

**Village of Downers Grove
Community Events Commission
Council Chambers
Downers Grove Village Hall
January 28, 2010**

PRESENT: Chairman Geoff Neustadt, Mr. Dave Humphreys, Mr. Scott Jacaway, Ms. Colleen Mahoney, Ms. Patti Marino, Ms. Ellen Pendola, Ms. Becky Rheintgen, Mr. Rich Szydlo

Staff: Ms. Mary Scalzetti, Mr. David Fieldman, Ms. Jamie Belongia

ABSENT: None

GUESTS: Dakota Foster, Michelle Wauer, Ed Di Joseph, Kyle Di Joseph, Brianna Richardson, Rachel Pineda, Mark Thoman, Todd Gallentine, Marge Earl, Ed Earl

I. APPROVAL OF JANUARY 7, 2010 MEETING MINUTES

Ms. Rheintgen motioned to approve January 7, 2010 minutes with no additions or corrections. Ms. Pendola seconded this motion. Minutes were approved unanimously

II. DIRECTOR'S REPORT

a. Brain Storming Event Session (continued)

Ms. Scalzetti stated that staff has received and is in the process of reviewing applications from the Art Council and Rotary Club for events in 2010. The Commission will receive a staff report and recommendations on these proposals at the February 18th Commission meeting where they will be asked to review the applications and make a recommendation to Council. Following the February 18th Commission meeting, the Commission will return to its current task. Mr. Humphreys inquired about when the materials will be distributed for the February 18th meeting. Chairman Neustadt added that Emmett's Ale House may also be submitting an application. Mary added that there was also a potential youth group. Manager Dave Fieldman facilitated the following brainstorming exercise.

Manager Fieldman reminded the Commission of the results from the previous brainstorming session. The top three reasons we host community events include:

1. Economic Impact
2. Have Fun (community, residents, visitors)
3. Generate Sales


Staff categorized reasons we host community events in five categories and asked the commission to verify these as reasons to host community events. The reasons were as follows:

- Improve the Local Economy
- Provide Entertainment
- Provide a Sense of Community
- Increase Awareness of Downers Grove
- Provide Partnership Opportunities


The Commission agreed that the reasons we host community events are represented somewhere on this list. Mr. Humphreys noted that the general statement of “aiding not-for-profit-organizations” does fit into “providing partnership opportunities” but may get lost. Some discussion occurred related to the order of the reasons. Manager Fieldman summarized the Commissions response to the staff categories. Staff should not lose site of not-for-profits and note that “provide entertainment” is a means for accomplishing the other items. Yet, this list is representative of reasons the Village hosts community events.

Brainstorming Exercise

Manager Fieldman noted that the results of today’s exercise will be used in conjunction with the previous session for staff to draft recommendations (options) for events going forward. The following tables represent the Commission’s brainstorming exercises.

Question: Who should attend the events?	
<p>Desired Attendees:</p> <p>Residents</p> <ul style="list-style-type: none"> • Adults • Teens • Family (kids) <p>Nonresidents</p> <ul style="list-style-type: none"> • “Day-Visitors” • “Over-night” Visitors <ul style="list-style-type: none"> • Adults • Teens <p>Family (kids)</p>	<p>Priority Order:</p> <p>Downers Grove Residents</p> <div style="text-align: center;">  </div> <p>Over-night Non Resident</p>
<p>Comments:</p> <p>Ms. Pendola mentioned the importance of regional/out-of-state event attendees. Mr. Jacaway noted that Downers Grove residents should come first and that we need to take care of our own people. Mr. Szydlo agreed but reminded the commission of their revenue neutral goal and that non residents subsidize events for residents. Without non residents, the burden for paying for the event falls to the resident. Chairman Neustadt agreed that we should start by targeting residents of Downers Grove but ensure promotion is extended via marketing and communication tools to nonresidents. Non residents benefit the resident.</p>	

Question: Who benefits from events?
<p>Residents</p> <p>Local Businesses</p> <p>Not-for-profits</p> <p>Village (by covering costs)</p> <p>Community</p>
<p>Comments:</p> <p>Ms. Scalzetti noted that “awareness” of business is a big issue. Ms. Pendola agreed that the marketing element should not be lost.</p>

Question: Who should pay for the events?	
Non Residents Vendors Sponsors Residents	Priority Order: Non Residents  Residents
Comments: Manager Fieldman noted that the conflicting and contradictory nature of who benefits and who pays may suggest a series of small events which can achieve all of the desired outcomes. Mr. Humphries stated Manager Fieldman hit the nail on the head and that these deliverables suggest different kinds of events.	

Question: What types of events?
Historical Convention Sporting-spectator Athletic-paricipatory and spectator Competitive-food, ice, art Fest-music, food, drinking Arts-vending Crafts Auto Amusement Music Film Theatre Comedy Parade Fireworks Corporate
Comments: Mr. Humphries thought parameters should be set around corporate because community events are “open to the public” by definition versus corporate events and conventions.

Question: Where should events be held and why?
Downtown—awareness of business/ease of access to train/heart of community Parks—control entry and exit/neighborhood access/open space, grand stands Schools—grandstands/open space/parking Shopping Centers—open space, big lots Businesses Tivoli Recreation Center Lincoln Center

Golf Course Hotels Block/neighborhoods (make block parties bigger and better)

Question: What size events should we hold?
Start small Medium Doesn't change the day to day operations of the Village Ease in Minimize financial risk Manage crowd Minimize external impacts Match financial means Positive customer experience
Comment: Manager Fieldman summarized this discussion that the Commission is open to any number of sized events so long as the size matches the funding, audience and desired outcomes. Ms. Pendola mentioned that the Village should not be perceived as the event "sponsor." Chairman Neustadt noted that there is already a new plan review process for events which will allow for any number of sized events in the Village.

Question: How many events?
Match supply and demand 5 or 6 At least one each season
Comment: Similar to size, Manager Fieldman summarized this discussion that the Commission is open to any number events so long as the events match the parameters set by Council.

Ms. Marino reminded the Commission that feeling a sense of community is important. Events bring the community together and this should be remembered. Manager Fieldman asked if the Commission was open to cooperative events with neighboring towns and the Commission responded affirmatively. Chairman Neustadt stated the importance of putting a policy in place that is equitable and allows not-for-profits to know what types of events will be approved.

III. PUBLIC COMMENT

Tod Galentine, resident and member of the Downers Grove Rotary, noted that the Rotary had submitted an application for an event this year. He reminded the Commission that going forward, event planning deals with a lot of logistics and takes time. He asked what the process is if two groups plan to hold events on the same day? And what the timeline for the application procedure is? Chairman Neustadt responded that he hopes groups will work together in planning events and that the process is flexible and flowing. Ms. Scalzetti reiterated the planned review of the application on February 18th by the Commission and likely Council approval in March.

Kyle DiJoseph and Rachel Pineda, residents, updated Council regarding their ideas about an event to target youth in the community. Chairman Neustadt noted that the video information they provided will be distributed to the Commission and that Ms. Scalzetti could assist them. Mr. Galentino noted that the Rotary was planning some youth activities and there may be an opportunity to work together.

IV. OLD BUSINESS

None

V. NEW BUSINESS

None

VI. ADJOURNMENT

Chairman Neustadt thanked guests for their participation and a motion was made to adjourn the meeting.

The next meeting is scheduled for February 18th, 2010.

APPROVED 3/23/10

VILLAGE OF DOWNERS GROVE
COMPREHENSIVE PLAN COMMITTEE
PUBLIC MEETING

FEBRUARY 10, 2010, 7:00 P.M.

Chairman White called the February 10, 2010 meeting of the Comprehensive Plan Committee to order at 7:00 p.m.:

PRESENT: Chairman White, Mr. Beggs, Mr. Davenport, Mrs. Earl, Mrs. Hamernik, Mr. Jacobs, Mr. Jirik, Mr. Thoman, Mr. Wendt

ABSENT: None

STAFF PRESENT: Tom Dabareiner, Community Development Director; Jeff O'Brien, Planning Manager; John Houseal, Houseal Lavigne Associates; Devin Lavigne, Houseal Lavigne Associates; Courtney Owen, Houseal Lavigne Associates

VISITORS: Mr. Rich Bollow (unconfirmed member), Mrs. Margy Sigerich (unconfirmed member), Commissioner Bob Barnett, Greg Bedalov, John Schofield

John Houseal welcomed the Committee and introduced himself and the team from Houseal Lavigne Associates. Mr. Houseal explained the general purpose of the meeting. He explained that the Committee meetings would be informal in nature and would be akin to working group meetings.

Introductions of the Committee members followed.

Mr. Houseal explained the expectations for the group. He noted that they were not expecting the members to be experts in each of the topics covered by the comprehensive plan. Rather, the Village was seeking a cross-section of the community to help guide the drafting of the final document. This group's collective day-to-day experience of the Village and its physical layout will be key to drafting the document. Mr. Houseal explained that meetings would occur monthly.

Mr. Houseal briefly explained what a comprehensive plan contains. He stated the plan is a policy document that provides the foundation for decision-making. He noted the State of Illinois has some requirements as to what topics the document should cover. The main focus of a comprehensive plan is the physical layout of the community and it will provide a legal foundation for all decisions relating to land use and development patterns.

Mr. Houseal explained that a comprehensive plan is not zoning or a promise of what will happen in the future. He indicated the plan would not dictate final designs or provide specific details on topics such as economic development, open space and transportation. Although the plan will address many of these areas, it will serve as a collective community vision and provides an action plan on how to achieve that vision. The comprehensive plan is a policy document.

Mr. Houseal explained that comprehensive plans updates should be routine – usually every 10 years, or so. He noted the Village has a comprehensive plan from 1965, which is outdated and irrelevant at this point. There has been no major update to the Village’s plan.

Mr. Houseal explained this planning process builds off the input received during the Total Community Development 3 (TCD 3) process. He provided some specifics about the TCD 3 process noting that it was a nine-month process that included multiple meetings and internet tools to receive community input. He went on to explain the participants raised many issues. These issues generally fell into nine categories. The comprehensive plan will address many of the topics raised during the TCD 3 process. Mr. Houseal stated creating a better model for communication and cooperation was the principal recommendation of TCD 3.

The duties of the Comprehensive Plan Committee were explained. Mr. Houseal stated the first step of the process is to prepare a vision statement for the plan. He noted visions typically have three components – categories, descriptors and measures. Several examples were provided.

Mr. Houseal passed out a preliminary vision statement based on the TCD 3 input. He provided instructions to the Committee. The Committee should review the document and be prepared to draft a statement for next month’s meeting.

Discussion of the vision followed.

Mr. Wendt expressed concern about the word “passive” under the “Parks and Recreation” heading. Mr. Houseal explained what “passive” means as it relates to park districts.

Mr. Houseal stated he would like to reach a consensus on the vision at the next meeting. Mr. Dabareiner provided some ideas for refining the statement including focusing only on issues that the Village controls. He stated the comprehensive plan will not provide programmatic recommendations for the School and Park Districts, but may affect how much land the Village sets aside for school and park uses.

Mr. Bollow asked if the categories were listed in order of priority. Mr. Houseal explained they were not prioritized and came straight from TCD 3.

Mr. Beggs asked where this group fits into the process as the Village does not have the ability to direct the School or Park Districts. He stated he did not have the expertise to tell those bodies how to address the community’s concerns.

Mr. Houseal stated the Committee did not need to be experts on the other local governments in Downers Grove. He noted the other taxing bodies’ input will be sought as part of the planning process. He explained the Committee’s role is to provide a vision and recommendations for the physical layout of the community. These elements should be based on the Committee’s collective experience in Downers Grove, not their individual expertise. Mr. Houseal explained the Village does not expect the members to be experts in every field.

Mr. Dabareiner re-iterated a majority of the input for this process is from TCD 3 and the final document will be a list of recommendations, not directives.

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Mr. Houseal re-iterated they are reaching out to the other taxing bodies to ensure the final document includes input from them.

Mr. Thoman asked if Houseal Lavigne will be getting that input or if the other districts will be invited to the meetings.

Mr. Houseal stated Houseal Lavigne will be getting the input. That process is underway.

Mr. Thoman suggested letting the other taxing districts know when a topic that affects their mission is being discussed. Mr. Houseal agreed.

Mr. Thoman noted several repeating themes in the TCD 3 document. He was wondering if there would be an opportunity to combine some of those items. Mr. Houseal agreed some items could be combined.

Mrs. Hamernik stated concerns that the Village does not really have the ability to dictate education issues. She asked if the Committee was supposed to think of these issues outside of the Village's control in terms of land use or if there were other areas where they should be thinking about.

Mr. Houseal stated the comprehensive plan will not just focus on land use – although it will be a component. He stated the as the document is drafted, detailed recommendations will be coming. Some of those recommendations may be general statements about maintaining the high educational standards and park services.

Chairman White stated it might be helpful for the Committee members to receive some examples of recent comprehensive plans. Mr. Dabareiner stated some examples can be found on the project web site. He noted a link from the Village's web page would be up shortly.

The Committee asked for the web site address. Mr. Lavigne stated the project web site was: www.hlplanning.com/dnn/dgcompplan.

Mr. Houseal proceeded to discuss an overview of the comprehensive plan components and timing. The components for the Village's plan are project initiation (tonight's meeting); existing conditions; preliminary vision, goals and objectives; sub-area framework plans; preliminary land use and development plans; and draft comprehensive plan document.

Mr. Houseal stated the next meeting would focus on the vision statement and existing conditions. He noted the Committee would receive the existing conditions report prior to the next meeting. He passed out a sample sub-area map.

The Committee discussed the map. Mr. Houseal explained the map was a sample product that was produced for Houseal Lavigne's response to the Village's RFP. He said it was only a draft and meant to show the type of work the Committee could expect for this part of the project. Mr. Houseal said their would likely be six areas that would be defined in the coming months. He noted there would likely not be a sub-area plan for the Fairview Station area. Based on input from TCD 3, they would likely focus on the area around 63rd Street and Woodward Avenue.

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Mrs. Hamernik expressed concern about the areas that were depicted on the map. She stated the large unincorporated area between Maple and 63rd Street should be reviewed as part of this project.

Mr. Beggs noted that there are some important opportunities that deserve attention in the Fairview Station area. Mr. Houseal stated the area would be reviewed, there just would not be as much detail as typically appears in a sub-area plan. He stated the boundaries of the sub-areas are not set in stone and that the Committee would provide guidance as to what the actual boundaries for the areas. He re-iterated the map was simply a sample for tonight's meeting.

Mrs. Hamernik stated the Village might want to look at other areas other than Ogden and Downtown because those areas already have plans. Mr. Dabareiner stated those plans are a little outdated and need some revision. He also stated most of the items identified in the Downtown Plan are complete.

Mr. Jirik stated that Ellsworth Park is an area that really needs to be included with the Belmont area study because the underpass project will likely create many changes and opportunities in the area. Mr. Houseal agreed and stated those boundaries can ultimately be set by the Committee. He stated the scope and project budget really limited the plan to six sub-areas and they should keep that in mind as the process moves forward.

Mr. Houseal went through the tentative project schedule. The Committee discussed specific meeting dates. The fourth Tuesday of each month was the preferred date based on Committee consensus. Mr. Houseal stated the existing conditions report would be provided to members prior to the next meeting on March 23, 2010.

Mr. Dabareiner thanked the Committee and explained the importance of their role in preparing the comprehensive plan. He noted that if the Village gets sued over a development or zoning decision, the courts often look to see whether the community has a recent plan that was created through a public process. If there is such a plan, the courts side with the municipality more often than not. Older plans, such as the Village's, are subject to more scrutiny.

Mr. Dabareiner gave an overview of the Open Meetings Act and how it impacted communications between members. He stated members can not discuss topics related to the Committee meetings in groups larger than three – including email comments. He noted members could email staff and staff could forward comments to the others.

Mr. Beggs asked if Plan Commissioners present on this Committee would be able to vote on the matter when it comes up on the Plan Commission agenda. Mr. Dabareiner said he thought that they could, but he would double-check with the Village Attorney.

Mr. Dabareiner continued with an overview of the Freedom of Information Act (FOIA) requirements. A discussion about specific FOIA requirements followed.

Mr. Houseal thanked the Committee for their time and input. He stated the process will be a fun and that Houseal Lavigne will attempt to keep the group on track. He asked for questions and comments.

PUBLIC COMMENTS

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John Schofield, 1125 Jefferson Avenue, stated he was representing the Downers Grove Coalition for Managed Redevelopment (DGCMR). He stated the Coalition was eager to participate in this process and has three main issues:

1. The DGCMR will be providing some position papers offering its comments on the plan as far as preservation of residential neighborhoods and redevelopment are concerned.
2. The DGCMR is appreciative of the link with TCD 3, but there should be links made between the comprehensive plan and the Downtown Pattern Book.
3. He asked that the information be up on the web site as soon as possible.

Mr. Dabareiner said the web site is hosted by Houseal Lavigne and that things will be up shortly after meetings are completed.

The meeting adjourned at 8:35 pm.

/s/ Jeff O'Brien, AICP
Jeff O'Brien, AICP
Planning Manager

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
MARCH 10, 2010**

MINUTES

ROLL CALL

Trustee DiCola called the meeting to order in the Library Meeting Room at 7:35 p.m. Trustees present: DiCola, Eblen, Greene, Humphreys, and Read. Trustees absent: President Daniels. Also Present: Library Director Bowen, Assistant Library Director Carlson. Visitors: Resident William Wrobel.

Trustee DiCola announced that President Daniels was indisposed and unable to attend, but he is fine.

APPROVAL OF MINUTES

Bowen provided the trustees with a copy of the page that was accidentally missing from the scanned minutes in the board packet. The board reviewed the minutes of the regular meeting of February 24, 2010. It was moved by Greene and seconded by Eblen **THAT THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 24, 2010 BE APPROVED AS WRITTEN.** Ayes: DiCola, Eblen, Greene, Humphreys. Abstentions: Read. Nays: none. Motion carried.

PAYMENT OF INVOICES

A revised summary page was provided for the trustees. The board packet included a Journal Entry Transfer to pay the Village for staff parking permits. Bowen reminded the board that when the library moved staff from regular commuter permits to the Central Business District employee permits, several staff members were allowed to retain their permits in commuter lot D. They were concerned that there would not be adequate CBD parking close to the library. There has been no problem with adequate parking for those using the CBD employee permits, and Bowen told the remaining Lot D permit holders that the library would only be issuing CBD permits beginning in 2010. The administration staff member who prepared the original Journal Entry Transfer forgot about this change when preparing the board packet. The new page reflects the correct transfer with 76 CBD permits and no Lot D permits. So the library will be saving \$50 per quarter.

The board reviewed the list of invoices submitted for payment. It was moved by Read and seconded by Humphreys **TO APPROVE PAYMENT OF OPERATING INVOICES FOR MARCH 10, 2010 TOTALING \$35,701.75 AND BUDGET JOURNAL ENTRY TRANSFER FOR PARKING PERMITS TOTALING \$1,900, AND ACKNOWLEDGE PAYROLLS**

FOR FEBRUARY TOTALING \$169,866.87. Ayes: DiCola, Eblen, Greene, Humphreys, Read. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OPPORTUNITY FOR PUBLIC COMMENT ON OTHER LIBRARY BUSINESS

Resident William Wrobel discussed his concern regarding snow removal and public safety in the north [Forest Street] parking lot and in front of the north library entrance. He has been communicating with President Daniels and Director Bowen, as well as the Village regarding his concern, and wanted the library board to know. His main concern was the northeast approach to the library entrance from the parking lot and from Anderson's Book Shop.

Mr. Wrobel is aware that the parking lot is Village property and that public works had recently removed the piles of snow that they had pushed from the Village parking lot up onto library property and against the library building, which then melted and made the path from the parking lot to the library entrance icy. He added that some areas of library property at the north entrance still needed to be shoveled, in particular under the bench and north of the planter, as well as the area near the gated gas main and smokers' oasis.

Trustee DiCola thanked Mr. Wrobel for bringing this to the attention of the board, and said that the library would certainly continue to work with the Village to try to keep the area clear of snow and ice. She suggested that if public works could clear snow from the north lot before cars arrive, it would be easier for them. She also noted that the Village has been responsive to the library's requests concerning snow removal. Trustee Read mentioned that it can be difficult to keep up with the changing temperatures throughout a particular day; however, the in-charge staff have been very responsive when Read has reported that the parking lot is little icy in front of the north entrance, and they have immediately salted the area.

OLD BUSINESS

None.

NEW BUSINESS

- Review and first reading of the revised By-Laws of the Board of Library Trustees

As Bowen mentioned in his memo in the board packet, the 2011 Per Capita Grant Application requires that library boards review their by-laws this year. Bowen had not expected to propose any changes since the last review in 2007, but he did find some areas that he believes ought to be amended. The draft with the suggested changes was included in the board packet.

In **Article I. Section 3. Term of Office.** Bowen deleted “April 30,” as the Village has the authority to determine when it will actually make each year’s appointments to boards and commissions. Currently they are made in August or later in the fall. He also added the new statement about eligibility to reflect the requirements listed in the next section.

In **Article I. Section 4. Participation Requirements.** Bowen expanded the list to reflect all of the requirements for the position due to an experience the board had a number of years ago when a library trustee position had to be declared vacant when it was discovered that the incumbent continued to serve on the board after he had relocated outside of the Village, without telling anyone of his change of address.

Article I. Section 8. Conflicts of Interest. This section has a paragraph about conflict of interest, but there is no other reference to ethics within the by-laws. There is a separate policy statement following the by-laws, called **Obligations of Library Trustees.** Bowen skipped over his suggestions for this section to first review the “house-keeping” changes for the rest of the by-laws below.

Article III. Section 2. Election of Officers. Since the Village no longer makes appointments in April, Bowen suggested deleting the reference to a specific month, and adding a statement that the election of officers will take place at the first meeting after the year’s appointments are made.

There was some discussion about removing the specific time and perhaps the days of the month in **Article IV. Section 1. Regular Meetings.** and making a more general statement, as well as removing the statement regarding an annual publication of meeting dates. It was also suggested that the statement regarding meetings being open to the public be added to the next section, **Article IV. Section 2. Special Meetings.**

In **Article IV. Section 7. Meeting Minutes.** Bowen changed “tapes” to “audio recordings” as the manner in which the library records meetings may change in the future.

In **Article VI. Amendments to the By-Laws.** Bowen changed the statement on delivering the text of amendments from “mailed” to “sent” to reflect the email distribution of board materials. Bowen did not suggest any changes for the remaining pages.

Policy 1.2 Obligations of Library Trustees. This is a separate policy statement that Bowen suggested making part of a new by-law on ethics and conflicts of interest.

In the board packet, Bowen suggested that **Article I. Section 8. Conflicts of Interest.** be renamed **Ethics and Conflicts of Interest** and that the Obligations policy statement be included in this by-law.

Bowen reported that the 1989 American Library Association Ethics Statement for Public Library Trustees which is referred to in the library’s by-laws was the last version produced by the ALA. The ALA now recommends that a library board creates its own ethics policy.

When the Illinois Governmental Ethics and State Gift Ban Act was adopted a few years ago, the board revised the **Obligations of the Library Trustees** policy to include a statement that “Trustees must be aware of and comply with the Illinois Governmental Ethics and State Gift Ban Act.” The board took this tact rather than creating a separate ethics statement that paraphrased the Act, so that the board would not have to revise the policy every time the state act was amended, which was happening frequently. This course of action was recommended by the library’s attorney.

Bowen asked whether the board would like to: 1) Leave the Conflict of Interest by-law and Obligations of Trustees policy as they are; or 2) Combine the two sections into one by-law on Ethics and Conflicts of Interest (or Obligations of Trustees and Conflicts of Interest).

In either case, Bowen recommended dropping the reference to the ALA Ethics Statement for Public Library Trustees. Bowen also included a copy of the Code of Ethics of the ALA in the board packet. He stated that this is an admirable document intended to apply to librarians, library staff, and library trustees, although its language is more directly related to the point of view of a professional librarian than of a library board.

Trustee Read suggested that by-laws should be spare since all revisions require three meetings to approve. It is better to keep pieces that may need more frequent revision attached to the by-laws as additional policy statements. Trustee Humphreys said he thought the board should create their own ethics statement, and he agreed with Trustee Read that the statement could be taken out of the by-laws. Trustee DiCola suggested rolling the ethics, obligations, and conflicts of interest statements into one policy, and she and Trustee Humphreys agreed that the board’s ethics statement should be a separate document and be referenced in the by-laws.

Amendments to by-laws have to be considered in three readings. This discussion constituted the first reading, so no board action was required. A new draft with any changes will be part of the packet for the March 24 meeting, with adoption possible at the third reading at the April 14 board meeting.

REPORT FROM THE ADMINISTRATION

Bowen planned to report on his conversation with resident William Wrobel about problems Mr. Wrobel saw with snow removal in the Forest Street parking lot. Mr. Wrobel’s comments at the beginning of the meeting covered most of what Bowen was planning to say; however, Bowen wanted to add that during the last heavy snow the Village did an excellent job of clearing the parking lot, and they also did an excellent job of keeping the access from the handicapped parking spaces on Curtiss Street to the sidewalk open.

TRUSTEE ANNOUNCEMENTS AND REQUESTS FOR INFORMATION

Trustee Read mentioned that he won’t be able to attend the Library Foundation Mini-Golf fundraiser on Sunday, March 21 as he will be out of town to be honored for his years of service as headmaster at a private school.

Trustees Eblen and Read reported on the ILA Library Trustees Forum they recently attended. Trustee Eblen found the comparisons between the smaller and larger libraries interesting, and a trustee from the Hinsdale Library commented to her about the “fabulous” art collection at the Downers Grove Library. Many trustees were amazed to hear that President Daniels is available at the Downers Grove Library every Saturday morning. Trustee Read said the communication styles program presented by Gail Johnson in the morning was well-done, and the afternoon presentation by ILA staff mentioned that there are no filtering bills being proposed to the Illinois legislature to date.

Trustee Read also reported that the Metropolitan Library System is out of the woods for the next couple of years due to funding that they have finally received from the state. They did not have to use the building and reserve funds for operating expenses.

Trustee Humphreys said that since the snow just melted, the library landscape and sidewalks appear to be in need of a good spring clean-up of litter and sand or salt. He also mentioned the need for extra cleaning around the dumpsters in the alley up against the library. He is aware that these are not the library’s dumpsters, and suggested the library talk with the businesses to whom the dumpsters belong or to Downtown Management about the trashy appearance of the dumpsters which reflects badly on the library.

OPPORTUNITY FOR PUBLIC COMMENT

Resident Wrobel mentioned that Greg Jarrett of WGN radio will be interviewing Downers Grove Mayor Ron Sandack live in Downers Grove on March 12 as part of the “Hometown Voices” tour.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE**

Thursday, March 4, 2010

I. CALL TO ORDER

Chairman McInerney called the March 4, 2010 Liquor Commission meeting to order at 6:32 p.m.

II. ROLL CALL

PRESENT: Mr. Krusenoski, Ms. King, Ms. Fregeau, Mr. Clary, Mr. Adank Chairman
McInerney

ABSENT: Ms. Strelau

STAFF: Liaison to the Liquor Commission Carol Kuchynka, Assistant Village Attorney
Beth Clark

OTHERS: Colleen Hayes, Cyndi Marruffo, John Alberts, James O'Malley, Larry Spatz, Joe
Frankel, Pat Romano, Ronald Michalski, Court Reporter

III. APPROVAL OF MINUTES

Chairman McInerney asked for approval of the minutes January 7, 2009 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the January 7, 2009 minutes of the Liquor Commission meeting were approved.

Chairman McInerney reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

IV. APPLICATION FOR LIQUOR LICENSE

Chairman McInerney made the following statements:

"The first order of business is to conduct public hearings on liquor license applications. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner"

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

Walgreen Co. & its subsidiary Bond Drug Company of Illinois, LLC d/b/a Walgreens - located at 6240 Belmont Road; 7221 Lemont Road; and 1000 Ogden Avenue

Chairman McInerney stated that the first order of business was an application hearing for Walgreen Co., and its subsidiary, Bond Drug Company of Illinois, LLC d/b/a Walgreens located at 3240 Belmont Road, 7221 Lemont Road and 1000 Ogden Avenue. He stated that the applicants are seeking Class "P-2", beer and wine only, off-premise consumption liquor licenses for each of these three locations.

Chairman McInerney asked that any individual(s) representing the applicant step forward and be seated. He asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. John Alberts, Mr. James O'Malley, Ms. Cyndi Marruffo and Ms. Colleen Hayes were sworn in by the court reporter. Ms. Hayes introduced herself as the district manager of Walgreens, Mr. Alberts introduced himself as the store manager for the Ogden location, Mr. O'Malley introduced himself as the store manager for the Lemont location and Ms. Marruffo introduced herself as the store manager for the Belmont location.

Chairman McInerney asked the applicant to present its case.

Ms. Hayes stated that Walgreens was seeking beer and wine licenses for the three locations in Downers Grove.

Chairman McInerney asked if there were any staff recommendations pertinent to the application. Ms. Kuchynka stated that issuance of the license remains contingent upon receipt of the annual fee and satisfactory background checks. She stated that all stores are currently in operation and already have a certificate of occupancy.

Chairman McInerney asked if there were any comments from the public pertinent to the application. There were none.

Chairman McInerney asked if there were any comments from the Commission.

Ms. King asked about the number of employees selling liquor. Ms. Hayes replied that only those employees over 21 will be allowed to make liquor sales. She advised that Walgreens employees are BASSETT trained and take a "People Plus" computerized alcohol training.

Ms. King asked about the cash register system. Ms. Hayes replied that any employee who is under 21 is locked out of putting through liquor sales. She stated that a manager over 21 would have to enter the customers date of birth. Ms. King asked how the register prompts. Ms. Hayes stated that it prompts the employee to enter the date of birth. Ms. King wondered if employees could make up a date of birth to bypass the date entry. Ms. Hayes stated that they will monitor transactions. She noted it would be a red flag to them if the employee kept entering the same birth date.

Ms. King asked if they will have a perpetual calendar in the check out area telling employees what date of birth a patron must have to be sold liquor. Ms. Hayes replied yes. She noted that they also have a

similar perpetual calendar for tobacco sales. She stated that the date of birth is also built into the register system where it would lock out the sale if the patron was not old enough to purchase liquor.

Ms. King referred to their manual. She suggested that the fines to servers be listed on the employee alcohol acknowledgment form. Ms. Hayes replied they would include that amendment.

Ms. King asked about Walgreens termination policy if an employee was involved in an underage sale and asked about the violation consequences contained on page 7 of the manual. She noted that in some instances warnings are issued. Ms. Hayes replied that they have a zero tolerance policy. She stated that if a sale to a minor was intentional, they would be terminated immediately, if the incident was unintentional, the employee would get a warning.

Mr. Krusenoski noted that Walgreens has sold liquor in the past. He wondered what the motivation was behind their wanting to sell again. Ms. Hayes replied customer demand and for the convenience of the shopper.

Mr. Krusenoski asked if the current manager have liquor handling experience. Ms. Hayes replied Mr. O'Malley and Mr. Alberts have experience, however, Ms. Marruffo did not.

Mr. Krusenoski cautioned them on the vertical under 21 license. Ms. Hayes advised that Walgreens will not be accepting the vertical under 21 license. She advised that Walgreens would add this provision to the manual.

Mr. Clary asked if current employees are going to be trained. Ms. Hayes advised that they are going through training now.

Mr. Clary asked if there will be new employees hired for the liquor department. Ms. Hayes advised that the stores do not have a separate liquor department. She advised that there are a few cooler doors set aside for product, along with 12 feet of aisle space.

Mr. Adank noted that Walgreens estimated \$83,000 in annual sales of alcohol per location. Ms. Hayes replied that would equate to about \$237/day in beer and wine sales per day. Mr. Adank asked what percentage of total sales that equates to. Ms. Hayes replied they did not expect it to exceed 5 % of total sales.

Mr. Adank also commented about the vertical license. He suggested that they add wording in the carding procedures section of the manual to inform employees that they are not to accept the under 21 vertical license. Ms. Hayes would add the provision to the manual.

Ms. Fregeau noted the historical records of suspensions held by Walgreens. She noted two violations that go way back for the Lemont Road location and wondered if Mr. O'Malley was working at the location during those violations. Mr. O'Malley replied that he had served as liquor manager since 2003 and was not aware of any violations during his employment there. She noted their vigilance in passing tests.

Ms. Fregeau asked how liquor will be sold. Ms. Hayes replied that wine will be sold in 750 ml. bottles, and beer will come in 6/12 packs. She advised that they will not sell single packaged items.

Ms. Fregeau noted that the Ogden location was a 24 hour facility. She wanted them to emphasize in the manual of the allowable sales hours. Ms. Hayes stated that the registers are programed to lock out liquor

sales after certain hours and the registers in these stores will be programmed to the allowable Downers Grove sales hours.

Ms. Fregeau noted that Cyndi indicated not having prior liquor handling experience. She also noticed Cyndi was from Colorado. She asked Cyndi to pay particular attention to the Illinois vertical under 21 licenses. Ms. Hayes reminded the Commission that they will not be accepting the under 21 vertical licenses.

Ms. Fregeau asked for information on Walgreens policy if they are presented with a fake id. Ms. Hayes stated that employees will be instructed to ask for a manager's assistance if they question any piece of identification. She noted if they are presented with a fake id, they are to retain it and call the police.

Chairman McInerney was pleased that Walgreens was expanding their business activities. He cautioned managers to pay attention to carding procedures if and when they are asked over by under 21 employee to check identification. He referenced problems with the vertical license. He asked that they take the time and follow proper procedures when carding patrons.

Chairman McInerney noted that the registers would lock out after hour sales but wondered if there were any other precautions taken to physically secure alcohol. Ms. Hayes replied that the Ogden location has pull down shades for the cooler doors. She did not have any plans for securing the aisle displays of product nor is there a gate to close those areas off.

Chairman McInerney asked staff about the Declaration page. He stated that there are no liquor sales indicated and wondered if it needed to be amended. Ms. Kuchynka noted that they disclosed anticipated sales figures of \$83,000 in their correspondence. She stated that once they are in operation for a few months, Walgreens will be required to submit a revised Declaration page with their renewal application which will include an updated liquor sales projection.

Ms. Kuchynka asked if the Commission had any questions about the individual stores or their layouts. There were none.

Ms. Fregeau asked Ms. Hayes what their biggest challenge was in selling alcohol. Ms. Hayes replied her biggest challenge is obtaining numerous liquor licenses throughout the state of Illinois. She believed that the liquor sales will be more manageable than in the past. Ms. Kuchynka noted that Lemont Road Walgreens used to have a separate liquor department and noted that the areas now devoted to liquor product is quite small.

Hearing the testimony given in these cases, Chairman McInerney asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to each of the applicants with regard to their Class "P-2", beer and wine, off-premise consumption liquor license applications.

MR. KRUSENOSKI MOVED TO FIND BOND DRUG COMPANY OF ILLINOIS, LLC D/B/A WALGREENS #02720 LOCATED AT 6240 BELMONT ROAD, QUALIFIED FOR A CLASS "P-2" BEER AND WINE ONLY, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. KING SECONDED.

VOTE: **Aye:** Mr. Krusenoski, Ms. King, Ms. Fregeau, Mr. Clary, Mr. Adank, Chairman McInerney

Nay: None

Mr. Joe Frankel, Mr. Larry Spatz, Ms. Pat Romano and Mr. Ron Michalski were sworn in by the court reporter. Mr. Frankel introduced himself as the manager of Small World Entertainment, LLC. Mr. Spatz introduced himself as the manager and president of Small World Entertainment, LLC, Ms. Romano introduced herself as the kitchen manager and Mr. Michalski introduced himself as the security director.

Chairman McInerney asked the applicant to present its case.

Mr. Spatz stated they are seeking approval for outdoor seating area. He stated that the addition of the patio will increase service area space and create more of a restaurant sense. He stated that dining will be an important component of the facility.

Chairman McInerney asked if there were any staff recommendations pertinent to the application. Ms. Kuchynka advised that the license is contingent upon receipt of a certificate of occupancy, the annual outdoor license fee and updated dram shop insurance including the patio area.

Chairman McInerney asked if there were any comments from the public pertinent to the application. There were none.

Chairman McInerney asked if there were any comments from the Commission.

Ms. Fregeau asked if the principals of the corporation changed since the original application Mr. Spatz replied that the corporation was restructured to include additional family members through the creation of a trust. Ms. Kuchynka advised that there was an update in the HES Gift Trust. She stated that the Mayor authorized the amendment to the corporate structure after satisfactory background checks were conducted and completed.

Ms. Fregeau noticed that the addendum to the manual states that there will be a minimum of one security staff per shift to monitor the patio. She wondered if that was a doorman or security. Mr. Frankel replied that would be a staff-level security person. He stated that individual will be BASSETT trained. He stated that they will have a rotating schedule. He noted that there will be staff monitoring all areas of the establishment indoors and out and there will be patrol of the parking lot.

Ms. Fregeau asked if patrons have to walk through the interior of the facility to get to the patio. Mr. Frankel replied yes.

Ms. Fregeau reviewed the plan and asked how the area will be enclosed. Mr. Frankel replied that there will be a 2-foot cinder block knee wall constructed at the base with 4' lattice atop, for a total of 6 feet in height surrounding the patio. Ms. Fregeau was pleased that they were using something more substantial to enclose the area rather just foliage. Mr. Frankel advised that the lattice is criss-crossed and will prevent anything from being passed through. Ms. Fregeau cautioned them on outdoor service as it provides additional challenges and may result in a less controlled environment.

Mr. Adank asked if the outdoor area will be heated. Mr. Frankel replied no. Ms. Kuchynka noted that temporary use provisions restrict use of the café between March 15-November 15.

Mr. Adank asked how many seats were available. Mr. Frankel replied 50 in the larger patio portion and 30 in the smaller area. He advised that the occupancy load of the establishment has not increased, but they are just redistributing crowds with the additional outdoor seating.

Mr. Adank asked how many staff members would be responsible for the patio on any given day. Mr. Frankel replied there will be 1 busboy and 1 porter for the patio, 1-2 servers for the smaller patio

and 2-3 servers in the larger patio. He noted may vary or adjust due to certain times of the day and day of the week.

Mr. Adank was pleased about the height of the enclosure. He asked if there will be an outside bar. Mr. Frankel replied no. Ms. Kuchynka advised that the temporary use restricts temporary bars in an outdoor café.

Mr. Adank asked when they expect to open. Mr. Spatz replied May.

Mr. Frankel presented a patio rendering for the Commission to review. The rendering was accepted into the record as Exhibit #1.

Chairman McInerney noted that they will be re-distributing the occupancy for the establishment. He reminded the applicant that if they make any changes to the floor plan or layout of the establishment they need to keep Village staff updated with any further changes.

Mr. Clary asked if the patio will be available for private parties. Mr. Spatz replied that all areas of the facility will be available to private parties.

Mr. Clary asked what type of parties they would make the facility available to. Mr. Spatz replied that they will have corporate parties, monthly meeting reservations, private parties at the piano bar, birthday and corporate events.

Mr. Clary asked if they plan to have entertainment in the patio. Mr. Frankel there will be no live music. He noted that one patio was connected to the piano bar which is separated by a screen door which may provide an extended area for entertainment. Ms. Kuchynka advised that under temporary use restrictions, live entertainment is not allowed in outdoor cafe. She stated that music can come from within the establishment, but it cannot be amplified in the outdoor area. She stated that since Rita's was not in residential area, but more of an industrial location, she did not anticipate noise complaints.

Mr. Krusenoski did not have questions. He observed on the patio rendering that umbrellas had liquor product advertising on them. Mr. Frankel was aware that advertising was not allowed.

Ms. King understood that the patio area lead to a restaurant look and was more aesthetically pleasing.

Ms. King wondered how they foresee their crowd interacting with the North Beach clientele. Mr. Spatz replied that the establishments will have very different crowds and age groups. He did not feel that their music would appeal to the age group at North Beach.

Ms. King asked if staff will be performing. Mr. Frankel replied that staff will perform choreographed routines. He did not anticipate that would create any synergy with North Beach clientele either.

Chairman McInerney wished them luck and looked forward to their opening.

Hearing the testimony given in this case, Chairman McInerney asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O" outdoor liquor license application.

MS. KING MOVED TO FIND SMALL WORLD ENTERTAINMENT, LLC D/B/A RITA'S ROADHOUSE/MAMA ROMANO'S KITCHEN LOCATED AT 1211 A BUTTERFIELD ROAD,

Chamber be contacted to advise their members of liquor licensing regulations. Ms. Kuchynka noted that the Downtown Management Organization is usually very good notifying merchants of existing regulations. Mr. Krusenoski asked Ms. Kuchynka how she was made aware of the promotion. Ms. Kuchynka stated that the invitation was faxed to the Village Hall. She also noticed a flyer on the counter at Berto's deli. She stated that the salon and other establishments that have offered alcohol in this way are told that they must advise their clients that they cannot offer the drink special.

Ms. Kuchynka stated that offering "free" or "complimentary" liquor is a violation of both local and state law. She stated that drink specials in conjunction with a meal may be permissible. She asks licenses to contact her before offering them so she can be sure they are legal to promote and offer.

Mr. Krusenoski referred to the article on confiscating of fake id's in the newsletter. Ms. Kuchynka replied that it is not an official policy, but it is up to individual business owners to decide how they want to handle them. She advised that clerks may not confiscate a piece of identification if contained in a wallet unless it is taken out and volunteered by the customer.

VI. NEW BUSINESS

Chairman McInerney asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka expected an application to be filed and anticipated an April meeting.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

Concluding business for the evening, Chairman McInerney called for a motion to adjourn.

Ms. King moved to adjourn the March 4, 2010 meeting. The meeting was adjourned by acclamation at 7:35 p.m.

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MEETING
FEBRUARY 24, 2010**

Call to Order

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

Roll Call

Present: Mr. Benes, Ms. Earl, Mr. Isacson, Mr. LaMantia, Ch. White

Absent: Mr. Domijan, Ms. Majauskas

A quorum was established.

Staff: Jeff O'Brien, Planning Manager; Damir Latinovic, Planner; Stanley Popovich, Planner

Minutes of January 27, 2010 Meeting

Mr. Benes made a motion to approve the draft minutes of the January 27, 2010 Zoning Board of Appeals meeting. Ms. Earl seconded the motion.

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

ABSTAIN: Mr. Isacson

NAYS: None

The Motion carried.

Meeting Procedures

Chairman White said there were three items to be heard on the Agenda. He reviewed the procedures to be followed during the public hearings, and called upon anyone intending to speak before the Board to rise and be sworn in. Chairman White explained that there are seven members on the Zoning Board of Appeals and for a requested variation to be approved there must be a majority of four votes in favor of approval. He added that the Zoning Board of Appeals has authority to grant petitions, without further recommendation to the Village Council.

.....

ZBA-01-10 A petition seeking sign variations for the property located on the North side of Ogden Avenue approximately 460 feet East of Finley Road, commonly known as 2100 Ogden Avenue, Downers Grove, IL (08-01-401-003), Bill Kay Suzuki Petitioner; WJKK 2100 Associates Ltd. P, Owners.

Petitioner's Presentation:

John Spellman of Bill Kay Suzuki Auto Group, 2100 Ogden Avenue, stated they have been in Downers Grove for over 40 years. About one year ago they lost their Chrysler franchise at 2100 Ogden Avenue. In an effort to maintain that location they were able to obtain a Suzuki franchise. Their request is for a variance on their back sign facing the I-88 Tollway. Their overall signage is decreasing from their allotment. The Petitioner believes the sign to be compliant in size, and is willing to make adjustments to adhere to the Village's regulations. They will cover the neon letters of the sign, remove the time and temperature electronic message board, and reduce the number of lines of copy from three down to two.

Mr. Spellman said that he was involved in the original construction of the sign 15 years ago, noting that they determined because of the Nicor easement between their site and I-88, they had to adjust the shape of the sign. However, they want to change the Chrysler panel to say "Suzuki" and it would be difficult to do anything else with the site at this time.

In response to Mr. Benes, Mr. Spellman said that the bottom line of changeable copy has been removed. The top two lines of changeable copy will remain as is.

There being no further questions of the petitioner at this time, Chairman White called upon staff to make its presentation.

Staff's Presentation:

Mr. Damir Latinovic, Planner with the Village of Downers Grove, said the subject property is approximately 4.78 acres in size, improved with two one-story commercial buildings occupied by Bill Kay Suzuki. The petitioner is requesting two variations. One request is to preserve and update an existing nonconforming V-shaped Tollway sign, and the second is to install a wall sign on a side of the building which does not have frontage along a public right-of-way. The property has frontage along Ogden Avenue on the south, and I-88 Tollway on the north.

Mr. Latinovic said that the main building is located on the east side of the property. There is an accessory one-story building located on the west side of the property. Parking areas for vehicle storage and display are located on the west and north sides of the property.

Mr. Latinovic said that according to the Sign Ordinance, the petitioner is allowed to have a total of 237.75 square feet of signage. In addition, because of the frontage along the I-88 Tollway, the property may have a Tollway monument sign up to 225 square feet in area and 20 feet in height, which does not count towards the total signage allowed. Mr. Latinovic explained that the present Sign Ordinance, however, no longer allows V-shaped freestanding signs. Instead, all freestanding signs in the Village, including the signs along the Tollway, must be two-sided monument signs. The petitioner's existing V-shaped sign currently holds an electronic message board, as well as an area of two lines of unmoving lettering. He noted that the petitioner is willing to remove the electronic message board within the V-shaped sign.

The second request is for a sign on the east side of the building, which does not front a public right-of-way. The current ordinance only allows wall signs for sides that front a public right-of-way. The petitioner proposes removing a sign from the west side and south sides of the building. The petitioner would reduce the existing 56 square feet east facing wall sign to 37 square feet. A part of the upgrade will include installation of a new monument sign along Ogden Avenue which will meet the Sign Ordinance and is not part of the request for a variance.

Staff analyzed each of the two variations separately. Mr. Latinovic spoke first about the V-shaped Tollway sign. Staff finds there are no unique circumstances associated with the property that warrant granting the requested sign variation. Staff recommends denial of the request based on the following reasons: 1) there is no physical hardship associated with the property which would warrant having a V-shaped free standing sign; 2) the property is similar to other adjacent lots with frontage along I-88 Tollway that have to comply with the current Tollway monument sign requirements; and 3) the petitioner has the ability to modify the existing nonconforming V-shaped sign and install a Tollway double-sided monument sign which meets the code and would achieve adequate visibility.

Mr. Latinovic reiterated that staff recommends denial of this request and reviewed the standards for granting variations, as noted in staff's report dated January 27, 2010. He recommended, should the Board find in favor of this signage request, that the conditions as noted in staff's report be included in the ZBA's motion.

With regard to the wall sign, Mr. Latinovic stated that staff has determined that there is a unique circumstance associated with this property that warrants granting the requested sign variation for an east facing wall sign. The location of the building at 25.5 feet from the front property line creates a practical hardship on the property owners. Although the wall sign can be installed on the south-facing façade along Ogden Avenue, it would have low visibility due to the setback of the building to Ogden Avenue. As such, staff believes there is a physical hardship, as stated in its report of January 27, 2010, and recommends approval of this request, subject to a condition shown on page 6 of staff's report.

Mr. Benes asked about the back lot sign, asking where in the Sign Ordinance it specifies that this sign has to be a monument sign. Mr. Latinovic said it is in the definition of the Zoning Ordinance describing a monument sign. Mr. Benes said that monument signs in the code discuss front lot signs but not Tollway signs. Mr. Latinovic said the Zoning Ordinance defines monument signs as double-sided signs with a two-foot base.

Mr. Benes said all the signs along I-88 are not in accordance with the Village's Zoning Ordinance. Mr. Latinovic responded that none of them are V-shaped signs, and most of them are double-sided monument signs. He is unsure as to the nonconformity of other existing signs, but they are not V-shaped signs. Mr. Benes said that when this sign was installed, the discussion was that it was on a back lot line facing the Tollway, and did not conform to the Sign Ordinance. All of the signs are more than 20 feet tall and installed before the ordinance was changed.

Mr. Isacson asked if this sign was subject to a variance request when it was installed. Mr. Latinovic said it was based on their request to have an electronic message board larger than

allowed by the code.

Mr. Benes said the petitioner is changing the face of the sign, and that requires the variation. Mr. Latinovic said that the sign is a nonconforming V-shaped sign, and the variation is for keeping the sign and updating the insert to say Suzuki and not Chrysler anymore.

Per question, Mr. Jeff O'Brien explained that each supporting element of the sign must be 24 inches wide. He believes there are three supports in this case, each of which have to be two-feet wide to be considered a monument sign. With regard to Mr. Benes' original question, Mr. O'Brien said that the Sign Ordinance provides an allowance for properties fronting on I-88 to have one additional monument sign. The freestanding sign must be a monument sign, and the definition for a "monument sign" is "any sign anchored in or upon the ground which is completely or principally supported by a structure of no less than two feet wide." He referred to the visual monument sign examples in the Code, saying that is the basic requirement. As for the V-shape, the Sign Ordinance is written in a prohibitive manner, and if it is not specifically listed in the ordinance it is prohibited. The ordinance only allows for a flat two-sided monument sign, and not a V-shaped sign.

Mr. Isacson asked if they are prohibited from erecting two monument signs to allow visibility to traffic on both sides. Mr. O'Brien responded that they can only have one monument sign for each frontage, one along I-88 and one along Ogden Avenue. The Tollway sign has a maximum height of 20 feet, and the Ogden Avenue sign could be a maximum height of 15 feet.

Mr. Benes asked what amendment was made on January 19, 2010, and what that amendment was. Mr. O'Brien responded that Ordinance 5118 was approved by Council on January 19, 2010 and amended the table under "Monument Signs" on page 115 which added the third column addressing B-3 zoned properties with at least 260 linear feet of frontage and 2.5 acres.

Mr. Benes then noted that this lot is an M-1 lot and not a B-3 lot as stated in the Ordinance. Because it is M-1, the Ordinance should not apply to this lot. Mr. O'Brien said the monument sign does not apply, but the Tollway sign is allowable to any lot regardless of its zoning classification.

Mr. Isacson asked how many other properties along I-88 could be affected by this decision. Mr. Latinovic replied that there are several commercial properties, some with and some without an existing Tollway sign between Highland Avenue and Finley Road that could be affected by this decision. He did not have the exact number of properties available.

Mr. Benes said that the Ordinance refers to Monument Signs on page 117, and asked when the change was made. He stated that it appears to him that this section of the ordinance has been re-written without going to a public hearing. Mr. O'Brien asked what section number he was referring to. Mr. O'Brien said that the far right column was the only thing changed in this part of the Ordinance. Mr. Benes then noted that he was looking at the wrong page.

There being no further questions from the Board, Chairman White called for anyone who wished to speak either in favor of or in opposition to the petition.

Mr. Greg Bedalov, President of the Downers Grove Economic Development Corporation (EDC), 2001 Butterfield Road, Downers Grove, Illinois clarified that neither Mr. Spellman or the Kay family has any relationship to the EDC. He added for further clarification that the Bill Kay Suzuki dealership is currently zoned M-1, but the petitioner has requested a rezoning to B-3. With the recent text amendment to the Sign Ordinance, one of the components allowing a 15' sign along Ogden Avenue was that the property be zoned B-3. He said that the case was before the Plan Commission and a unanimous recommendation approving the zoning change has been forwarded to the Village Council.

Mr. Bedalov then reviewed some of the things said by Mr. Spellman. He noted that there would be a dramatic reduction in the actual amount of signage on the site if this request is granted. The petitioner is not asking for a variance from a height standpoint or a total square footage standpoint. He is working to make the sign as compliant as possible, while reducing the overall square footage of the signage on the property.

Chairman White asked Mr. Bedalov's assessment of the visibility of two possible versions of signs. Mr. Bedalov responded that he drove the site, worked with the dealership, and said he believes there are six or seven properties that could be potentially affected by this decision. As to visibility from the Tollway, other businesses have noncompliant signs and are attempting to find a way to work within the Ordinance while maintaining maximum visibility. Mr. Bedalov said Webb Ford at Ogden and Belmont will be bringing a sign package forward for Village consideration. The dealerships have indicated, because of the easement adjacent to I-88, it is difficult to get maximum visibility of signage along I-88.

Mr. Benes asked if Mr. Bedalov would agree that the Bill Kay reduction of square footage would be equal to the 2012 deadline for signage along Ogden Avenue, including the 15 foot sign. Mr. Bedalov said this package makes them compliant with the 2012 deadline ahead of time. There was a dramatic reduction in the square footage of their signage.

Mr. Benes then asked about the wall sign and whether it is similar to the wall signs allowed at Luxury Motors. He further asked if there was any other side of the building on which they may consider putting additional signage. Mr. Latinovic responded that the petitioner has no plan for any additional signage other than what has been submitted in the staff report packet.

Chairman White then asked the petitioner if he had any closing remarks.

Mr. Spellman said he had no further comments, and thanked the Board for their consideration, hoping they would vote to approve their requests.

There being no further questions, Chairman White closed the opportunity for further public input.

Board's Deliberation

Wall Sign:

Chairman White suggested discussing the wall sign first. The consensus among the Board members was that they had no problem with the request.

Mr. Benes said his concern is that this isn't the only agency that has a building close to Ogden Avenue. The question is "how close is close." He mentioned other properties that might have a similar request.

Chairman White asked if there were any other comments or thoughts from the Board. There being none, Chairman White called for a motion.

Mr. LaMantia made a motion in case ZBA 01-10, concerning the wall sign, that the Board approve the variation request as presented with the following condition:

- 1. The proposed sign shall substantially conform to the sign drawing prepared by Grate Signs dated November 20, 2009, revised December 1, 2009 attached to this report except as such drawing may be changed to conform to Village codes, ordinances, and policies.**

Mr. Isacson seconded the Motion.

AYES: Mr. LaMantia, Mr. Isacson, Mr. Benes, Ms. Earl, Ch. White

NAYS: None

All in favor. The Motion passed unanimously.

Tollway sign:

Ms. Earl expressed concern regarding the visibility of a flat sign as related to Finley Road and the overpass. The Nicor easement also affects the visibility. She believes it is more visible the way it is now.

Mr. Benes agreed it is more visible as is from both the Tollway and Finley Road.

Ms. Isacson said that this is a nonconforming sign and they are just changing the name on it. The petitioner is attempting to change as much of the signage, including square footage, as possible. Mr. Isacson noted that the tax revenue for this business and others along Ogden Avenue is very important. He thinks there will be minimal requests from other businesses. He would be in favor of approving this request.

Chairman White said he believes that good arguments can be made to allow V-shaped signs along I-88; however, that is a decision of the Village Council and not the role of the Zoning Board of Appeals. He is more intrigued by the argument that the presence of Finley Road creates a unique situation. The overall visibility of the sign is not within the purview of this Board. He is not against the idea, but is not sure that it deserves a variation.

Mr. Isacson said that just moments ago the Board was willing to grant the variation for another nonconforming situation, except that between 1999 and the present, the Village has prohibited V-shaped signs.

Chairman White replied that if V-shaped signs were once legal and are not now, the Village would have been aware of that. The fact they are not allowed presumes intention and the Village Council would have to address it.

Mr. Isacson asked if there would be a problem with changing “Chrysler” to “Suzuki” as it is not a change in ownership.

Chairman White said that when the new Sign Ordinance was passed, there was a phase-in period for nonconforming signs, including a change of logo for an existing business.

Mr. Benes noted that when the Stillwell Pontiac agency closed, the Village gave them an option to put Buick on their nonconforming sign without changing the sign. He said Bill Kay could get a variation to change the face of the signs, but not the structure of the sign until 2012. That will give them two years to decide whether to bring the sign into compliance or ask for another variance.

Ms. Earl said she understands what Mr. Benes is suggesting, but that could mean the petitioner would be back to the Village again for a variation.

Mr. Isacson then asked staff about the figures in the ordinance as examples of a monument sign, and whether they are the *only* examples of what a monument sign can be. He asked if the petitioner were to build a base around the V-shaped sign greater than two feet would it become a monument sign.

Mr. O’Brien responded that the Zoning Ordinance does not specifically permit or prohibit a V-shaped sign. In this case since the Village has no specific prohibition or permission for it, and the visual interpretation of the sign is of a flat two-sided sign, the V-shaped sign would be prohibited. He said putting a base around the sign was discussed and it was still determined not to meet the monument sign definition in the ordinance.

Chairman White said that if the V-shaped sign was legal, there would be no reason for the variation. If staff is interpreting the Sign Ordinance incorrectly, it doesn’t change what the Board is charged with now. There may be avenues for relief elsewhere that do not affect the Board’s decision now.

Mr. O’Brien said that there are also options for appeal of the Administrator’s decision before this Board.

Chairman White said the working premise this evening is that staff is correct that the V-shaped sign is prohibited.

Mr. Benes made a motion that in case ZBA 01-10, regarding the V-shaped Tollway sign, that the petition be granted to change the face of that sign only during the transition period, and that the sign be fully compliant by May 4, 2012. Mr. Isacson seconded the motion.

Mr. Isacson commented that this would allow them to make the change and explore other avenues until 2012. Mr. Benes agreed saying that the Village Council gave the businesses seven years to be in compliance. This would give Bill Kay the opportunity to change the face of the existing sign

AYES: Mr. Benes, Mr. Isacson, Ms. Earl, Mr. LaMantia

NAY: Chairman White

The Motion passed 4:1.

Chairman White said that he thinks the sign issues are issues that the Village Council will have to address.

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ZBA-02-10 A petition seeking sign variations for the property located at the southeast corner of Burlington Avenue and Mochel Drive commonly known as 5101 Mochel Drive, Downers Grove, IL (PIN 09-08-130-028), Timothy Canning, Lemon Tree Grocer, Petitioner; Chris Rintz, Acadia OTG LLC., Owner.

Petitioner's Presentation:

Mr. John Glassgow, attorney with Lathrop and Gage, stated he represented the petitioner's request for three variations including: 1) a moving component on the sign; 2) permit text on the Lemon Tree Grocer awnings; and 3) permit a 21 square foot projecting sign where a six square foot projecting sign is the maximum allowed. Mr. Glassgow explained that staff's recommendation was to approve the projecting sign size as the Petitioner has requested. Their primary argument is that the grocery is uniquely located between two one-way streets at a T-intersection. The petitioner believes they need a larger sign for maximum visibility. They want to have a flat spinning lemon on the top of that sign. The store is a high quality store. With respect to the awning, Mr. Glassgow said they are trying to show that Lemon Tree is a high end store, and also that they would like it to be somewhat retro with a general store feel to it. Mr. Glassgow explained that they also wanted the store to appear consistent with the downtown area. The awning sign would convey the products that they would be selling. In addition, there are other stores in the downtown area that do have their products listed on the awnings.

Mr. Benes asked about the projecting sign, saying that the Village's Ordinance allows the Board only to give a maximum percentage increase of 50%. Mr. O'Brien corrected that the 50% variation applies only to setbacks. Mr. Benes said that the petitioner is requesting an increase of three to three and one-half times the permitted size for the sign. He indicated that the Village

also does not allow moving signage in the code and asked if the petitioner's cared about the Downtown. Mr. Glassgow responded that they do understand the Village's regulations and they do care about the character Downtown as they are a part of this neighborhood. Mr. Benes said they will also be allowed signage on the windows up to 25%.

Mr. Shaun Black, owner of the store, mentioned that there is no other area in the Village where two one-way streets intersect. When standing on Main Street you cannot see a six-foot sign. With respect to the windows, they are not planning on putting sale items or ad items in their windows. That does not measure up to the class level they wish to show.

Mr. Benes asked if they are putting signs in the windows at their store on south Main Street. Mr. Black responded that these signs are at the Michael's Fresh Market and Lemon Tree is not affiliated with their operations at that store. Mr. Benes said that right now they have not sold him on why they need any of these variations.

Staff's Presentation:

Mr. Popovich described the property as located on the west side of Acadia on the Green building three, with the remaining portion of the building being residential. The first variation is for a 21 square foot projecting sign where only a six square foot projecting sign is allowed. The 50% provision does not apply for sign variations. The petitioners are also requesting product text on the awnings, and a moving sign in the form of the spinning lemon slice.

Mr. Popovich noted that the building is located at the intersection of two one-way streets, and the petitioner would like to attract business from both Main Street and Washington Street. He referred to the Acadia on the Green Planned Development sign plan, which allows the petitioner up to 150 square feet of signage on the north and west facades of their leased space. The petitioner will install two 38 square foot wall signs on both the north and west façades. This will give the petitioner a total of 112 square feet of signage, which is 38 square feet below the total they are allowed.

Chairman White asked to confirm that if the Board grants these variations, the petitioner will still have potential additional wall signage available. He further asked whether the Board can restrict the projecting sign to this package. Mr. Popovich said if the Board chose to do that it could be allowed.

Mr. Benes asked what the wall sign allowance is on Mochel Drive. Mr. Popovich replied that they are allowed 150 square feet of signage on Mochel and Burlington per the Planned Development Sign Plan. Mr. Benes asked if the signs can be illuminated. Mr. Popovich confirmed the signs can be lighted. Mr. Benes asked if there could be a rotating lemon. Mr. Popovich said they could not have a moving element. Chairman White asked that the Board hold questions until after the staff report.

Mr. Popovich then reviewed each of the variations requested beginning with the projecting sign size. He indicated that staff finds there are unique circumstances associated with the property which warrants granting the requested projecting sign size variation for the following reasons: 1)

the property is located at a T-shaped intersection where the two streets are one-way streets and where this is the only intersection in the downtown district to have this configuration; 2) the property creates a hardship for the petitioner to install a code-compliant projecting sign that provides adequate visibility; 3) the petitioner does not have the ability to install a monument sign; and 4) the variation would not be applicable to other commercial properties in the downtown area because of the unique intersection and street configuration at this location. He said that staff believes this request meets all nine standards for granting variations, and would recommend approval of the request with the conditions as stated on page 7 of staff's report dated February 24, 2010.

With regard to the moving sign, staff finds there are no unique circumstances associated with this property that warrant granting the requested moving sign variation for the following reasons: 1) there is no physical hardship or practical difficulty associated with this petition which would require a rotating sign; 2) the petitioner has the ability to draw attention to the business through a stationary projecting sign; 3) moving signs are contrary to the purpose of the Sign Ordinance to "protect pedestrians and motorists by reducing distraction" and, 4) if the requested variation was approved, it could be construed to be applicable to all signs in the Village where no unique circumstance or physical hardship exists. He added that staff believes that Standards 6 and 8 have been met, but the others have not. Staff does not believe denying the moving sign will decrease the value of the property. Staff believes the sign does not need to rotate to draw people to the business. Mr. Popovich said that staff recommends denial of this request.

Mr. Popovich then addressed the request for awning sign text, saying that staff found no unique circumstances associated with the property that warrant granting the requested awning text variation for the following reasons: 1) there is no physical hardship or practical difficulty associated with this petition which would require the advertising of specific products on the awning; 2) the petitioner has the ability to place product advertising on the storefront windows; and 3) if the requested variation was approved, it could be construed to be applicable to all awnings in the Village where no unique circumstance or physical hardship exists. Staff's review shows that Standards 6, 7 and 8 have been met, but the other Standards have not been met. Therefore, staff recommends denial of this request.

Mr. Popovich said that three separate motions are necessary for this petition.

Mr. Benes said that staff's positive approach on the projecting wall sign is based on two one-way streets, which get twice as much traffic as one one-way street. He said that there are many businesses on Curtiss and no one has asked for this type of signage. Mr. Benes said he did not think the street configuration has anything to do with the need for this type of larger signage. He described the area saying that the petitioner should be looking to wall signs rather than this type of signage, which he considers a nuisance in the central business district. He said that the business across the street, Egg Harbor Cafe, is not seen, and they are not crying and have not come in for a variation, yet they run a pretty good business. Chairman White asked Mr. Benes if there were other questions and noted the Board would deliberate later in the hearing.

Chairman White asked if there were any other questions from the Board. There being none, he called upon anyone who wished to speak either in favor of or in opposition to the Petitioner.

Mr. Greg Bedalov, President of the Economic Development Corporation, said that Lemon Tree Grocer has no relationship with the EDC, professional or otherwise. He said that he was one of the people who worked to get a grocery store in the downtown district. Mr. Bedalov informed the Board that there is a sales tax agreement between Michael's at 75th and Lemont Road and the Lemon Tree Grocer; however, they are two completely separate stores and are not under the same ownership. While there is a professional business relationship between the two, the ownership of the stores, to his knowledge, and the sales tax agreement are separate. Mr. Bedalov said that the EDC, in conjunction with the Downtown Management Corporation, conducted a survey of 4,000 residents in the 60515 and 60516 postal zones asking what they would like to see occur in the downtown business district, and the overwhelming response by a 3:1 margin was a grocery store. In an effort to create a growth economy, a growth geography, and an attractive geography, advertising and visibility are used and are critical to the success of the business. Mr. Bedalov noted that as a member of the Downtown Management Board and President of the EDC, he gets calls from businesses on Mochel Drive and Curtiss Street asking for special directional signage and sandwich board signs to provide better exposure to their individual businesses.

Ms. Lisa Stregna of 6625 Green Road in Woodridge said she thought it is important to support Lemon Tree, which is a unique specialty store that will provide seasonal healthy food that will be great for the neighborhood. Anything that the Board can do to help Lemon Tree get established in the neighborhood would be good for the Village.

Mr. Joshua Coleman of 945 Burlington Avenue said he lives on the top floor of the building. He and his wife fully support Lemon Tree and its requested variations. The nature of the sign, the neutral colors, etc., will bring only good things from the sign. Anything to market the grocery store will be an advantage. He noted that the reference to Egg Harbor was made and pointed out that Egg Harbor is part of a well-known chain, while Lemon Tree is a new business and unique to the Village. As a resident of the building living in a corner unit, he thinks the sign proposed would be a good idea.

Ms. Ann Summercamp of 24 Traube Avenue said she favors this type of signage because the Lemon Tree will be a high-end grocery store and she doesn't expect they will be slapping all kinds of cheap signage in the window. She thinks it will be a good thing for the community.

Ms. Ann Cournoyer of 935 Burlington Avenue said that she would like to see the grocery store open soon. She was excited to see their poster in the window. She thinks this will be a great business and is convinced it will be a delicate sign that will not spoil the picture of Downers Grove.

Ms. Alyssa Healy of 4706 Highland Avenue said that Curtiss Street is completely inconvenient and is much more highly traveled than Mochel Drive. She doesn't go to Egg Harbor as it is an inconvenient location. She didn't believe that the spinning lemon would be a distraction and hopes Lemon Tree does well. She indicated that she and her fiancé have been excited about this addition to Downers Grove and they hope the Board allows the business to have the signage they need.

Mr. Dan Baker of 4706 Highland Avenue said that the benefit of having a grocery store in downtown Downers Grove is tremendous. They have been in the area for three years, and were going to move to Hinsdale until they learned that the grocery store will be in the downtown area. They instead built their home in Downers Grove. He asked that the Village give them any advantage they can for success.

There being no further questions and no summary from the Petitioner, Chairman White closed the opportunity for further public comment.

Board's Deliberation:

Moving Sign:

Mr. LaMantia said while he thought it was a good feature, the moving sign could open a can of worms with spinning elements to signs all over the Village.

Chairman White agreed, saying he sees no basis for a variation on the point of the spinning lemons. If the Village Council decides to allow spinning lemons, that is their decision.

Mr. LaMantia made a motion that the Board deny the request for a moving sign in case ZBA-02-10. Ms. Earl seconded the Motion.

AYES: Mr. LaMantia, Ms. Earl, Mr. Benes, Mr. Isacson, Chairman White

NAYS: None

The motion to deny passed unanimously.

Awning Text:

Chairman White then called for discussion on the awnings, saying it was his understanding that there are other signs on awnings in the downtown area and they must be removed by 2012. He is sympathetic with the idea that letters on the awnings downtown could be a valuable feature; however, the Village Council has chosen to prohibit advertising on the awnings. He sees no reason to allow the request.

Mr. Isaacson said that he thinks both of the suggestions made by the Petitioner were made in a tasteful fashion; however, it is not the Board's purview to make those decisions. He wants to see them succeed, but there are regulations that must be followed.

Mr. Benes said that the Sign Committee had a lot of discussions on awnings and it has come down to being prohibited.

Mr. Isaacson said that some lettering on awnings will not protrude from the structure, and will get the point across.

Chairman White commented that at one point the Village Council, after much discussion, chose to end the ability to put wording on awnings.

Ms. Earl made a motion to deny the variation requesting text on the awnings in case ZBA-02-10. Mr. Isacson seconded the motion.

AYES: Ms. Earl, Mr. Isacson, Mr. Benes, Mr. LaMantia, Ch. White

NAYS: None

The Motion to deny passed unanimously.

Projecting Sign:

Chairman White addressed the request for the projecting sign. He thinks in terms of the overall sign package it is an excellent sign, and staff made a wonderful argument as to why it should be allowed. Basically this fits in with the location of the building and the surrounding traffic pattern. He would be in favor of allowing the requested projecting sign as requested, as part of the presented plan package. He thinks the whole package as put together is well done.

Mr. Isacson said he agreed. The problem the property has is the inability to put in a monument sign or sandwich board sign. He was moved seeing the plan comparing of the six-foot sign versus the 21-foot sign.

Ms. Earl said she has concerns that this will open up requests from everyone up and down Mochel Drive seeking better signage.

Mr. Benes said he does not feel this sign is warranted. On Curtiss Street and Mochel Drive there is a business with wall signs on both Curtiss and Mochel Drive. They are not objectionable and identify the business. He doesn't see why this business can't have the same kind of signage. He is opposed to the projecting sign.

Ms. Earl said she does not object to the projecting sign, but to the size of 21 square feet.

Chairman White says that is why he is looking at the overall package. If they maxed out on the wall signs, the clutter and aesthetics would be worse.

Mr. Isacson agreed that the wall signs would be more clutter. As for Egg Harbor, the Lemon Tree business is more unique because of its corner location.

Chairman White said their package is below the allowed signage, and it would not be cluttered. Mr. Benes responded that the signs on Mochel and Curtiss do not look cluttered. Chairman White said that the projecting sign gives more notice per square foot with fewer square feet of signage.

Mr. Isacson noted that is the intention of the Sign Ordinance.

Ms. Earl reiterated her concern that there would be many others coming in requesting similar considerations. She would consider something less than the 21 square feet being requested. She believed 12 square feet would be justifiable since they have two frontages.

Chairman White indicated that he saw the important point being approval of the signage package as a whole, which is below the allowed square footage. Chairman White said he is not terribly concerned with opening the floodgates, because he can think of only a few businesses that might apply for consideration. In response to Mr. Benes, he further stated that this business is in an awkward location, and it needs visibility from both Main Street and Washington. In addition, the Petitioner has voluntarily surrendered a third of its allowed square footage. By coming in with a sign package of 97 square feet versus 150 square feet, they are in better compliance with what the Ordinance intends.

Mr. Benes made a motion that in case ZBA-02-10, that the Board deny the request for a projecting sign.

Hearing no second, Chairman White declared the Motion failed.

Mr. LaMantia made a motion that in case ZBA-02-10, the Board approve the projecting sign subject to the following conditions:

- 1. The proposed projecting sign shall substantially conform to the drawings prepared by Signet Sign Company, dated November 27, 2009, and attached to this report except as such plans may be changed to conform to village codes, ordinances, and policies.**
- 2. The total sign package cannot exceed the total sign square footage as presented.**

Ms. Earl seconded the motion.

Mr. Benes asked whether that was legal. Mr. O'Brien responded that the ZBA can place any conditions it wants on a request, including the total amount of signage that can be allowed for a specific petitioner.

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

NAYS: Mr. Benes

The Motion to approve carried by a vote of 4:1.

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ZBA-03-10 A petition seeking sign variations for the property located at the northeast corner of Downers Drive and Butterfield Road, commonly known as 1434 Butterfield Road, Downers Grove, IL (06-30-404-010), Doug Wurl, PAEP, PC., Petitioner; Toys R Us, Inc., Owner

Petitioner's Presentation:

Mr. Dan Shapiro, representing Toys-R-Us, stated that given the topography of the site of the Butterfield Road store, their sign is ten feet below street level. They want to make renovations to both the sign and the store and are requesting the Village's help. The petitioner is requesting to allow the sign to remain in its existing location, and to change it from a pylon sign to a monument sign.

Staff's Presentation:

Mr. Popovich said that the property is zoned B-3, which allows the petitioner a 15' tall sign of 60 square feet in size. The topography of the site places the parking lot eight to ten feet below the adjacent roadway. The current sign has 17' tall poles with a 3'8" x 12'5" sign at the top, based on older permit documents. The petitioner proposes to replace the existing box sign and install a 36 square foot sign with dimensions of 2'6" tall x 14'4" wide. The existing poles would remain as a structural element of the sign; however, they would be covered so it would appear to be a monument size with an overall height of approximately 19'6" from the base. Toys-R-Us is allowed 300 square feet of total signage, including a 15' tall monument sign. Toys-R-Us is going through a rebranding and installing a Babies R Us within the existing store. The existing wall sign will remain at a size of 264 square feet. Staff believes there are unique circumstances with this petition, specifically the eight to ten feet in grade change. This would be applicable only to two other properties on Butterfield Road where there are topographic changes. Mr. Popovich said with regard to the standards, staff believes the sign is essentially a 9.5' tall sign based on the roadway elevation. Limiting the visibility may reflect a modest reduction in the property's yield. Staff does not believe the monument sign would alter the general character of the locality. He reviewed the standards and stated that staff recommends approval of the request, as the unique condition and circumstances of the property warrants the requested variation.

Mr. Benes asked about the property to the east and their monument sign. Mr. Popovich replied that property is a shopping center, and their monument sign with panels is currently at 15' which meets shopping center standards. In further response he said that the property to the west is also a shopping center. The property with two buildings is not considered a shopping center and each building can have their own sign. When there are multiple frontages, each property is allowed two monument signs, which are limited to the square footage. Each tenant is allowed a 15' tall, 60 square foot monument sign. The Best Buy sign on the location is nonconforming 20' tall and 250 square feet in size. Mr. Benes asked how any square feet the petitioner is allowed, and Mr. Popovich said that for the monument sign they are allowed 60 square feet, with a total signage of 300 square feet overall on the site. The petitioner is proposing 36 square feet for their monument sign. He said that as part of their permit, they will be applying for 264 square feet of wall signage.

Chairman White asked if, other than the height, the signs comply with the ordinance. Mr. Popovich confirmed that the height is the only variation.

Mr. LaMantia said although it would violate the existing ordinance, the proposed signage is still less than it could be were it at grade level. Mr. Popovich said that was correct. Mr. LaMantia noted that if they were at grade, it would be much more obstructive.

There being no further questions from the Board, Chairman White called on anyone who wished to speak in favor of or in opposition to the petition, and there were no comments. Chairman White then closed the opportunity for further public comment.

Board's Deliberation:

Chairman White asked for comments from the Board. Mr. LaMantia said it seems to be straightforward and he had no problem with the request. There being no contrary opinion, Chairman White called for a Motion.

Mr. LaMantia made a motion that in case ZBA-03-10 the Board approve the requested variation as presented, subject to any conditions set by staff:

1. **The proposed monument sign shall substantially conform to the drawings prepared by PAEP, PC., dated December 15, 2009, and attached to this report except as such plans may be changed to conform to village codes, ordinances, and policies.**
2. **The proposed monument sign shall include the address of Toys R Us and shall include landscaping surrounding the base of the sign.**

Mr. Isacson seconded the Motion.

AYES: Mr. LaMantia, Mr. Isacson, Mr. Benes, Ms. Earl, Ch. White

NAYS: None

The Motion passed unanimously.

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Mr. O'Brien informed the Zoning Board of Appeals that they received updated Zoning Ordinances that include some text amendments and corrections to scrivener's errors, as well as changes in fee structures. There are no text amendments pending as of today. He also said there is one petition for next month's meeting with the possibility of a second petition.

There being no further discussion, Chairman White called for a Motion to adjourn.

Mr. Benes moved, seconded by Ms. Earl to adjourn the meeting.

All in favor.

Chairman White adjourned the meeting at 9:35 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary