

APPROVED 11/1/2010

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

OCTOBER 4, 2010, 7:00 P.M.

Chairman Jirik called the October 4, 2010 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

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

VISITORS: Ken Malinowski, Flavorchem Corp, 1525 Brook Dr., Naperville, IL; Dave Tuszynski, Heitman Architects, 555 Pierce Rd., Itasca, IL; Kevin Kane, 4914 Pershing Ave., Downers Grove; A.J. Peters, 922 Warren Ave., Downers Grove; Joan Weeks, 4909 Pershing, Downers Grove; Nancy Larson, 4915 Pershing Ave., Downers Grove; Mark Rupsis, Rupsis Associates Architects, 956 Summit Creek, Shorwood, IL; Michele Herlihy Jachim, Pawsitively Balanced, 4613 Linscott Ave., Downers Grove; Willis Johnson, 603-635 Rogers, LLC, 603 Rogers St., Downers Grove

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

SEPTEMBER 13, 2010 MEETING MINUTES - MR. WAECHTLER MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. COZZO. MOTION CARRIED BY VOICE VOTE OF 9-0.

An explanation of the meeting's protocol followed.

PC-09-10 A petition seeking a Special Use to permit two principal buildings on a single parcel and a Final Plat of Subdivision to consolidate four lots into one lot for the property located on the east side of Belmont Road, approximately 450 feet north of the intersection of Belmont Road and Warren Avenue, commonly known as 4901 Belmont Road, Downers Grove, Illinois (PIN # 08-12-212-011); Mark J. Rupsis, Rupsis Associates Architects, P.C., Petitioner; DLM Management, Owner.

Chairman Jirik swore in those individuals who would be speaking on PC-09-10.

Village Planner, Mr. Damir Latinovic discussed that the 1.36 acre property under discussion currently consists of four lots of record and is located on the east side of Belmont Road north of Warren Avenue. The site is zoned R-6 Multiple Family Residence and has a two-story multiple family building on the south side of the property. A 16-car garage sits on the eastern portion of the property. Mr. Latinovic reported that on April 5, 2010 the second principal structure, a two-story 16-unit building occupying the northern part of the site was destroyed by fire and was demolished.

The petitioner is seeking a Special Use approval and final plat of subdivision approval to consolidate the four lots into one lot in order to construct a 15-unit, three-story building to replace the structure that was destroyed by fire. The proposal will meet all zoning requirements and meet all minimum lot dimension requirements.

The proposed three-story masonry building will be 34 feet-4 inches to the middle of the roof line, which meets code, will include a hipped roof, and will be located 25 feet from the front property line. It will sit 24.1 feet from the north property line. Along with the current 16 parking spaces in the existing garage, there will be a total of 70 parking spaces on the property. Three handicap spaces will also be provided. The building will include an elevator. The current access to Belmont Road will remain.

The Future Land Use Plan ("FLUP") designates the site as Residential with 11 to 25 units per acre. The proposed 15-unit north building, along with the existing 20-unit south building, will have a density of 25.69 units per acre, which is in accordance with the FLUP.

The property is surrounded by multiple family residential uses to the north while single-family residences are to the east. A commercial property is located south of the site while a commuter parking lot occupies the property west of the site across Belmont Road. The proposed multiple family building is compatible with surrounding uses and it meets the Village's Zoning Ordinance. The proposed lot consolidation and Special Use will bring the property into full compliance with the zoning ordinance. Should the proposal be approved, staff recommends that a condition be placed in the motion that the garbage dumpsters that are located in the southeast corner of the property be relocated to the area east of the new building.

As to the lot consolidation, Mr. Latinovic reported that the new lot conforms to the Village's Subdivision Ordinance and will be approximately 240 feet wide by 238 feet deep, which exceeds the minimum requirements, along with a new five-foot wide public utility and drainage easement along the side lot lines. Because the footprint of the new building is smaller than the previous building, he stated the impervious surface will be reduced. However, the petitioner is proposing to add new asphalt areas to connect the existing parking lot with the new parking area on the first floor of the proposed building and will need to construct a bio-swale area (southeast corner of site) to comply with the DuPage County's Best Management Practices for treatment of the stormwater runoff.

Per Mr. Latinovic, staff is recommending that the two proposed striped-asphalt parking islands be converted to landscaped islands. The fire department is requiring the building to have fire sprinklers (including the first floor parking) and equipped with a manual and automatic fire alarm system.

To date, some neighbors have expressed concern about the height of the building, even though it meets code, and water run-off from the site.

Staff believes the proposal meets the requirements of the Subdivision Ordinance, the Zoning Ordinance, and the FLUP, and believes the standards for a Special Use have been met. Staff also believes the proposed use will not be detrimental to the health, safety, and general welfare of the public, nor have a negative effect on surrounding properties. Staff recommended that the Plan

Commission forward a positive recommendation to the Village Council with the recommendations listed in staff's report.

Commissioner questions followed on the sprinklering of the southern building, to which Mr. Latinovic noted that he had no information regarding the south building and if it has a sprinkler system or if a sprinkler system was required by code back in 1991. He noted that the Commission had no jurisdiction over the southern building at this time. Other questions followed on the location of the existing garbage dumpsters compared to the new area, the number of current parking spaces compared to the ones being proposed, and screening between the proposal and the residential area to the east. Mr. Latinovic confirmed the proposed southeast retention area will be a combination of plants and rocks. The Chairman recommended some verbiage changes to staff's conditions, specifically as it relates to "two" principal buildings and the word "substantially" since he was concerned about creating a loophole for the petitioner to modify the plans and not have to return for review.

Village Planning Manager, Mr. Jeff O'Brien, explained the term "substantially" was added in order to counter a prior de-facto variance that was approved and he explained the term is used when a petitioner changes the appearance of the building or the plans deviates significantly from what was originally approved or discussed. Mr. Waechtler shared the Chairman's concerns. Mrs. Hamernik stated there were enough checks and balances and that the wording was fine in her opinion.

Petitioner, Mr. Mark Rupsis, 956 Summit Creek Drive, Shorwood, Illinois, architect for the proposal, discussed his original intentions for the building, and, in working with staff, believed a better building was created which met all Village codes. He explained that stormwater would be better filtered when it ran off the site. Except for the dumpster relocation and the two landscaped islands, he respectfully requested that the Special Use and lot consolidation be granted.

Questions were raised by some commissioners regarding the two previous fires that occurred, the safety of inhabitants in the existing building, and the costs associated with sprinklering an existing building.

Chairman Jirik opened up the meeting to public comment.

Mr. Kevin Kane, 4914 Pershing Avenue, said he resides on the southeast side of the property and currently receives most of the water from the property under discussion. He submitted photographs from 2008 for the commissioners to review. He noted the flow of the water in the photos. Mr. Kane said he undertook a project with the village to correct it in 2009, i.e., adding a manhole, landscaping berms, etc. He explained that silt and a variety of garbage comes across the water flow, along with liquids from the cars that park there. In reviewing the proposed building plans, he voiced concern about the expanded parking lot and what the water run-off would do to his property.

Mr. Kane elaborated on the discussion he had with Mr. Rupsis regarding the swale and how it would address his property. He voiced concern about the size of the swale and the fact that no water flow study had been done. Mr. Kane discussed his own research on the minimum width and depth requirements for the swale, noting they were to be anywhere from 600 to 1,000 sq. feet, and not as proposed. No evidence of that existed, to date. He voiced concern as to how long the water would sit and believed a more effective barrier should exist between the two properties. Mr. Kane presented more photographs of a property that sits south of the proposed site, which also funnels to

his property. Photos of the existing parking lot and its current condition were also distributed. Mr. Kane suggested placing a steel grate between the two properties in order to catch the garbage that flows onto his property.

Responding to a question, Mr. Latinovic stated the village engineer did review the plans and said a condition exists in staff's report that states the engineer has to provide engineering calculations that show that the bio-swale and entire development will meet the stormwater requirements.

Ms. Joan Weeks, 4909 Pershing Avenue, resides across the street from Mr. Kane. She voiced concern about the additional water flow that will be occurring on Pershing and the fact that multiple plants are not going to solve the water problem. She discussed the water problems that existed years ago and the fact that she has standing water year-round between her house and her neighbors and it never freezes and is a mosquito haven. She supported whatever was built on the property as long as it did not increase the water problems for the residents. She invited the commissioners to view her videos of the water flow throughout the four seasons.

Ms. Nancy Larson, 4915 Pershing Avenue, said the area north of her house was a marsh. After it rains, she has a 3- to 4-foot river in the rear of her yard. While the footprint of the building will be reduced, she voiced concern that the footprint of the blacktop will be increased. She believed other solutions exist other than blacktop. She shared her neighbors' concerns.

Mr. Kane, 4914 Pershing, stated that an obvious solution would be adding a drainage system in the southeast corner of the site, due to the damage that the water currently causes, before the plan is approved.

There being no further comments, public participation was closed.

Mr. Rupsis responded by acknowledging the water concerns being raised and he stated that he was trying to mitigate any additional water flow that would occur on the site. He stated the owner was trying to be a good neighbor by making improvements with this project. He stated he would ask the project engineer to ensure that BMPs were met and that the engineering calculations complied.

Commissioners followed up with questions about the square footage of the swale to which Mr. Latinovic explained that the area affected by the regrading for the bio-swale will be approximately 500 square feet, but that Mr. Kane recently spoke with the engineer, who indicated that the actual bio-swale area would be less than that. He confirmed that the swale would have to meet the Village's stormwater ordinance. Mr. Latinovic further clarified that the impervious area of the property will be reduced, not increased (formerly 73.7% of impervious surface as compared to the proposed 71.8%). Asked if the calculations were going to address the entire lot or just those lots for the proposed building, Mr. Latinovic said it will reflect the entire impervious area on the property before the fire and after the proposed building is constructed.

Mr. Matejczyk said he understood the neighborhood had water issues, he felt the site, as proposed, would improve the conditions. The Chairman agreed in the sense that the proposal would not exacerbate the water issue of the area and would likely improve it. He believed that the solution should be further worked out prior to this matter going forward to the Village Council.

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The basis for determining the run-off was explained by Mr. Latinovic. Asked if the combining of the four lots contributed to the run-off, Mr. Latinovic responded it does not. Discussion followed among the commissioners that the proposal could not make the water issues worse but, in fact, could improve the water situation. It was suggested that the discussion at hand could make the Village Council aware of a larger issue. Mr. Waechtler concurred with Mr. Cozzo's comments about the water issue.

Asked if the steel fence could be something considered by the petitioner, Mr. Rupsis stated he would have to speak to his engineer and review the details, as he could not answer the question. Mrs. Hamernik believed the petitioner had some room for revision, citing the fact that possibly parking space number 70 could be relocated and that area then used for a larger bio-swale area. She stated she would like the engineer to explore this and other possibilities to improve the current proposal for treatment of the stormwater runoff. Mr. Rupsis concurred with the suggestion.

WITH REGARD TO FILE PC-09-10, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL APPROVING THE PROPOSED SPECIAL USE REQUEST FOR TWO (2) PRINCIPAL BUILDINGS ON ONE LOT AND A FINAL PLAT OF SUBDIVISION TO CONSOLIDATE THE EXISTING LOTS INTO ONE NEW LOT, SUBJECT TO FOLLOWING CONDITIONS:

- 1. THE PROPOSED LOT CONSOLIDATION AND SPECIAL USE REQUEST SHALL SUBSTANTIALLY CONFORM TO THE ARCHITECTURAL PLANS PREPARED BY RUPSIS ASSOCIATES ARCHITECTS, P.C. LAST REVISED ON SEPTEMBER 3, 2010, AND ENGINEERING PLANS PREPARED BY RUETTIGER, TONELI & ASSOICATES, INC. DATED JUNE 22, 2010, LAST REVISED SEPTEMBER 2, 2010 ATTACHED TO STAFF REPORT DATED OCTOBER 4, 2010 EXCEPT AS SUCH PLANS MAY BE MODIFIED AS NECESSARY TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES.**
- 2. PRIOR TO ISSUANCE OF THE BUILDING PERMIT, ENGINEERING CALCULATIONS MUST BE SUBMITTED DEMONSTRATING COMPLIANCE WITH THE STORMWATER ORDINANCE AND DUPAGE COUNTY'S BEST MANAGEMENT PRACTICES FOR TREATMENT OF THE STORMWATER RUN-OFF.**
- 3. THE TWO INTERIOR STRIPED ISLANDS SHALL BE CONVERTED TO FULL LANDSCAPED ISLANDS WITH CURB, GUTTER AND LANDSCAPED MATERIALS. ALTERNATIVELY, THE PETITIONER MAY RELOCATE THE TWO SOUTHERNMOST PARKING SPACES TO THE STRIPED ISLAND AND EXPAND THE BIO-RETENTION AREA IN THE SOUTHEAST CORNER OF THE PROPERTY.**
- 4. THE GARBAGE DUMPSTERS SHALL BE RELOCATED TO THE AREA NORTHEAST OF THE NEW BUILDING. A SIX-FOOT HIGH SOLID FENCE SHALL BE INSTALLED AROUND THE GARBAGE DUMPSTER AREA.**

SECONDED BY MRS. HAMERNIK. ROLL CALL:

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

MOTION PASSED. VOTE 9-0.

PC-12-10 A petition seeking a final plat of subdivision approval to consolidate two lots into one and a rezoning from M-2, Restricted Manufacturing, to ORM, Office Research & Manufacturing for the property located at the northeast corner of Brook Drive and Centre Circle, approximately 470 feet east of the intersection of Brook Drive and Finley Road, commonly known as 1528 Brook Drive and 1516 Brook Drive/1515 Centre Circle, Downers Grove, Illinois (PIN 06-30-402-001, -002); Flavorchem Corporation, Petitioner; Aromark Properties Inc., Owner.

Chairman Jirik swore in those individuals who would be speaking on File PC-12-10.

Village Planner, Mr. Stan Popovich, discussed that the petitioner is requesting approval of a final plat of subdivision to consolidate two existing lots into one lot and a rezoning of an existing 41,000 sq. ft. western parcel (1528 Brook Drive) from M2, Restricted Manufacturing to ORM - Office, Research and Manufacturing in order to construct an addition to connect the building to the eastern 50,000 sq. foot parcel, zoned ORM, at 1516 Brook Drive/1515 Centre Circle. The petitioner occupies both buildings. Without the plat of subdivision, the petitioner would not be permitted to construct the building link over the property line. The rezoning of the western parcel will allow the entire parcel to become ORM zoning and the rezoning to ORM is consistent with the proposed production and research and development activities that are proposed for the buildings.

The new parcel meets all width and depth requirements, subdivision requirements, and complies with the Village's Future Land Use Plan and Zoning Ordinance bulk standards in the ORM District. To date, the petitioner has not requested any exceptions from the Subdivision Ordinance. However, staff has requested that a five-foot stormwater/utility easement be created at the southeast corner of the site. He noted this was requested on the plans after the packets had been sent to the commissioners.

While there was no concerns raised by the neighbors, Mr. Popovich stated that staff did speak to one concerned neighbor regarding the shared parking agreement between the 1515/1516 building, the gymnastics facility and Allied Van Lines facility. Minor details of that agreement followed, but based on the proposed site plan, Mr. Popovich indicated that the petitioner will have to provide 70 parking spaces. That requirement will be met. In speaking with the petitioner, Mr. Popovich stated the petitioner will be running one shift to maintain the shared parking agreement.

Staff believes the plan to consolidate the lot meets the requirements the Subdivision Ordinance, the Future Land Use Plan, and the rezoning requirements and the proposal will not affect property values or affect the general health, safety, and welfare of the neighborhood. The use and location is consistent with the trend of offices, research development, and manufacturing/warehousing. Staff supported the proposal and recommended that the Plan Commission send a favorable recommendation to the Village Council with the conditions listed on page 4 of staff's report.

Clarification followed on the shared parking agreement, noting that the gymnasium uses the facility after-hours and on weekends while the manufacturing facility uses it during typical business hours. Clarification also followed on the difference between manufacturing and restricted manufacturing. A question followed if additional retention would be necessary for the site, to which Mr. Popovich

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did not believe it required it and, therefore, it was not an engineering condition in staff's recommendation because it could be addressed administratively. An explanation followed.

Petitioner, Mr. Dave Tuszynski, with Heitman Architects, 555 Pierce Road, Itasca, Illinois, summarized the proposal again for the commissioners, noting the addition creates a link between the two buildings for a total of 98,000 square feet. An explanation of the Flavorchem manufacturing process followed, with Mr. Tuszynski explaining the connection will be used for the shipping and receiving portion of the manufacturing process. The majority of the site was already paved.

Mr. Ken Malinowski, Flavorchem Corporation, 1525 Brook Drive, Downers Grove, Illinois, discussed the history of Flavorchem Corp. He stated that allowing for the link will allow for a more efficient operation by moving product between the two facilities.

Chairman Jirik opened up the meeting to public participation. None followed. Public participation was closed.

No closing statement followed from the petitioner. Mr. Waechler stated the proposal was a well-planned addition.

WITH RESPECT TO FILE PC-12-10, MRS. HAMERNICK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR APPROVAL OF A FINAL PLAT OF SUBDIVISION AND REZONING ASSOCIATED, SUBJECT TO THE FOLLOWING STAFF CONDITIONS:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FLAVORCHEM RESUBDIVISION PLAT PREPARED BY GENTILE & ASSOCIATES, INC. DATED SEPTEMBER 16, 2010 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. A CERTIFICATE OF OCCUPANCY FOR THE BUILDING LINK MAY NOT BE ISSUED UNTIL THE FLAVORCHEM RESUBDIVISION PLAT HAS BEEN RECORDED AND THREE COPIES OF THE RECORDED PLAT HAVE BEEN SUBMITTED TO THE VILLAGE.**

SECONDED BY MR. WEBSTER. ROLL CALL:

AYE: MRS. HAMERNICK, MR. WEBSTER, MR. BEGGS, MR. COZZO, MR. QUIRK, MR. MATEJCZYK, MRS. RABATAH, MR. WAECHLER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED. VOTE: 9-0

PC-13-10 A petition seeking special use approval to permit an animal chiropractic business to locate in the Downtown Business (DB) zoning district for the property located on the north side of Warren Avenue, approximately 215 feet east of the intersection of Highland and Warren Avenues, commonly known as 926 Warren Avenue, Downers Grove, Illinois (PIN 09-08-124—002, -010, -011); Michele Herlihy Jachim, Petitioner; 603-635 Rogers LLC, Owner.

Chairman Jirik swore in those individuals who would be speaking on File PC-13-10.

Per staff, the petitioner is requesting a Special Use to locate an animal chiropractic clinic at 926 Warren Avenue, which is located on the north side of Warren Avenue between Highland Avenue and Washington Street. The property is zoned DB, Downtown Business. Currently, the petitioner has a clinic on Ogden Avenue and is relocating it to the proposed site, which is an allowable Special Use in the Downtown Business (DB) zoning district. Details of the clinic's services followed, noting the business is appointment-based and is limited to outpatient treatments only. No boarding or hospitalization of animals is planned. A small retail component of the business will exist for health food and nutritional supplement sales.

Per Mr. Popovich, the petitioner is proposing the construction of an 8-foot by 12-foot area for dogs to eliminate and in order to do this, the petitioner plans to remove the eastern eight feet of the existing wrought-iron fence between the buildings and install new metal fencing to the north to create the area. The area will be covered with pea gravel so that the existing turf area in front of the two properties will not be used by the dogs to eliminate. Because part of this area will be open, the dogs will be required to be leashed. A waste receptacle in this area will be provided and employees will be required to clean the area daily. Staff supports this option.

Staff believes the proposal is consistent with the Future Land Use Plan, the Downtown Master Plan, and the proposal meets all of the requirements of Section 28.610 of the Zoning Ordinance. The Special Use is allowed in the DB District. Also, the Fire Department reviewed the proposed plans and has no life safety concerns with the proposed use. To date, no neighborhood comments or correspondence has been received and staff believes the standards for a Special Use have been met. Staff recommended that the Plan Commission forward a positive recommendation to the Village Council regarding this petition subject to the conditions in its staff report.

Per a question, Mr. Popovich confirmed that the Special Use would only be in effect as long as the business was in effect.

Petitioner, Michelle Herlihy Jachim, 4613 Linscott Avenue, Downers Grove, said she has been a practicing veterinarian since 1996, specializing in chiropractic. Details of the business followed. She does have a three-year lease and will not be boarding or hospitalizing animals. She works part-time but may have employees in the future. The owner has given her permission to use the elimination area if the petition is approved. She personally follows up daily with the cleanup of the elimination area.

Commissioner questions followed as to the current location of her business, signage, and whether the next-door house would be razed. Ms. Jachim located the proposed 8-foot by 12-foot elimination area on the overhead for the commissioners. She discussed her current business hours and potential future hours, if any, should she hire an employee. Asked if her business could affect either the hotel property to the west or the condos to the east, she did not believe so, as she has seen residents walk out of their condos with dogs and has seen individuals walk past the hotel with dogs. She did not believe barking would be a factor because her dogs were there for short periods of time, i.e., 15 minutes to 30 minutes.

Chairman Jirik opened up the meeting to public participation. None followed. Public participation was closed.

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No closing statement followed from the petitioner.

WITH RESPECT TO FILE PC-13-10, MR WEBSER MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR A SPECIAL USE PERMIT WITH THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE SKETCHES PROVIDED BY THE PETITIONER ATTACHED TO THIS REPORT EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE APPLICANT SHALL PROVIDE BAGGIES AND A WASTE RECEPTACLE IN THE DOG ELIMINATION AREA. THE AREA SHALL BE CLEANED DAILY.**
- 3. ALL DOGS SHALL BE SUPERVISED AND LEASHED WHILE IN THE DOG ELIMINATION AREA.**

SECONDED BY MR. QUIRK. ROLL CALL:

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

MOTINO PASSED. VOTE: 9-0

Mr. O'Brien announced that at least two items will be on the November 1st agenda. He has also received questions about Power Mart, which Special Use expires on November 5, 2010. He reported the owner has been notified that they have not been in compliance with their Amended Special Use Ordinance or the original Special Use Ordinance. Details followed. Mr. O'Brien reported that commissioners may be reviewing a comprehensive plan in December. Updates will follow.

THE MEETING WAS ADJOURNED AT 9:05 P.M. ON MOTION BY MRS. RABATAH, SECONDED BY MR. WEBSTER. MOTION CARRIED UNANIMOUSLY.

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