien, Jeff
Subject: Public Hearing for ATI PT and Fitness Center

Jeff, would you please include this email for the record for the public hearing regarding ATI Physical Therapy and Fitness Center?

My name is Mary Hoberg, 930 Curtiss, Unit 207, Downers Grove. As a resident of Acadia, Building 2, I would like to express my support for the proposal to award a Special Use designation for ATI to operate in Acadia Building 1.

I often find it quite ironic that millions of people are forced to climb into their cars to drive to a facility to get exercise. I look forward to walking to an exercise facility for my fitness routine and I hope this sentiment is shared by other residents who live within at least a mile. I think this would cover quite a few households and hopefully keep some cars off the road. At the very least, it could be a vibrant meeting place for the hundreds of apartment and condo dwellers in the immediate downtown area who will surely walk to such a close destination.

To help encourage people to stay out of their cars, I hope that the village can install more bike racks in the immediate vicinity for people to park bikes near the proposed fitness center and grocery store.

Thank you,

Mary Hoberg
930 Curtiss Street, Unit 207
Downers Grove
630-708-0355

945 Burlington Avenue
Downers Grove, Illinois 60515

Rec'd @
2/11/10 Hearing
PJZ

January 28, 2010

Mr. Jeff O'Brien, AICP
Community Development Department
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515-4776

Re: File PC-01-10, ATI Physical Therapy and Fitness Center at 939 Burlington Avenue

Dear Mr. O'Brien, Plan Commission Members, and Village Council Members:

The undersigned residents of Acadia on the Green wish to go on record as being in favor of the applicant's request to locate the ATI Physical Therapy and Fitness Center at 939 Burlington Avenue. It is a suitable occupancy of the building's commercial space and will be an asset to Downtown and all of Downers Grove.

We do, however, request that the Village takes measures to ensure that the certain aspects related to the occupancy of this space are compatible with the residential occupancies of the upper-floor condominiums, as we are concerned that some factors related to this occupancy will, if unmitigated, create or increase existing disturbances to building residents. In particular, we are anxious about noise and activities in the rear yard and alley of the structure:

- Location of refuse storage and appropriate hours of collection.
- Air conditioner location, noise, and number of proposed units, and lack of soundproofing measures.
- Employee parking and circulation in the rear yard and alley.

Because this is a Special Use Permit, the Village Council has the authority to require modifications to the Applicant's proposal, require the Property Owner to make building and site modifications, and establish reasonable restrictions on activities associated with the proposed occupancy as conditions for approval. Therefore, we request that, in granting the Special Use Permit, you also specify that a number of conditions be met that will reduce the potential for conflict. Meeting these conditions will most likely entail a continuation of the public hearing until additional information can be provided by the Applicant and Building Owner.

Refuse Disposal

Refuse storage and collection have been serious issues since the first AOTG commercial occupant opened for business and have continued even after the alley was paved. Please consider the following:

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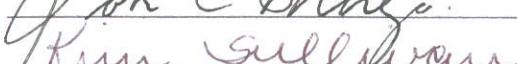

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Thank you for considering this request.

Respectfully,

Residents of Acadia on the Green, Building #1.

	Mac Birch
	Angela Birch
	Pat Marengo, Association Board Member
	John Marengo
	Kim Sullivan, Association Board Member

Kristen Schomer mb

Kristen Schomer, Board Member

Tom Williams

Tom Williams

Brian Mulhall

Brian Mulhall, Unit 214

Vincent A. Burchi

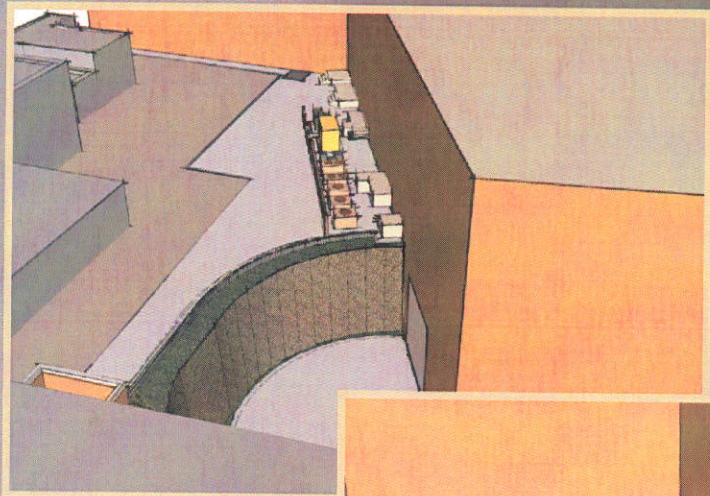
President AOTG Bldg 1 Assoc. Board

Rec'd @ Public Hearing
2/1/10 PSM

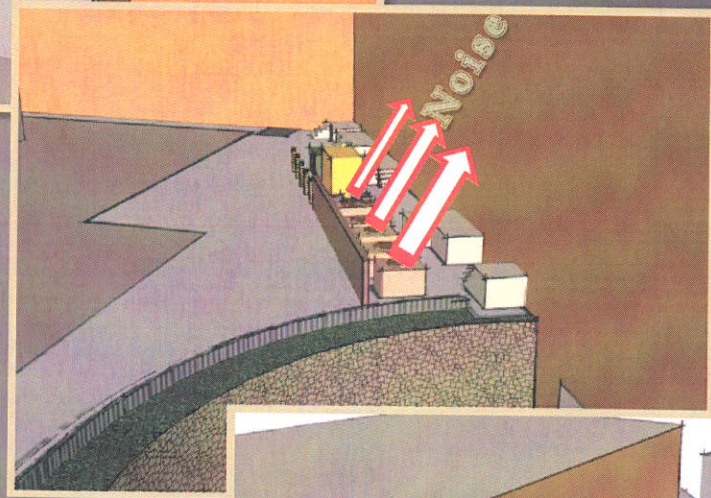
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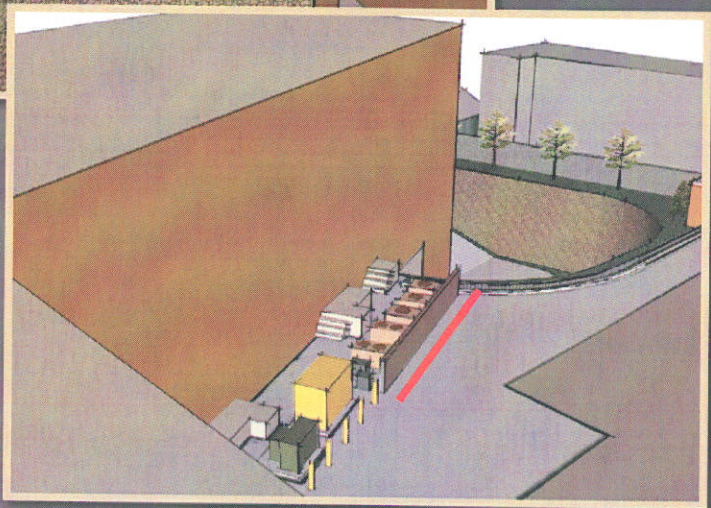
AS PROPOSED BY NEB



No inward screening: Neglects Condominium residents

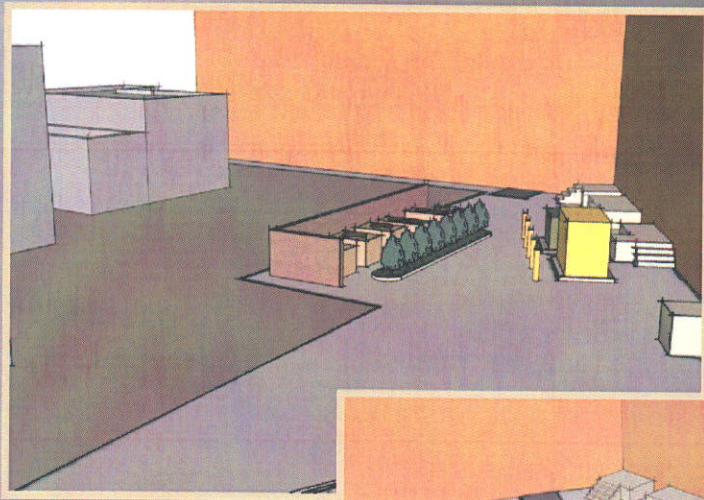


Wall or Fence reflects noise upward



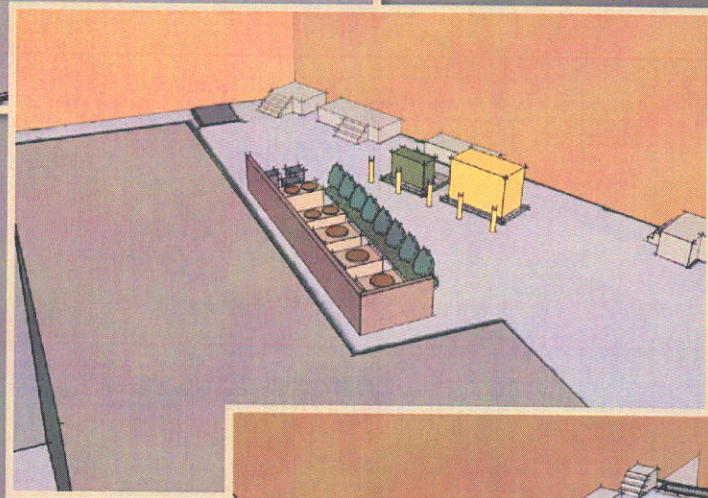
Wall/Fence blocks egress from required fire exits!!

ALTERNATIVE 1

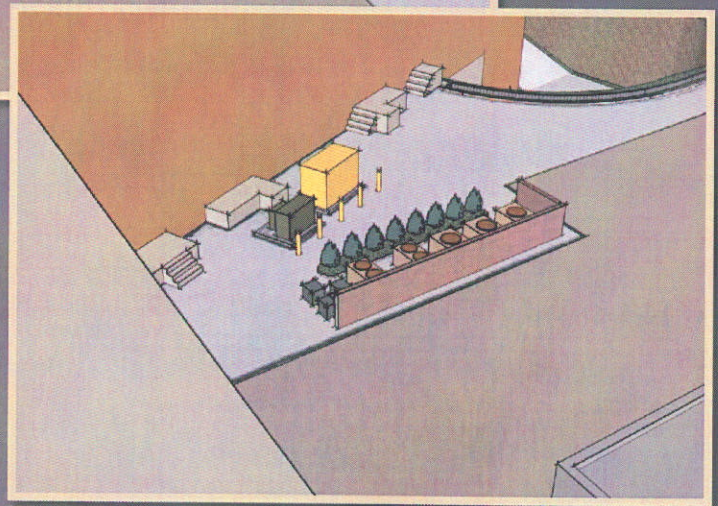


Moves
equipment away
from building
wall

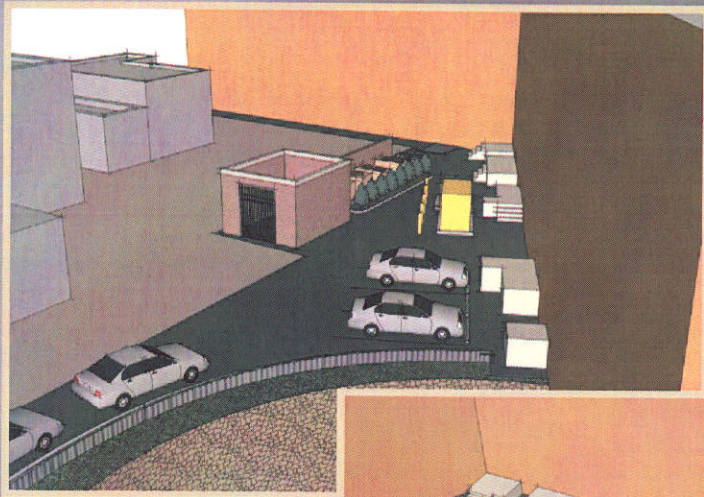
Landscaping
provides noise
absorption



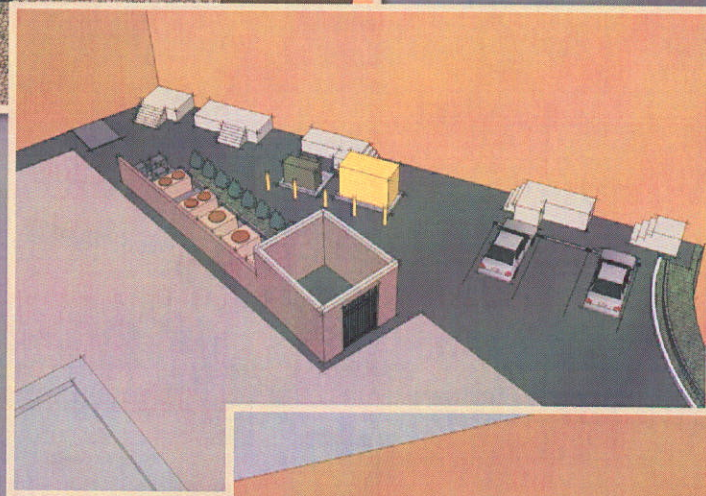
Allows large
open area for Egg
Harbor Café
deliveries



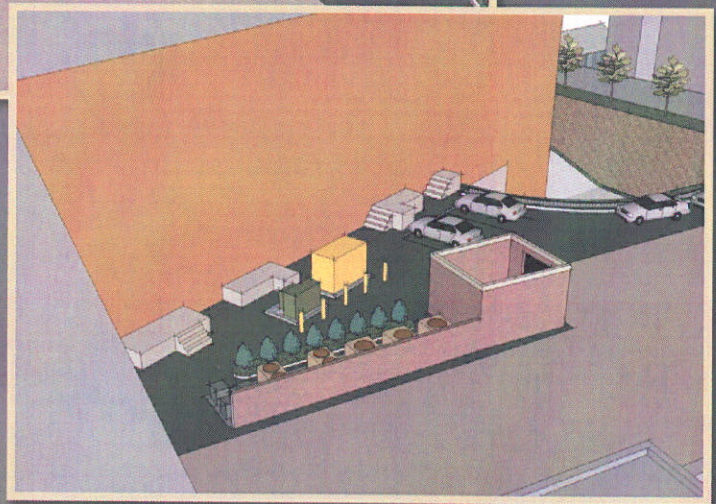
ALTERNATIVE 2



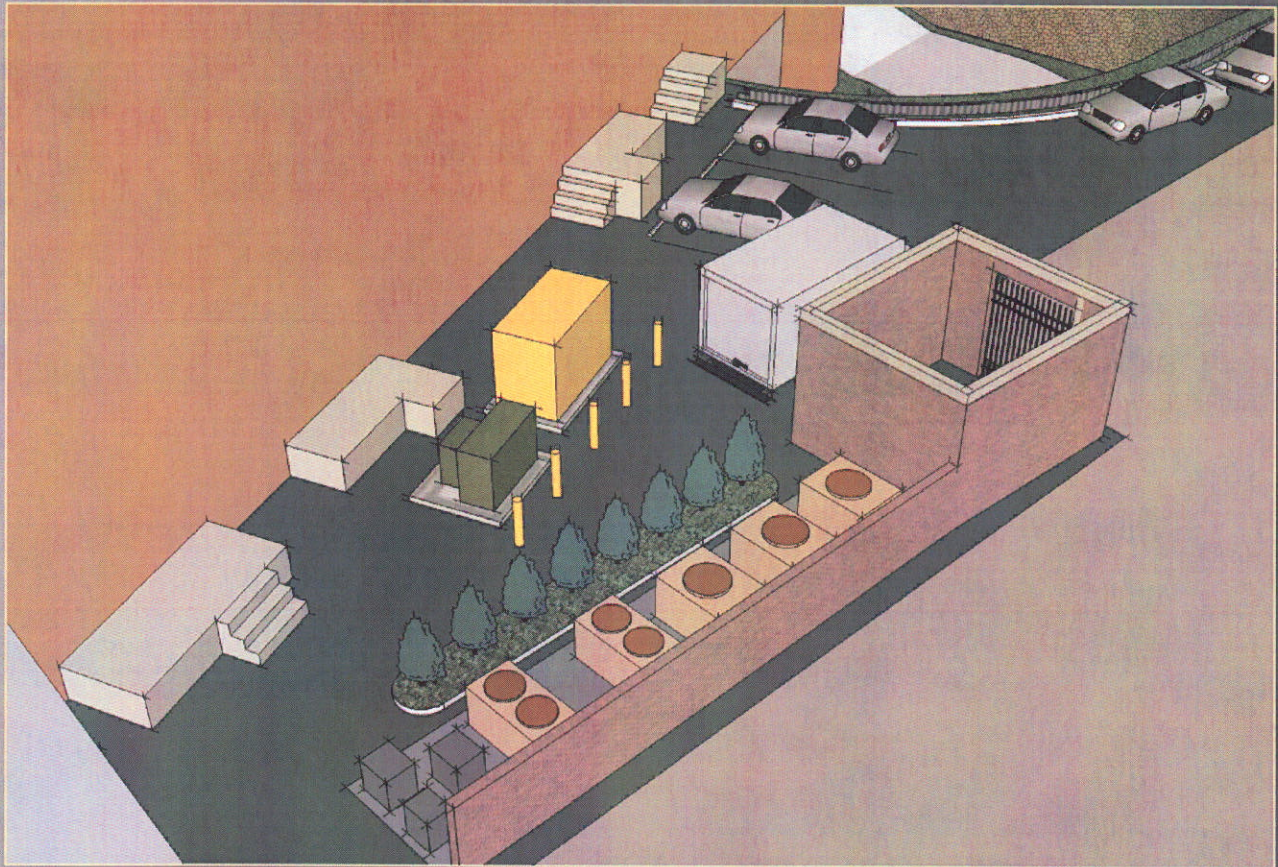
Additional refuse container shed for Capri, ATI, and Condominium use.



Abundant space remains for parking and loading.



PROBLEMS SOLVED!



- Complies with off-site screening requirements.
- Moves equipment away from building wall.
- Landscaping absorbs noise and improves yard appearance.
- Includes well-sited, badly needed refuse container shelter.
- Provides well-defined parking and loading areas.
- Helps to define AOTG property and protects neighbor's yard and parking area