



Village of Downers Grove Meeting Minutes Downers Grove Village Council

Civic Center
801 Burlington
Downers Grove, IL 60515
630-434-5500

Tuesday, February 7, 2012

7:00 pm

Council Chambers

1. Call to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Tully led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

Visitors: Pat and Frank Freda, Jr., 2140 63rd Street; Frank Falesch, 820 Prairie; Randy L. Owens, 5900 Pershing; Kristi Maslan, 5910 Pershing; Guy (Red) Brownson, 5904 Downers Drive; Richard McGoniagole, ASGE/BRE; Pat Blake, ASGE; Marge Earl, 4720 Florence; Greg Hose, 445 Austin; Tom LeCren, 545 Chicago; Penny, Zach and David Mellen, 5701 Lee; Liz Chaplin, 5623 Pershing; Patty Gruber, 6216 Pershing; Michelle Schelli, 6215 Pershing; Lenore Brom, 6214 Pershing; Phillip Cassani, 6210 Pershing; George Kouarakis, 5740 West Touhy; George Calvino, 605 Gierz; Russell Wennerstrom, 5709 Lee; Joe Phillips, 840 Jay; Don Weiss, 7050 Newport, Woodridge; Gary and Anna Scott, 6104 Woodward; Walter and Jean Young, 6100 Woodward; Gene Gaudio, DK Retail Development, LLC, 33 W. Monroe, Chicago; David Shaw, Shaw, Gussis, 321 N. Clark, Chicago; David Agosto, Draper and Kramer, 33 W. Monroe; Marcelline Ricker, 6120 Woodward; Oma Selle, 6157 Pershing; Michael Hoffman, Teska Associates; D'Anne Gordon, 6237 Pershing; Michael Cassa, President, Economic Development Corporation

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.

Mayor Tully said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Council Meetings

Council Minutes - January 17, 2012

Mayor Tully asked for a Motion to approve the minutes as submitted.

Commissioner Schnell moved to approve the minutes as presented. Commissioner Durkin seconded the motion.

The Mayor declared the Motion carried by voice vote.

4. Public Comments - General Comments on Matters Not Appearing on Tonight's Agenda

There were no comments.

5. Public Hearings

6. Consent Agenda

COR 00-04774 A. Claim Ordinance: No. 5935, January 13, 2012
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

BIL 00-04775 B. List of Bills Payable: No. 5956, February 7, 2012
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

RES 00-04778 C. Resolution: Authorize a Software Maintenance Agreement with Hyland Software, Inc.

Sponsors: Information Services

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A SOFTWARE MAINTENANCE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND HYLAND SOFTWARE, INC.

RESOLUTION 2012-09

A motion was made to Pass this file on the Consent Agenda.

Indexes: Computers

MOT 00-04772 D. Motion: Authorize a Change Order for \$62,150 to Christopher B. Burke Engineering, Ltd. for Phase III Resident Engineering Services for Prairie Avenue Improvements

Sponsors: Public Works

A motion was made to Authorize this file on the Consent Agenda.

Indexes: Prairie Avenue Reconstruction

MOT 00-04780 E. Motion: Authorize a Contract with Shane's Office Supplies of Downers Grove, Illinois

Sponsors: Finance

A motion was made to Authorize this file on the Consent Agenda.

Indexes: Office Supplies

MOT 00-04782 F. Motion: Authorize a Change Order for \$16,806.50 with Marcott Enterprises, Inc., Addison, Illinois, for Debris Hauling Services

Sponsors: Public Works

A motion was made to Authorize this file on the Consent Agenda.

Indexes: Public Works - Standard Supplies & Services

MOT 00-04783 G. Motion: Authorize a Change Order for \$13,405.50 to Chicagoland Paving Contractors, Inc., Lake Zurich, Illinois, for 2011 Pavement Patching

Sponsors: Public Works

A motion was made to Authorize this file on the Consent Agenda.

Indexes: Public Works - Standard Supplies & Services

RES 00-04789 H. Resolution: Authorize a First Amendment and Restatement to License Agreement

Sponsors: Village Attorney

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT AND RESTATEMENT TO LICENSE AGREEMENT

RESOLUTION 2012-10

A motion was made to Pass this file on the Consent Agenda.

Indexes: Antenna Equipment

MOT 00-04781 I. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - January 11, 2012

Liquor Commission - September 8, 2011

Zoning Board of Appeals - October 26, 2011 and November 9, 2011

A motion was made to Note Receipt Of this file on the Consent Agenda.

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

7. Active Agenda

ORD 00-04767 A. Ordinance: Adopt and Approve Publication of the Village of Downers Grove 2012 Zoning Map
Sponsors: Community Development
Summary of Item: This approves and authorizes publication of the 2012 Village of Downers Grove, IL, Zoning Map, corrected to 02-07-12. Pursuant to state law, the Village is required to approve and publish its Zoning Map on an annual basis.

AN ORDINANCE ADOPTING AND APPROVING PUBLICATION OF THE VILLAGE OF DOWNERS GROVE 2012 ZONING MAP

ORDINANCE NO. 5249
A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:
Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully
Indexes: Zoning Map

ORD 00-04768 B. Ordinance: Authorize a Special Use to Permit a Business/Professional Office at 5338 Main Street
Sponsors: Plan Commission and Community Development
Summary of Item: This authorizes a specialuse to permit a business/professional office at 5338 Main Street in the DT, Downtown Transition business district.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A BUSINESS/PROFESSIONAL OFFICE AT 5338 MAIN STREET

ORDINANCE NO. 5250
A motion was made by Commissioner Durkin, seconded by Commissioner Neustadt, to Adopt this file. Mayor declared the motion carried by the following vote:
Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully
Indexes: Special Use - 5338 Main Street

8. First Reading

Village Manager Dave Fieldman said the first four items relate to a petition to construct a Walgreens at 63rd Street and Woodward Avenue. He asked Tom Dabareiner, Director, Community Development, to make the presentation.

ORD 00-04785 A. Ordinance: Annex 2134, 2136, 2138 & 2140 63rd Street and 6298 Woodward Avenue to the Village of Downers Grove, Illinois
Sponsors: Community Development and Plan Commission

Tom Dabareiner, Director, Community Development, stated that ordinances and a resolution have been prepared for the annexation, rezoning, special use and approval of final plat of subdivision for the property at the northwest corner of 63rd Street and Woodward Avenue, across from the Meadowbrook Shopping Center. He noted that the Plan Commission has recommended denial of the requests by a vote of 7-1; however, staff is seeking approval at the February 14, 2012 Village Council meeting.

Mr. Dabareiner displayed site plan documents and showed the location for the proposed 15,000 square foot Walgreens that would be located in the center of the site with parking surrounding it.

The properties to the east, north and west are unincorporated and meet the requirements for becoming a B-2 district. He indicated that the proposal includes two drives, one at Woodward Avenue, and the other at 63rd Street. In addition a new sidewalk would be installed and stormwater detention would be provided underground.

Mr. Dabareiner said that the Plan Commission conducted two hearings on the proposal and voted to recommend denial. Staff believes the proposed rezoning meets the standards of Sec. 28-1702 and is suitable for the property. It meets the standards for a Special Use per the Zoning Ordinance as well. He showed the newly revised plans and a 3-D representation of the building relative to the building next door to the north of the site. The plans depict the drive through and landscaping. There is 43 feet between the building and fence at the property line. Mr. Dabareiner indicated that the proposed building is similar in size and function to the Walgreens building at Ogden Avenue and Cass Avenue. He also showed a video depicting how the building would look with a sense of the proportion of the building to the neighboring property.

Mr. Dabareiner commented that staff has recommended conditions for the special use, should the Council approve this petition. Some of the conditions include restricting the site plan to that approved by the Village Council, restrict the special use to retail pharmacy, limit truck traffic on Woodward Avenue, cross-access with any non-residential redevelopment that may occur in the future, limit the hours of operation from 8:00 a.m. to 10:00 p.m., and limit delivery hours from 8:00 a.m. to 9:00 p.m. The petitioner agrees with the conditions as presented.

David Shaw, representing the petitioner, said the petitioner believes this development should go forward. It is a quality development well suited to the location, and it will be a substantial asset to annex the property and develop it in the Village. He said that he would ask team members David Agosto and Michael Hoffman to address some of the issues encountered by the Plan Commission. He explained that the traffic consultants are both sick and unable to attend the meeting. He said if there are any traffic issues he would like the opportunity to have them attend the next meeting.

David Agosto, Draper and Kramer, said his company has been in the real estate business for 100 years. He stated that this allows Walgreens to provide the best service to its customers. The existing store does not have the square footage or drive-through. He noted that the Walgreens stores are high tech, energy efficient, contain wellness clinics, etc. Walgreens wants to serve Downers Grove and this particular area.

Mike Hoffman, consultant in planning and architecture, said that he spent a good deal of time looking at the appropriateness of the land use for Walgreens. He also looked at the Village's Comprehensive Plan and other documents that would affect this development. He focused on the specific section on commercial area plans, addressing the changing character of an area and the transition of an area to commercial use. Mr. Hoffman said that the B-2 zoning category is designated as the commercial district of the corner. He said this seems to be the right designation. An office development could be more intense than the proposed Walgreens.

Mayor Tully asked for public comments.

- 1. Michael Cassa, President, Economic Development Corporation (EDC), said that this proposal is consistent with the Comprehensive Plan for moderate expansion. The site is across the street from an existing commercial shopping center. Mr. Cassa said that the EDC supports staff's recommendation.*
- 2. D'Anne Gordon, 6237 Pershing, presented a petition to the Village containing 280 names and the newspaper article on this request. She also indicated several of the concerns expressed by residents. Indian Trail elementary school and Downers Grove South school are nearby and present walking concerns. Ms. Gordon said this information was presented to the Plan Commission that voted this down 7-1. Woodward, north of 63rd Street, is a two-lane residential*

road. The petitioner's study indicated 1300 in and outs everyday. There is no room for a turning lane which causes a traffic backup. Going north on Woodward turning westbound on 63rd is a double-turn lane coming up to driveways. It would not be possible to go east on that section. Ms. Gordon commented that this is an extremely dangerous intersection as it stands, without an additional 1300 ins and outs. The amount of vacant commercially zoned property is huge, and there is no need to take a residential area and knock down homes. There are appropriate locations across the street. She noted that Walgreens is not a low intensity business. It is a retail business. She indicated that Walgreens said at the Plan Commission that they would like to amend their hours of operation to 24-hours later, and that they will have the Redbox on the site. Ms. Gordon said this is an inappropriate location.

3. Michelle Schelli, 6215 Pershing Avenue, said she has already read this information in to the Plan Commission meeting. In a 5-mile radius there are 28 pharmacies, and 18 in a 3-mile radius. In addition there are 7 Jewel/Oscos, 4 CVS, 3 Dominicks with pharmacies, 2 Walmarts, 1 Target and 7 Walgreens. Many of these have drive-throughs. Ms. Schelli then read a statement prepared by Joe Vega of 6813 Woodward who was unable to attend. He said the proposed site is single-family residential in DuPage county. Woodward Avenue is hilly and traffic cannot be readily seen. The Meadowbrook Shopping Center is old and needs renovating. He asked that Walgreens be encouraged to use a Meadowbrook Shopping Center outlot site. Mr. Vega's statement also included photographs he has taken of traffic problems.

4. Jean Young, 6100 Woodward, said she has lived there for 36 years. The Meadowbrook Shopping Center seems to be the ideal place to put the Walgreens. The intersection at 63rd Street and Woodward has a lot of traffic and this would add more. The area is residential. This is the wrong place to put a store when there are so many other available sites. Another building will not help with drainage problems.

5. Don Weiss, 7050 Newport in Woodridge, said he is the son of the property owner, his mother, who is in a nursing home with dementia. The ownership of the property is presently in the courts, and the property is to be inherited by him according to documents he has filed on the property. His sister has no authority to sell the property under her Power of Attorney. Mr. Weiss grew up in that area and is aware of the traffic problems. Putting a Walgreens there, without his mother's property, which is in court, would present a roadblock.

The Mayor said staff would take down the case number regarding the court case.

6. Marcelline Ricker, 6120 Woodward Avenue, said she has lived there since 1973. There are no sidewalks on Woodward Avenue and children walk back and forth to school on the street every day. Nine buses also use Woodward Avenue. Ms. Richer said there is a serious drainage issue that has not been addressed, and the County has put new sewers in. She said that residents are worried about the drainage, the safety of the students and traffic problems. She said that they get people who drive through, and there is also truck traffic, which should not be using Woodward. Stop signs are ignored and additional traffic will be dangerous.

7. Red Brownson, 5904 Downers Drive, is the precinct committeemen of the eastern side of Woodward Avenue. His constituents are concerned about backing onto Woodward with additional traffic. Mr. Brownson said that the Plan Commission heard about the list of accidents at 63rd and Woodward. An accident he had was not included on that list. There are problems with traffic already, and problems going up the hill during icy inclement conditions. He thanked the Council for listening.

8. Liz Chaplin, 5623 Pershing, commented that two years ago the Village denied a request for a Starbucks at the intersection of 63rd and Leonard due to the traffic. She suggested Council refer to that meeting to serve as a reference as to why the Council should not accept this location.

9. Frank Freda, 2140 63rd Street, thinks this should be accepted. His house has been for sale

for almost two years. Those who have looked at his house don't want to buy it because of the traffic. This site is no longer appropriate for residential use due to the traffic. He mentioned that he also has not had drainage issues.

10. Randy Owens, 5900 Pershing, said that he has seen 18-wheelers going into the current Walgreens, and they have all kinds of issues with turning, etc. He asked about this for the proposed Walgreens, and it has not been answered.

11. Patti Gruber, 6216 Pershing commented that new homes were built five years ago at Pershing and 63rd Street and all of them sold within a few months, even though they are on 63rd Street. One house resold for over \$300,000. This is still a desirable residential area. It would be better for the site to be sold to a residential developer. At the Plan Commission, a gentleman put two parcels together in that area. People like the idea of a large wooded lot. The housing market has been bad, but residential homes still sold.

12. Oma Selle, 6157 Pershing, said she has been a resident there for 30 years. She was instrumental in the County coming in to resolve their drainage issues. She is concerned because the Village would cover 1.9 acres with asphalt. In addition, Woodward Avenue is the dividing line between Downers Grove Township and Lisle Township. She understands the Village would annex 290 feet of Woodward Avenue. People have asked repeatedly for more traffic control and were told that the Township does not have the manpower to patrol and stop the speeding. There is a traffic problem on Woodward. She asked where the patrolling would come from. This proposal will increase the traffic.

Commissioner Schnell commented on the truck traffic circulation, saying she can't comprehend how there will not be a conflict between the shoppers and the trucks. Mr. Agosto responded that they would have four deliveries per week. Currently they are at 2:00 and 8:00 p.m. He showed the traffic pattern using one of the slides of the plan. Commissioner Schnell replied that she is concerned about using the drive through and a truck coming through that area. She is concerned about safety. Mr. Agosto responded that this is a common site plan. Commissioner Schnell said that there have been complaints received by the Village regarding garbage pickup at the Walgreens on Ogden Avenue and Main Street.

Commissioner Schnell then asked about truck traffic being allowed on Woodward, and Mr. Fieldman said that Condition 4 provides for no truck traffic. He explained that there are two different site plans. Commissioner Schnell noted that this is the walking route to Indian Trail School. She asked if truck traffic would create a safety concern. Mr. Agosto replied that the trucks on Woodward would be traveling less than 200 feet. They will be adding additional sidewalks. Commissioner Schnell suggested restricting left turns onto Woodward.

Mr. Dabareiner said that staff has asked the petitioners about this; however, it was not part of the original restrictions.

Mr. Agosto said that Walgreens likes to make it as easy as possible for its customers. They will make concessions if it is necessary. Mr. Agosto said if anyone were to make a left turn onto Woodward they would obviously be someone from the neighborhood. He said they had a professional traffic engineer study the site.

An unidentified resident called out that they would have trouble with that truck route.

Commissioner Neustadt said he has some concerns about traffic movements, the existing store, etc. He wanted clarification of the truck traffic on Woodward. His concern is about traffic movement out of the western exit onto 63rd Street. It is a very busy street. His preference would be a "no left turn" sign, or a "right in-right out." There are a lot of lanes at this intersection and it is busy. He commented about the closed up store in Woodridge, which is an issue for him. He doesn't want to see a repeat of this with the Walgreens store on 63rd Street.

Mr. Agosto responded that Walgreens does not own that building. An experienced retail owner who has done a lot of retail work owns it. He considers it a good area.

Mr. Shaw commented that the lease on that building has 24 months left to run. He feels that the developers of that site are sophisticated and they will do something with that site. He said that the developers are too smart and sophisticated to let that building sit.

Commissioner Neustadt then said he would like clarification on the property dispute. There are a lot of things happening in that area. The Village has had experience with the commercial site near a residential area. He's comfortable with the site plan; however, traffic is an issue.

Commissioner Durkin commented that he supports this. It is an economic opportunity for the Village to develop the north side of 63rd Street. He doesn't think the building will empty for long, and asked about the timeline. Mr. Agosto said they anticipate having it open by Fall of this year. Commissioner Durkin said that Woodward Avenue has changed, and it started with Sam's Club and other businesses. He would not want to see any trucks north of the north property line. He looks forward to this. This will generate sales tax and home rule sales tax of \$100,000. It is an economic engine. Mr. Agosto noted that a typical Walgreens generates \$9 million in sales.

Commissioner Rheintgen asked about the drainage issues. Mr. Agosto responded that drainage flows down. They will build an underground storage tank. Mr. Shaw added that Walgreens is the downstream owner. Mr. Agosto added that they will have the proper storage capacity that doesn't exist today. Commissioner Rheintgen commented that she doesn't believe homes are an appropriate use for 63rd Street anymore.

Commissioner Barnett said that on the surface this seems like an appropriate use for the parcels. He is not a big fan of signage. Traffic is a problem throughout the community. In his opinion, the right turn in and out is appropriate. He said he would like to see the approved site plans for the Ogden and Main facility, and CVS at Ogden and Fairview. He would also like to talk with the traffic consultants about the turn restrictions. Commissioner Barnett also asked to see the documentation on the Starbucks proceedings. He then asked about the sidewalk plan for Indian Trail. The more space there can be between the residents and the development is good. Mr. Agosto pointed out that an additional five feet of green space has been added to the site as shown on the updated site plan.

Commissioner Barnett then asked about the cross access. Mr. Fieldman replied that the Comprehensive Plan allows a parking lot connection. Commissioner Barnett also asked if this is above or below the waiver requirements for stormwater detention. The Manager said that this site is well above the threshold. Commissioner Barnett also asked about rooftop screening. Mr. Agosto replied that it is 360 degrees.

Commissioner Waldack thanked the Plan Commission for their work, and the residents for coming to the meeting. He has not made a decision yet. The southwest corner is retail and it seems that this fits, but there are problems. He asked how the intersection could be improved. There were 20 accidents in that area. The Village's Comprehensive Plan addresses economic and physical concerns, and economically it is a good thing. Physically, this is a high traffic area. He pointed out that the residents are being heard, even though they are not Downers Grove residents. This is retail, not office space, and it does not have the same traffic patterns as an office development. He would like to see the drive-up hours limited to 9:00 p.m.

Commissioner Durkin suggested that they establish the same hours as the CVS on Ogden Avenue.

Commissioner Waldack continued that he agrees with the garbage restrictions and traffic turn

restrictions. He said that they have to consider a special use in this request, and he referenced the standards in the Village's Zoning Ordinance for approval of a special use. He does not think that this is necessary and this may not be desirable, and may not contribute to the general welfare right now. He noted that this might be detrimental to the safety of the people in the vicinity. The Village is trying to develop the area, as this may no longer be appropriate for residential use. He said the question is whether the Village will go with its Comprehensive Plan or will keep this area residential.

Mayor Tully said that he spoke with some of the guests present tonight before the Council meeting started. He noted that the Plan Commission recommended against this petition; however, the Plan Commission is a recommending Board. The final decision lies with the Council. Mayor Tully pointed out that this property is not in the Village. He is assuming that the petitioner is the legal property owner, and they want to come into the Village and annex the property. The property would then be consolidated into a subdivision and then consideration would be given as to whether a special use would be granted for a drive through. The petitioner has a right to buy the property and ask to be annexed. He does not see why the Village would not annex the site. The bigger issue is the zoning classification. The petitioner is asking for B-2 zoning, and the Village Code provides for certain activities in the B-2 district. The special use is an important issue as it leads to conditions on the special use. The Council has guidance in the form of its Village Code and Comprehensive Plan as to what requirements must be met. He said it is fully contemplated that there will be encroachment into residential areas in the future, as the Village is a land-locked community. The Mayor said that he thinks the proposed zoning classification is appropriate. As for the Special Use and the Standards for Approval under Section 28-1902, even if the standards are met, the Village can place certain restrictions and conditions on the Special Use per Sec. 28-1903, which includes traffic, stormwater and greenspace. If any of the standards are violated, the petitioner loses their Special Use. The Mayor said he appreciates the cooperation of the petitioner and the residents.

Commissioner Durkin asked whether there would be a negative impact by deferring the vote on this until February 21 so Commissioner Rheintgen can be present. Mr. Shaw said there would be no negative impact in delaying the vote to February 21.

Commissioner Waldack said he also agreed with the deferment as everyone could probably use the extra week to review this further.

Indexes: Annexation, Subdivision - 63rd & W Consolidation, Annexation-2134, 2136, 2138 & 2140 63rd Street, Annexation-6298 Woodward Avenue

ORD 00-04786 B. Ordinance: Rezone Property Located at 2134, 2136, 2138 & 2140 63rd Street and 6298 Woodward Avenue from R-1, Single Family Residence, to B-2, General Retail Business

Sponsors: Community Development and Plan Commission

Indexes: Subdivision - 63rd & W Consolidation, Rezone 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue - R-1 to B-2

RES 00-04787 C. Resolution: Approve the Final Plat of Subdivision for the 63rd & W Consolidation

Sponsors: Community Development and Plan Commission

Indexes: Subdivision - 63rd & W Consolidation

ORD 00-04788 D. Ordinance: Authorize a Special Use for 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue to Permit a Drive-Through Facility

Sponsors: Community Development and Plan Commission

Indexes: Subdivision - 63rd & W Consolidation, Special Use - 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue

ORD 00-04777 E. Ordinance: Regulate Non-Conforming Signs

Sponsors: Community Development and Plan Commission

Mr. Fieldman said staff is proposing a two-year extension to the deadline for compliance with the sign ordinance. Council approved a comprehensive amendment to the sign ordinance in May 2005 which required all signs to come into compliance with the regulations no later than May 4, 2012 and provided for a seven-year amortization period. On December 13, 2011, Council discussed extending the amortization date two years to May 5, 2014. Extending the compliance deadline would recognize economic conditions, allow more signs to come into voluntary compliance, allow for more use of the OASIS program, reduce the work load and costs for the Village, and promote the "facilitate not regulate" approach. The Plan Commission reviewed the proposed amendment and unanimously recommended approval of the two-year extension as did the Economic Development Commission, the Downers Grove Area Chamber of Commerce and the Downtown Management Corporation.

The Mayor interrupted the proceedings to report a missing 11 year old child named Jon who was last seen in the 5400 block of Fairview Avenue. He said he was announcing this at the request of the Downers Grove Police Department. Anyone with information is asked to contact the Police at 630-434-5600. [Please note: The child was later located.]

The Mayor then asked if there were questions regarding the sign ordinance compliance extension.

Commissioner Waldack said this was discussed at a previous meeting and he believes there is support for extending the deadline for compliance. He had some reservations because the Village's ordinances need to be enforced. The business community has had a number of years to comply with this ordinance. He applauds all of those who have complied. He has a problem with those who waited although he recognizes the economic situation. He noted that there is a meeting of the OASIS team on February 10. If the extension is granted, he would like to see that the OASIS grants be limited with respect to signs such that applications for grant funds for signs could not go beyond the original sign compliance deadline. He does not want to reward businesses for not complying with the sign ordinance. He felt this might help speed up the compliance.

The Mayor said that businesses shouldn't use OASIS money for signage. He wants to dissuade people from applying for OASIS funds for signs.

Mr. Fieldman noted that the OASIS program can be used for signage.

Mr. Cassa of the EDC said that a lot of business owners he has spoken with about taking full advantage of the program are tenants and not business owners. The main reason businesses have not taken advantage of the program is because they can't afford it. They would be making improvements to someone else's property.

The Mayor asked if the Village, to date, has approved an OASIS grant exclusively for signage.

Mr. Fieldman said that the Village has approved an OASIS grant strictly for signage. There are two different issues here, and the Council is not obligated to grant any OASIS funds for signage. He said further discussion would have to be held on this issue.

Commissioner Waldack said he still wants to tie the extension into the OASIS program.

Mayor Tully said the problem with this is that they cannot mingle the two issues of extending the program and allowing use of OASIS funds for signage.

Laura Crawford of the Downers Grove Chamber of Commerce said that her understanding is that the only time signage is allowed as part of an OASIS application is if there is another component for improvement.

Commissioner Waldack reiterated that he would like to see a delay until the OASIS is clarified. To him they are tied together. He would not want to extend the deadline on the sign ordinance if the OASIS program funds signage only grants.

The Mayor said this is hypothetical.

Commissioner Waldack responded that the Village has a grant program and is willing to give money for signage; however, he is proposing that a business not get money for signs after the original deadline for sign compliance has passed.

The Mayor said he understands the OASIS program as Ms. Crawford defined it. He would not want to see a grant strictly for signage.

Mr. Fieldman commented that grant applications come before the Council and the Council is not obligated to award the grant.

The Mayor said he doesn't think they need to delay the request for the extension. He is in favor of the sign ordinance extension. He noted that the Village has been getting compliance, but the cycle has been disrupted by the economic downturn.

Commissioner Rheintgen said she appreciates the detailed business education plan.

Indexes: Zoning Ordinance - Signs

ORD 00-04779 F. Ordinance: Authorize a Third Extension of a Final Planned Development Amendment for Planned Development #31

Sponsors: Community Development

Mr. Dabareiner said an ordinance has been prepared to grant a one-year extension to Planned Development #31, Esplanade at Locust Point, for the construction of a two-story office building at 3300 Woodcreek Drive. On February 3, 2009, the Village Council approved a planned development amendment to Planned Development #31 for the proposed development. Council approved one-year extensions in 2010 and 2011. On January 11, 2012, the petitioner requested another one-year extension because construction has yet to begin on the building. Staff has met with the petitioner, American Society of Gastrointestinal Endoscopy (ASGE), and recommends approval of the extension.

Commissioner Durkin said he fully supports this request.

Pat Blake, CEO, ASGE, thanked Council for their patience in this matter. She said they expect to pull their building permits on February 15, 2012. It is an exciting project, and they expect a groundbreaking ceremony on April 27, 2012.

Indexes: Planned Development #31 - Esplanade at Locust Point

9. Mayor's Report

ComEd Reliability Report

Mayor Tully said staff will meet with representatives of ComEd tomorrow to discuss the status of

the promised improvements and to facilitate a meeting between ComEd and the Chamber of Commerce and their business owner members. The Mayor reminded everyone that updates will be posted on the Village's website.

New Business

Mayor Tully reported on the DuPage County Stormwater Management Planning Committee meeting held earlier today. He reminded everyone that the Committee is working on a new stormwater and flood plain ordinance. The comment period has been extended, and no determination was made today. There are still some open issues. He said the Village has some stakeholders caught between two ordinances that could incur costs due the delays, and said policy decisions should be made so the affected parties can move forward. The ordinance is scheduled for adoption in April 2012.

10. Manager's Report

The Manager said the child reported missing earlier in the evening has been located.

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting six (6) items to the Council: 1) An ordinance regulating non-conforming signs; 2) An ordinance authorizing a third extension of a final planned development amendment for Planned Development #31 for the construction of a two-story office building at 3300 Woodcreek Drive; 3) An ordinance annexing 2134, 2136, 2138 & 2140 63rd Street and 6298 Woodward Avenue to the Village of Downers Grove, Illinois; 4) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code, as amended to rezone property located at 2134, 2136, 2138 & 2140 63rd Street and 6298 Woodward Avenue; 5) A resolution approving the final plat of subdivision for the 63rd & W consolidation; and 6) An ordinance authorizing a special use for 2134, 2136, 2138 & 2140 63rd Street and 6298 Woodward Avenue to permit a drive-through facility.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Durkin expressed his condolences to the family of Police Sgt. James Borsilli who served on the Darien police force for 24 years. The City of Darien honored Sgt. Borsilli and retired his badge. Services will be held on Thursday and Friday. The Commissioner then said he participated in the Public Works snow plow ride along program. He rode with Randy Somersett. His decision to participate in the program was on short notice with no time to prepare. He rode for five hours in a dump truck. He said he learned and experienced what snow removal is all about. He also learned about tandem plowing which was very impressive. He noted the cooperation and teamwork among the plowers as well as the sense of ownership of the job the Village employees demonstrate. He encouraged residents to participate in this program or to have a videotape made of the work the snow plow staff do. Commissioner Durkin said he experienced a watermain break firsthand when a main broke in front of his home. It was an opportunity to witness the extensive work of the Public Works employees. The Commissioner said he participated in a DuPage Mayors and Managers Conference (DMMC) budget meeting with Deputy Village Manager Mike Baker. He also attended the West Central Municipal Conference Legislative breakfast. Commissioner Durkin congratulated Mayor Tully on being named a Super Lawyer in the area of business litigation by Chicago Magazine.

Commissioner Schnell said she is looking forward to the Ice Fest and encouraged residents to attend.

Commissioner Neustadt said the Chamber Choice Awards would be presented on Wednesday, February 8 at the DoubleTree Hotel. He said the Ice Fest will be held on February 10, 11 & 12, 2012 in downtown Downers Grove. He reviewed the activities scheduled for the weekend

including a pancake breakfast, Ronald McDonald magic show and live entertainment at Ballydoyle and Two Way Street Coffee House.

Commissioner Rheintgen said on January 17 she participated in the Chamber's fund raiser, "Up and Down in Downers Grove" Stair Climb. She noted that the Grove Foundation is holding its annual fundraising event, "Passport to Fine Dining," on March 1 and encouraged people to attend. On January 19, she attended a DMMC Intergovernmental Planning Committee meeting where a DuPage Water Commission representative spoke about water rate increases. On January 26, she attended a DMMC Transportation Technology Committee meeting with Commissioner Neustadt.

Commissioner Waldack said the Council met last night at the Downers Grove Golf Course. He asked that Communications Director Doug Kozlowski review the meetings schedule to clarify that Council may meet at times other than those regularly scheduled and that those meetings will not be broadcast. Commissioner Waldack attended the DMMC Transportation Implementation meeting with Public Works Assistant Director Stan Balicki. He said he would be glad to share the information with interested parties. The business community should be aware of these plans. The Commissioner said the American Cancer Society is holding its kickoff celebration for Relay for Life tomorrow night at the DoubleTree Hotel from 6:30 p.m. to 8:30 p.m. He and his wife will be attending.

The Mayor said he appreciates the reports on the DMMC meetings Council members have been attending. Every member of Council is on a committee. With respect to the retreat, the Mayor agreed that staff could include a statement to the meetings schedule that other Council meetings and quarterly retreats may be held upon proper notice. The Mayor invited everyone to the Ice Fest on February 10, 11 & 12. He said it is a great tradition in Downers Grove. More information is available at www.downtowndg.org.

13. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Durkin seconded the Motion.

VOTE: YEA - Commissioners Schnell, Durkin, Rheintgen, Barnett, Neustadt, Waldack, Mayor Tully

Mayor Tully declared the motion carried and the meeting adjourned at 9:41 p.m