

**Village of Downers Grove  
Community Events Commission  
Committee Room  
Downers Grove Village Hall  
March 18, 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**

**ABSENT: None**

GUESTS: Renata Alleujka, Danna Durkin

**I. APPROVAL OF JANUARY 28, 2010 MEETING MINUTES**

Ms. Pendola motioned to approve January 28, 2010 minutes with no additions or corrections. Ms. Rheintgen seconded this motion. Minutes were approved unanimously.

**II. DIRECTOR'S REPORT**

a. Brain Storming Event Session (continued)

Ms. Scalzetti stated that as part of this Commission's ongoing brainstorming sessions a draft Report and Recommendation for a Community Events Model was sent to all members for their review. Village Manager Dave Fieldman was introduced and facilitated a powerpoint presentation of the report.

Manager Fieldman in his presentation to the Commission reminded them of the Village Council Direction of developing a plan and recommendation for Community Events in 2001 and beyond, with the stipulation of covering all Village direct and indirect costs. He spoke of the Village' role as event "operator" for Village sponsored events where we plan organize, finance, staff and manage the events. He also talked about assisting other organizations with their events, such as Downtown Management with Fine Arts and the Santa Parade, Economic Development with Taste of DG, and many not-for-profit 5K runs, all requiring significant village resources. The 2009 Heritage Festival Costs: Method 1- \$366,876 (all direct costs) and Method 2- \$608,387 (direct and indirect expenses and all Village resources utilized) as well as direct revenues were discussed. Manager Fieldman also gave a summary of the commissions previous brainstorming sessions, reviewing the desired outcomes of community events.

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

Manager Fieldman went on to explain that given the Council' direction and the CEC guidance of desired outcomes, there are challenges with our current "operator" model in

that a \$240,000 revenue shortfall existed for Heritage Festival alone, and that changes to increase revenue may not achieve desired outcomes. He then introduced the “facilitation model”. A process where an application for an event would be submitted, reviewed by staff, followed by the CEC review and recommendation and then finally to the Village Council or Village Manager for approval. Some of the activities involved in the facilitation model include establishing event guidelines, the review of applications and issuance of permits as well as providing assistance. The type of assistance provided would be community relations, consulting and verifying event viability, event administration and providing required event services.

Manager Fieldman advised that the proposed facilitation model will allow the village to achieve the Village Council’s goal of recovering costs of community events through a series of fees charged to event applicants. These fees would include an application fee, village services fee, property usage fee, staff review fee and a facilitation fee. He continued by explaining the benefits of the facilitation model. The benefits include: reduced staff levels and costs, increased staff time and resources for other services, applies Village event experience, it is consistent with other Village processes, meets the Council direction of covering all Village costs, and allows CEC desired outcomes to be met. Manager Fieldman finished his presentation explaining the facilitation model challenges. This model shifts responsibility of financing an event to NFP’s and the business community and eliminates Village funding.

Mr. Humphreys asked exactly what type of events would come to the CEC, only those that use public property. Ms. Marino similarly inquired as to the type and gave an example of the carnival that comes to 63<sup>rd</sup> Street and Woodward Avenue. Manager Fieldman advised that event guidelines would be established. Mr. Szydlo inquired as to how much of the fees were optional as these may make events cost prohibitive. Commissioner Neustadt advised that currently two events have come through, those being the Rotary Club festival and Emmitt’s partnering with Downtown Management and they are going through the review process with some of these fees being assigned. Manager Fieldman advised that a letter was sent to Rotary today listing fees associated with their event. He also added that we have charged others for their events over the past year giving the YMCA and their market as an example.

There was continued discussion reference fees and Commission Neustadt requested some background as to what type of fees in the past have been waved. Ms. Mahoney questioned the positive revenue stream for events in the facilitation model and would the Village be making money from these events. Manager Fieldman advised cost recovery only.

Ms. Scalzetti reminded the commission that this is a transition period and as new events begin and become established over time, so will the experience level of the organization, reducing their costs. Mr. Humphreys suggested keeping costs low the first year during this transition period.

Mr. Humphreys advised that the report doesn't reflect the indirect revenue numbers, but rather refers to an attachment of the HF Economic Impact Study. He also stated that there are other benefits to activity with EDC being an example of the village investing and assisting without expecting all costs to be covered now, but rather the return is more in the long run. Mr. Szydlo concurred and further asked if sales tax dollars were removed during the budgeting process to adjust for the indirect impact lost by Heritage Festival. Manager Fieldman replied by explaining that sales tax dollars were considered during the budgeting process. Additionally, retailers have to file their sales tax with the state each month so it is tracked, just as several businesses that have sales tax agreements with the Village also file with the state and their sales tax dollars are tracked. He also stated, the HF Economic Impact Report, while a good report, is an estimate that we can not track back. Ms. Rheintgen asked if we could consider including a statement within the report so indirect impact is acknowledged and understood where it plays a role.

Commission Neustadt stated that the first year will be the most challenging and many will find out what it takes to put on an event. The Village is shifting in the direction of customer service. While the question reference indirect revenue is a valid question the goal of the council was to recover village costs. Manager Fieldman advised that we will look to answer your question at our next meeting, those being an explanation of each of the fees. There was more discussion on fees with a request for the possibility of a two tier fee structure, for profit and not-for-profit.

### **III. PUBLIC COMMENT**

Ms. Danna Durkin and Renata Allelujka introduced themselves and announced that they were here to speak on behalf of The Grove Players. Ms Durkin advised that The Grove Players will be celebrating their 75<sup>th</sup> anniversary, with many events and activities planned throughout the year. They requested their organization be considered for the parade marshal at this year's 2010 Independence Day Parade as they were the parade marshal when they celebrated their 50<sup>th</sup> anniversary. They would like to have a float within the parade with their members in costume performing.

### **IV. OLD BUSINESS**

Dave Humphreys requested information at our next meeting as to the criteria used to select the three community events that still remain village sponsored.

### **V. NEW BUSINESS**

Linda Kunzie gave an update on the Fine Arts Festival for 2010, advising that it was outsourced to Amdur Productions, as the draw at the event was down the last few years and she felt this company could produce a larger group of artists.

### **VI. ADJOURNMENT**

Chairman Neustadt thanked guests for their participation and a motion was made Mr. Jacaway to adjourn the meeting, second by Ms. Pendola.

The next meeting is scheduled for April 15<sup>th</sup>, 2010.

**Village of Downers Grove  
Community Events Commission  
Committee Room  
Downers Grove Village Hall  
April 1, 2010**

**PRESENT: Mr. Dave Humphreys (acting Chairman), Mr. Scott Jacaway, Ms. Colleen Mahoney, Ms. Ellen Pendola, Ms. Becky Rheintgen, Mr. Rich Szydlo  
Staff: Ms. Mary Scalzetti, Mr. David Fieldman**

**ABSENT: Chairman Geoff Neustadt, Ms. Patti Marino.**

GUESTS: Todd Galentine, Barb Wysocki, Dan Loftus

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Mr. Humphreys opened the meeting by advising he was asked by Commissioner Neustadt to chair the meeting in his absence, as he is out of town on business. Mr. Humphreys also stated that he was a member of the Rotary Club and would abstain from voting on the Temporary Use application submitted.

He went on to state, with the suspension of Heritage Festival and other community events the Community Events Commission (CEC) was asked by council to come up with a new concept for community events a blueprint so to speak. Additionally, the CEC has been in the process of developing a recommendation for 2011 events, however, a community group has developed plans for a festival in 2010 and that is the reason for this meeting today, to discuss the proposed plans and make a recommendation to Council reference the event.

**I. DIRECTORS REPORT**

a. Temporary Use Application Review – Rotary Fest

Mr. Humphreys requested Todd Galentine, representative of the Rotary Club, make an opening statement. Mr. Galentine gave the overview of a festival to be held July 15 -18, 2010. He stated they will begin with a preview opening night amusement ride component. He continued, Friday evening would begin at 6pm and everything will be up and running till 11pm. There will be a beer garden, an entertainment area with restaurants from Downers Grove and on Sat and Sun we will have a NFP area for them to sell water or pop. The NFP's will not be charged. Saturday and Sunday we will open at 12 noon and close at 10:30 and 11:00pm. Lastly there will be a car show on Sunday 10:00pm – 4:00pm

A discussion ensued reference the layout of the festival so that all CEC members understood the proposed layout. Ms Scalzetti reviewed the staff report with the commission going over each condition specified within the report. There was discussion

relative to the fees listed within the report. Village Manager Fieldman explained the fee is for the exact amount of staff time estimated, and we are requesting for Rotary to pay the minimum estimated, 14 days in advance of the event. There is a degree of uncertainty, as this is the first event, however we feel we will need the estimated number of staff hours for this event. In order to make sure that we are covered, in the event staff has to call in more people, we are requesting two things. First, we are requesting a payment of the estimated staff hours \$25,600 and second, a cash bond or letter of credit in the amount of 120% of the estimate, \$30,720. If we use more staff and Rotary failed to pay us, we would cash the letter of credit for the difference between what they paid up front and the actual cost incurred.

Mr. Humphreys questioned, would there be a process where the Village would consult with the Rotary, should operations need more staff called in thereby using part of that letter of credit. Manager Fieldman stated our interest is customer service to the applicant and public safety, and that we would have a meeting on site to figure out options with the applicant.

There was more discussion reference the explanation and clarification of the temporary use fees listed within the report. Also several commission members had questions with respect to the rides and ticket pricing as well as entrance fees. Mr. Galentine advised that there will be an entrance fee charged to the beer garden area of \$5 per person after 5pm on Friday, Saturday and Sunday. Ms. Wysocki advised that the ride prices will remain similar to what they have been in the past.

Mr. Jacaway questioned how the Rotary Club arrived at their estimated 25,000 in attendance. Mr. Galentine stated it was based on having a different date other than Heritage Festival and making it emphatically clear in our advertising that Rotary was not doing Heritage Festival. Ms. Wysocki added that they also took into account previous beer garden attendance numbers. Mr. Jacaway voiced his concern reference the potential for over crowding and the footprint being too small of a space for so many people. He voiced that kids come down just to hang out. Village Manager Fieldman stated the Villages' concern is public safety as well, and that the Village wanted the ability to add more public safety staff if needed which is why the dollar figure in the letter of credit is high, on top of the fees. If there was a public safety issue we would work with the Rotary to either modify the event going forward or in the case of overcrowding, close it down. Ms. Pendola advised that considerations within the agreement give the police an option to close the event if a public safety issue occurs. Mr. Humphreys added that the CEC can with this discussion send an additional message and express the CEC's concerns to Council. Village Manager Fieldman asked, is the concern that there is not enough space to operate the rides given the expected lines in the area, that it is too condensed or is the concern that because of the expected crowd, the event itself in size scope and scale is too small? Several of the commission members' response was, both are a concern. Village Manager Fieldman offered a statement to address the Commissions' concern. He advised that a condition would be added to state, in the event that attendance exceeds capacity of the event or the event is operated in a manner not consistent with the public health safety

and welfare the Village reserves the right to modify, cancel or close the event at its sole discretion.

Mr. Humphreys asked for a motion that the commission approve the recommendation of staff to approve the Rotary Club's Temporary Use application as adjusted by the staff Motion was so moved by Ms. Rheintgen, second by Ms. Pendola. Motion carried 4:1.

Mr. Szydlo questioned as to the Council's direction of events being revenue neutral and if this event model doesn't work, would they reconsider their proposal. Village Manager Fieldman stated that when the Council discussions of suspending Heritage Festival were happening, there were many council members that stated they would consider organizations that were willing to step forward and work an event. Staff is recommending this model. If this event which happens in July has issues, and at the same time Council is considering the proposed model recommendation from the CEC, it is an opportunity for Council to say this model needs to be tweaked or this model doesn't work and the Village should go back to the old model or look for a new one.

## **II. PUBLIC COMMENT**

None.

## **III. ADJOURNMENT**

Mr. Humphreys declared the meeting adjourned.

The next meeting is scheduled for April 15<sup>th</sup>, 2010.

VILLAGE OF DOWNERS GROVE  
ZONING BOARD OF APPEALS MEETING  
MARCH 24, 2010

**Call to Order**

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

**Roll Call**

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

**Absent:** None

A quorum was established.

**Staff:** Jeff O'Brien, Planning Manager; Stan Popovich, Planner

**Minutes of February 24, 2010**

Mr. Benes moved to approve the draft minutes of the February 24, 2010 Zoning Board of Appeals meeting. Ms. Earl seconded the Motion.

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

**ABSTAIN:** Mr. Domijan, Ms. Majauskas

**NAYS:** None

The Motion passed.

**Meeting Procedures**

Chairman White said there were originally two items to be heard on the Agenda; however, File ZBA-04-10 has been withdrawn, and the Board will only be discussing ZBA-05-10. He reviewed the procedures to be followed during the public hearing, 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.

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**ZBA-05-10** A petition seeking a sign fence variation to allow a six-foot tall solid fence in the front yard for the property located at the northwest corner of Oak Hill Road and Highland

Avenue, commonly known as 1000 Oak Hill Road, Downers Grove, IL (PIN 06-32-103-012), Robert & Jacquelin Boswell, Petitioners/Owners.

**Petitioner's Presentation:**

Robert and Jacquelin Boswell, of 1000 Oak Hill Road, stated they were asking for a variance for construction of a six-foot solid fence within their yard facing Highland Avenue, to just past their driveway turnaround and 65 feet from Oak Hill Road.

Mrs. Boswell said a chain link fence there was removed when it began to deteriorate. They also lost most of the foliage along that fence which acted as a barrier. They want the six-foot fence as a sound barrier, as well as for privacy and security.

Mr. Boswell said the side of their garage is about 18 feet from the sidewalk and their property is 230 feet long. The entire property is visible from Highland Avenue. Due to the proximity of the house to Highland Avenue, vehicle lights shine into the property and road noise is an issue, especially when the pavement is wet. He added that their house also has a side door that is not far from the sidewalk. There is a lot of foot traffic in the fall and summer. He noted that they just moved into the home in August of last year. Now that the chain link fence and foliage are gone you can see directly onto the property and into his garage. Mr. Boswell noted that they have a small child living with them, as well as grandchildren who visit.

Ms. Majauskas asked why they are not willing to re-plant the foliage. Mr. Boswell said that is a long-term solution to the problem. They plan to do some landscaping in the future, but they want a short-term solution at this time. They feel that their back yard is not useful and enjoyable. It is difficult to have a conversation in the back yard. Mr. Boswell said they are not that far from Highland Avenue, and the speed limit coming down the hill is 40 mph and many drivers exceed that limit. The Boswell's also believe they would get a better return on their property with a six-foot fence on the site. Mr. Boswell said that at least 80% of the front yard will be open with foliage and no fencing. They only want enough fencing to give them privacy from people seeing into the garage and back yard.

Mr. Domijan asked how determined they were about having a solid fence. Mr. Boswell said they would prefer to have the solid fence for additional sound-proofing, to bounce some of the road noise off. He prefers the solid fence to anything else. Although sound might not seem like a big issue, it is an issue to them because they cannot enjoy their own back yard. Security and safety issues are real, but the sound issue is major. Mr. Boswell added that they do not feel the fence would decrease the aesthetics of the property.

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

**Staff's Presentation:**

Mr. Stan Popovich, Planner with the Village of Downers Grove, reviewed the request for the variation. The property is located in an R-1 Single-family residential district. Because the



property is a corner lot, it is considered to have two front yards, and the existing house is legal nonconforming with regard to the front yard setback along Highland Avenue. The fence would begin at the properties northeast corner, and extend 187 feet to the south, which is 40 feet past the front of the house, stopping 43 feet from the southeast corner of the lot.

Mr. Popovich said that staff finds there are no unique circumstances associated with the property which warrant granting the requested variation since the corner lot is no more unique than other corner lots in the community; there are no physical hardships associated with the property that would require a six-foot solid design fence; there are other options, such as evergreen screening, to address the petitioner's noise and appearance issues; and, the variation would be applicable to other corner lot property throughout the community. He then reviewed the applicability of this request in terms of the nine standards for granting variations shown on staff's report dated March 24, 2010, pages 2-4.

Mr. Popovich stated that staff believes there is no physical hardship or unique circumstance associated with this property. Based on its analysis dated March 24, 2010, Staff believes the standards for granting a variation have not been met. Staff therefore recommends denial of the requested variation.

Mr. Popovich noted that, should the Zoning Board of Appeals decide to grant the requested variation, the variance should be subject to the condition that the fence shall comply with the permit application prepared by TRI General Contractors dated February 19, 2010.

Ms. Earl asked if the house north of this house were turned to face another direction, could the petitioner legally put up a six-foot solid fence. Mr. Popovich then used overhead photographs to explain how the fence regulations are based on front, side and rear yards and how the adjacency of such yards affect the size and style of fence that can be installed.

Chairman White noted that there is an odd-shaped lot to the north of the subject property, and Mr. Popovich said that property is a flag lot with a front yard.

Mr. Domijan said that you have to take into consideration the type of traffic that exists on the roadway. He said he thought Highland Avenue in that area is a County maintained road, and Mr. Popovich said it was.

Mr. Benes asked if any other property owners along Highland further up the hill have requested any type of fencing. Mr. Popovich said there have not been any requests. There are some townhomes north of this property with double-frontage lots in the Mistwood area. Mr. Benes said in that area they are allowed to have a six-foot fence. Mr. Popovich again used the overhead to show the area in question and noted the double-frontage lots are permitted to have six-foot fences in the area behind their houses.

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

Mr. Boswell said the property behind them is significantly below the street level with a concrete retaining wall in front. That home's proximity to Highland Avenue is not as close to the

sidewalk as his house. The house across the street has a solid fence that does not extend into the front yard area; however, their driveway is on the other side of the house and affords more privacy. Mr. Boswell said he does not want to harp on the security issue, but he does not keep his garage door open. People walk along Highland Avenue and could easily access the contents of his garage, or worse, be a danger to his family and grandchildren. He said he did not understand what is considered a hardship. He explained he has a small granddaughter living with them, other grandchildren who visit, one of whom is blind and autistic. He does not know whether that constitutes a hardship; but, sudden loud noises are very difficult for the autistic child to deal with. Highland Avenue is the primary access to the Hospital, with heavy traffic and ambulances coming through that area. They found other properties listed on busy streets and he believes there were several corner lots with solid fences, or some type of six-foot fence. Mr. Boswell said in response to the comment that corner lots do not have as much privacy as other lots, his corner lot has no privacy.

In response to Mr. Benes, Mr. Boswell said he does not believe that the fence will eliminate the number of ambulances; however, he believes it will cut down the decibel level of the ambulance/general traffic sound. After having lived there for a winter without any foliage, they feel that the situation is more negative than expected.

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

### **Board's Deliberation**

Ms. Earl said she had no problem with the solid six-foot fence across the back, or up the side of the property to the house. She is fighting with the portion that would be from the house forward into the front yard.

Ms. Majauskas said she has a problem with the uniqueness of the situation, and with the applicability to similarly situated property. She sees nothing unique about the property. The property is a corner lot on a busy street, but there are many busy streets in Downers Grove. She cannot find anything on this lot that is unique to this property. Good Samaritan Hospital and Highland Avenue have been at that location for a long time, and the house has been there without a six-foot fence for at least twenty years. Ms. Majauskas said they have the alternative of evergreens and shrubs, which will not take care of the issue in the next five minutes. However as they grow, they will block out the light and they could be combined with open fencing.

Ms. Earl said that backing up to the neighboring flag lot could be seen as unusual since they can not go across the back. There was discussion as to the situation caused by the placement of the subject property and the flag lot properties.

Chairman White said that at the southern edge of the adjacent house is a street. The house to the north of the subject street is the townhome development and has one front yard.

Ms. Isacson said he thought Ms. Earl was trying to find something unique to this specific site.

Ms. Benes said that the Zoning Board of Appeals passed variations for a similar situation at Maple Avenue and 55<sup>th</sup> Street, for basically the same reasons including noise from the road, privacy, etc. Ms. Earl said there was a significant slope to that lot. Ms. Majauskas noted that particular house on 55<sup>th</sup> Street went up for sale four months after they were given the variance.

Mr. Domijan commented that the previous owners of the subject property never sought a six-foot fence. The road was a two-lane road at that time and they may have been able to live with it. He noted that just because they did not ask for the variance doesn't mean the condition doesn't exist.

Ms. Majauskas asked again what is the unique condition. Mr. Domijan said in his opinion it is the traffic generated by the Hospital along Highland Avenue. Mr. Benes said that Yorktown also generates a lot of traffic. Mr. Domijan said this is a County road.

Mr. Benes said he was not thinking this property was so unique that they should give them the variation. People get used to such things such as railroads, airplanes, cars and traffic. The petitioner talked about privacy for their yard, which he sees as more of an issue than the noise issue. Ms. Majauskas said privacy is not a good enough reason for a variance.

Ms. Earl said her problem is that the house across the street from them can have a six-foot solid fence along Highland, but because the adjacent house is oriented in a slightly different direction, the petitioner is not afforded the same situation. Mr. Isacson interjected that there is no street north of these two homes to get south of the College, so it can not be rear to rear. Ms. Earl said that is the technical reason, and was not created by the petitioner. Ms. Earl asked whether that would be the unique circumstance.

Mr. Domijan said he thought the language as to how to treat corner lots should be reworked, in this type of situation. He does not believe the other alternatives give the petitioner the type of use he is seeking from his property.

Mr. Isacson referred to Sec. 28.1301(a), which states that "Fences, including walls and plants in the nature of a fence, shall be erected in conformance with the requirements of this section," and he asked if that is literally enforced in terms of shrubbery height, etc. Mr. Popovich responded that he did not think it was literally enforced, but it becomes an issue when things become overgrown and block access.

Ms. Majauskas reiterated that the fence is the easiest answer, but the Board does not have to grant a variance for that reason. Planting shrubbery would take longer but serve a similar purpose. She does not like people walking down her sidewalk either, but there are tons of people walking down her street and there is nothing she can do about it.

Ms. Earl asked about an open fence, and Mr. Popovich said that would be something like a picket fence with spaces between the boards. Ms. Earl said she understood there was a difference in the definition of a board-on-board fence. Mr. Jeff O'Brien of the Village then explained that an open design fence has a 2:1 ratio. If a picket is 2 inches wide, there should be 4 inches between pickets. A shadow-box fence is not considered an open design fence.

Ms. Earl then asked about the fencing at the northeast corner of the lot and whether it would have to be clipped for the adjacent driveway. Mr. Popovich said that the adjacent driveway is 15 feet north of the property line, so the fence would not have to be changed.

There being no further discussion, Chairman White called for a motion.

**Mr. Benes made a motion in case ZBA 05-10, that the Board grant the variation request as presented with the following condition:**

**The fence shall comply with the permit application prepared by TRI General Contractors dated February 19, 2010.**

**Mr. Domijan seconded the motion.**

**AYES: Mr. Benes, Mr. Domijan, Ms. Earl, Mr. Isacson**

**NAYS: Ms. Majauskas, Ch. White**

**The Motion passed by a vote of 4:2.**

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Mr. O'Brien commented that there are petitions for next month's meeting. As for the other petition before the Board that was withdrawn tonight, the church decided to change the size of the signage and look at other options. It might come back to the Board.

Mr. O'Brien also announced that Mr. LaMantia resigned from the Board earlier this month due to his job responsibilities.

Ms. Majauskas asked if the fence ever has to be replaced, would the owner have to come in for another variance. Mr. O'Brien said that the variance is in perpetuity, as long as they meet the size requirements of the variation granted.

There being no further business, Chairman White adjourned the meeting at 8:13 PM.

Respectfully submitted,

Tonie Harrington  
Recording Secretary