

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
FEBRUARY 8, 2012**

MINUTES

ROLL CALL

President DiCola called the meeting to order in the Library Meeting Room at 7:30 p.m. Trustees present: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Trustees absent: none. Also present: Library Director Ashton; Assistant Director Carlson. Visitors: Literature and Audio Services Coordinator Sue O'Brien; Children's Services Coordinator Sara Pemberton.

APPROVAL OF MINUTES

Trustees reviewed the minutes of the regular meeting of January 25, 2012. It was moved by Greene and seconded by Loftus **THAT THE MINUTES OF THE REGULAR MEETING OF JANUARY 11, 2012 BE APPROVED AS AMENDED.** Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

PAYMENT OF INVOICES

Trustees reviewed the list of invoices submitted for payment. It was moved by Loftus and seconded by Read **TO APPROVE PAYMENT OF OPERATING INVOICES FOR FEBRUARY 8, 2012 TOTALING \$54,953.54 AND ACKNOWLEDGE PAYROLLS FOR JANUARY 2012 TOTALING \$165,730.84.** Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OPPORTUNITY FOR PUBLIC COMMENT ON OTHER LIBRARY BUSINESS

None.

UNFINISHED BUSINESS

a. Strategic Plan: Major Strategies 2012-2014, Draft 3

The board reviewed the third draft of major strategies for the strategic plan, agreeing that comments from the previous meeting had been incorporated. It was moved by Loftus and seconded by Humphreys **THAT THE MAJOR STRATEGIES FOR JUNE 2012-DECEMBER 2014, DRAFT 3, DATED FEBRUARY 8, 2012 BE ADOPTED AS PRESENTED.** Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

b. Strategic Plan: Draft Vision Statement

A draft vision statement was reviewed by the board, and following some discussion regarding different purposes of statements of vision, mission, and values, there was agreement on the

importance of the use of a vision statement to guide future work. Ashton agreed to revise the draft for presentation at a future meeting.

c. Strategic Plan: Library Visits

Ashton reported that he was awaiting return calls from several libraries. He had confirmed one visit to the Elmhurst Public Library on March 5, 2012 at 3:00 PM. Trustee Eblen indicated she will not be able to attend.

d. Strategic Plan: Community Conversations

Ashton will present the Major Strategies of the Strategic Plan to the Friends of the Library at their next meeting, and will invite engaged residents to provide input at board meetings on March 14 and 28. Flyers will be distributed to library patrons along with other publicity venues, i.e., digital monitor, e-news, website, facebook, twitter, Discoveries, Channel 6.

NEW BUSINESS

a. Library Foundation Miniature Golf Sponsorship Opportunities

Carlson reported that Foundation mini golf sponsorships are going well. As of February 8, Wells Fargo Advisors had sponsored hole one for \$750, and all \$200 hole, \$300 balloon, tournament, and popcorn sponsorships had been sold.

Two \$500 sponsorships for holes 10 and 18 are available. These offer advance recognition and promotion to 100,000 library visitors prior to April 15. Additional tournament sponsorships are also available. Foundation board members were encouraged to provide targeted support for the sale of remaining sponsorships.

b. Village of Downers Grove Downtown Parking Changes

The Village of Downers Grove Public Works, having completed an extensive downtown parking study, provided an aerial image of proposed changes to the Village-owned lot located directly north of the library. The Village invited library board comment on the proposed changes.

Ashton agreed to communicate the board's comments, thanking the Village for the opportunity to comment and expressing the board's understanding that the parking lot serves many users in addition to library users. The board expressed appreciation for the addition of three 15-minute spaces for the convenience of library users who need to quickly pick up or drop off items. The board and most staff believe the proposed change of 21 spaces from the current 3-hour limit to a 1-hour limit will increase parking difficulties for library users. The board requested that the 3-hour to 1-hour change not be made.

REPORT FROM THE ADMINISTRATION

a. 2011 year-end financial report

Year-end operating figures show revenues of \$4,329,318 (.36% over budget) and expenditures of \$3,862,197 (8.8% under budget). This combination results in a contribution to the fund balance

of \$467,121 which is more than twice the amount projected at the time of budget review in August 2011.

On the revenue side, tax collections exceeded budgeted levels by nearly \$45,000. This offset the shortfalls in library fine collections (almost \$12,000) and investment income (\$13,000). Other revenue collections ran close to budgets.

Expenditure savings were distributed throughout the budget. Personnel-related lines contributed 50.4% of the total, library materials only 5.9%. Apparently the library has postponed or foregone a variety of expenditures that were previously anticipated.

b. E-readers in the Junior Room

At the January 25 board meeting, trustees expressed interest in library plans for making e-readers and other devices available to children, especially with regard to questions of loss or damage. On February 1, Children's Services began circulating three popular e-readers (Kindle and Nook) for two-week loans with no renewals that only adults may borrow on their own library cards, accepting financial responsibility just as they would for books or AV materials. Materials loaded on these e-readers feature picture book interactive applications as well as books for readers at all reading levels, and are meant for a shared experience between child and parent. The wireless connectivity feature is not available on these e-readers.

Eventual lending of iPads will be more controlled, similar to the practices now in place for the lending of laptop computers. Only adults will be able to borrow the device, and only for use in the library building.

These initial lending activities are an experiment. The library hopes to learn more about customer preferences, actual performance of the devices, and operational challenges of lending potentially fragile items. Experience will guide future decision-making, including responses to issues of loss, damage, or destruction. Trustees commented that they like the approach of trying things and basing decisions on experience, rather than the too often used approach of thinking of negative possibilities and not doing it.

TRUSTEE ANNOUNCEMENTS AND REQUESTS FOR INFORMATION

None.

ADJOURNMENT

The regular meeting was adjourned at 8:49 p.m.

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

Thursday, October 6, 2011

I CALL TO ORDER

Chairman McInerney called the October 6, 2011 Liquor Commission meeting to order at 6:32 p.m.

II ROLL CALL

PRESENT: Mr. Clary, Ms. Fregeau, Ms. King, Mr. Krusenoski (6:42), Ms. Strelau,
Chairman McInerney

ABSENT: Mr. Austin

STAFF: Liaison to the Liquor Commission Carol Kuchynka, Staff Attorney Dawn Didier

OTHERS: Gerardo Barron, Anahis Salgado, Porfiria Piedra, Gemaro Martinez, S. Junaid,
Court Reporter

III APPROVAL OF MINUTES

Chairman McInerney asked for approval of the minutes September 8, 2011 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the September 8, 2011 minutes of the Liquor Commission meeting were approved as written.

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

IV APPLICATION FOR LIQUOR LICENSE

Chairman McInerney made the following statements:

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

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

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

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

Fairview Mart - 402 W. 75th

Chairman McInerney stated that the first order of business was an application hearing for Fairview Mart, Inc. d/b/a Fairview Mart located at 402 W. 75th Street. She stated that the applicant was seeking a Class "P-2", beer and wine only, off-premise consumption liquor license.

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

Mr. Gerardo Barron and Ms. Anahis Salgado were sworn in by the court reporter. Mr. Barron introduced himself as the accountant for the corporation and Ms. Salgado introduced herself as the liquor manager for Fairview Mart.

Mr. Barron stated that Fairview Mart is a convenience store. He stated that they are seeking a liquor license for the location.

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

Chairman McInerney asked if there were any comments from staff. Ms. Kuchynka replied that issuance of the license remains contingent upon a Certificate of Occupancy, receipt of insurance, satisfactory background checks and the annual fee.

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

Ms. Strelau asked Ms. Salgado about her liquor handling experience and how long she worked at LaMex. Ms. Salgado replied that she worked at LaMex for 2-3 years and Lalo's Mexican Restaurant prior to that. She advised that she has worked in a restaurant since she was 19.

Ms. Strelau asked Ms. Salgado when she worked at LaMex. Ms. Salgado replied from 2007 up to last year.

Ms. Salgado stated that she has serving and bartending experience. She stated that she also worked as a bookkeeper for Lalo's, was familiar with restaurant operations, handling liquor situations, dealing with customers and carding techniques.

Ms. Strelau asked how many employees they will have at the store. Ms. Salgado replied five. Ms. Strelau asked if the employees are over 21. Ms. Salgado replied yes.

Ms. Strelau asked what percentage of liquor sales will be. Ms. Salgado replied 15%.

Ms. Strelau asked Ms. Salgado if she was aware that only 25% of the retail space can be devoted to liquor. Ms. Salgado replied yes.

Ms. Fregeau commented on the manual and felt it was detailed and conversational. She stated that their policy to card anyone under 35 was good.

Ms. Fregeau asked how they planned to verify out of state licenses. Ms. Salgado replied through her past experience. She stated that she also worked in a bank and was familiar with carding as she always had to request identification. She stated that employees will also ask for a second form of identification and ask questions related to the id.

Ms. Fregeau advised that there is a 50 state id checking guide available from the State.

Ms. Fregeau stated that she liked that they were not going to accept the vertical under 21 id's.

Ms. Fregeau asked where the beer is stored in relation to the front door. Ms. Salgado replied that it is stored in three cooler doors in the far corner of the store. Ms. Fregeau asked if the area was visible from the register. Ms. Salgado replied that there are mirrors on the ceiling so they can monitor the area.

Ms. Fregeau asked how they will prevent sales during non-liquor sales hours and asked if the liquor doors will be locked. Ms. Salgado replied that the coolers may be locked and employees will be reminded that liquor sales are not allowed prior to legal selling hours.

Mr. Clary wished them luck.

Ms. King asked if there was an existing licensee at this location. Ms. Kuchynka replied yes. She added that the store officially turned over on October 1st. She provided the Commission with a copy of the order of forfeiture for the previous owner. She noted that the new owners have not obtained a Certificate of Occupancy and will not be allowed to sell beer and wine until a license is issued.

Ms. King requested that they bullet point and/or highlight the fine information in the manual and make it more prominent.

Ms. King asked about their register system and if it is able to scan license bar codes. Ms. Salgado replied that they do not have a bar code reader on the register.

Mr. Krusenoski commented on their manual and stated it was easily readable.

Mr. Krusenoski pointed out a possible typo which reads "Do not accept an ID Card that appears authentic or official..." He stated it should read "Do not accept an ID Card that **does not** appear authentic or official".

Chairman McInerney cautioned them about third party sales and to be watchful for activity outside the store. He suggested that they keep the windows clear of signs so that the outside is visible.

Ms. Kuchynka noted that the Zoning Ordinance regulates the amount of signage placed in windows. She suggested that they contact Community Development for the amount of signage that is allowed for the location.

Chairman McInerney suggested that they maintain adequate visibility of the outdoor area.

Ms. Fregeau suggested that they contact the State of Illinois for free materials, signs and training guides for the store.

Ms. Kuchynka advised that the ordinance had been revised to reduce the number of extension requests from eight to four, since some holiday hours were added.

Ms. Kuchynka asked the Commission for further discussion and requested a motion to forward the item to the Village Council for consideration.

Chairman McInerney stated that the ordinance changes were reasonable and he was fine with giving the Liquor Commissioner latitude in making decisions for unique requests. He felt that language about liquor extensions generally not being allowed past 2AM would be a good deterrent for requests past then. He felt that language clarifies the intent of the Commissioner.

Chairman McInerney asked if there were any comments from the public on the issue. There were none.

Chairman McInerney requested a motion.

MS. FREGEAU MOVED TO FORWARD AN ORDINANCE AMENDING PROVISIONS FOR THE EXTENSION OF LIQUOR SERVING HOURS TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. CLARY SECONDED.

VOTE:

Aye: Ms. Fregeau, Mr. Clary, Ms. King, Mr. Krusenoski, Ms. Strelau, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

The Motion carried.

Ms. Kuchynka advised that the Mayor administratively approved a location change for the Downers Grove Wine Shop. She stated that they will have off-premise beer and wine sales only and will not have on-site consumption as the former boutique. She stated that the new site is significantly smaller and located across the parking lot. She stated that the wine shop has no violation history.

Ms. Strelau asked if the Commission will be discussing Suspension Guidelines. Ms. Kuchynka stated that they will discuss the issue at a future meeting. She stated that LaMex was the first violation that the Mayor experienced and he was unfamiliar with the process. She stated that he was given an overview of the past history and will review those materials with the Village Attorney about what direction to take.

Ms. Fregeau asked if free courses are offered to municipalities for BASSETT training. She asked if staff could explore the possibility of the Commission to go through the training. Ms. Kuchynka stated that BASSETT training is generally quite expensive, however, there are some reasonable on-line courses that can be taken. She stated that she would look into funding for Commission members. Ms. Strelau stated that it would be interesting to know how licensees are trained.

Ms. Kuchynka stated that BASSETT training is very general in nature. She stated that instructors advise on State law, but most do not touch on local law.

Chairman McInerney stated that would be a good opportunity for the Commission. He asked staff to explore options for courses for the Commission.

Ms. Strelau stated that an article provided to the Commission on BYO specifically required BASSETT training and did not allow TIPS training. Ms. Kuchynka replied that BASSETT training is a very extensive six hour course. She stated that TIPS ranges two to four hours, depending upon if the training is for off-site or on-site sales.

Ms. Kuchynka stated that there are online courses available. She advised that some larger corporations have BASSETT trainers on-site.

VI NEW BUSINESS

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

Ms. Kuchynka had nothing on file and was unsure if there would be a November 3rd meeting.

Chairman McInerney stated that he would forward an article to staff about background checks conducted by the Village of Lisle. He stated that they not only conduct background checks managers and owners, but on anyone who holds a managerial role. He asked that staff include it with next month's materials. He stated that they incorporated that cost into the cost of the license. Ms. Kuchynka advised that a background check fee is incorporated into the annual license fee.

VII COMMENTS FROM THE PUBLIC

There were none.

VIII ADJOURNMENT

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

Ms. Strelau moved to adjourn the October 6, 2011 meeting. The meeting was adjourned by acclamation at 7:05 p.m.

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
JANUARY 25, 2012 MINUTES**

Call to Order

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

Roll Call

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

Absent: Mr. Enochs

A quorum was established.

Staff: Tom Dabareiner, Jeff O'Brien, Damir Latinovic

Also present:

Charles Nichols, VCA, Los Angeles, CA.

Adam Wilmot, Wallin Gomez Architects, 711 S. Dearborn, Chicago, IL

Pete Kacinskas, VCA, 2813 Glacier Ridge, Plainfield, IL

Alexis Newman, NCA Arboretum View Animal Hospital, 2551 Warrenville,
Downers Grove, IL

Robert Aument, Daspin & Aument, LLP, 4721 Wallbank, Downers Grove, IL

Bridget O'Keefe, Daspin & Aument, LLP, 227 W. Monroe, Chicago

Chuck Alden, Grate Signs, 4044 W. McDonough Ave., Joliet, IL 60431

Minutes of October 26, 2011 & November 9, 2011 meetings

Mr. Domijan said that the minutes of the November 9th meeting record a discussion on a sign variation on Ogden Avenue. The wording in the minutes is for a "proposed garage."

Ms. Earl made a motion to approve the minutes of the October 26, 2011 meeting as presented, and the November 9, 2011 meeting as corrected.

Mr. Domijan seconded the Motion.

AYES: Ms. Earl, Mr. Domijan, Mr. Isacson, Ms. Majauskas, Ms. Souter,
Ch. White

NAYS: None

The Motion passed 6:0.

Meeting Procedures

Chairman White explained the function of the Zoning Board of Appeals, and reviewed the procedures to be followed during the public hearing, verifying with Staff that all proper notices have been published. He then called upon anyone intending to speak before the Board on the

Agenda items to rise and be sworn in, as the public information portion of the meeting is an evidentiary hearing. Chairman White explained that there are seven members on the Zoning Board of Appeals all of whom have had the opportunity to review the documents for the petition prior to the meeting. In order for a requested variation to be approved there must be at least four votes in favor of approval. He added that the Zoning Board of Appeals has authority to grant petitions without further recommendation being made to the Village Council.

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ZBA-01-12 A petition seeking a setback variation to allow construction of an accessory structure in the front yard for the property located at the southwest corner of Warrenville Road and Cross Street, commonly known as 2551 Warrenville Road, Downers Grove, IL 60515 (PIN 08-01-302-018); VCA Arboretum View Animal Hospital, Petitioner; Arboretum View LLC, Owner.

Petitioner’s presentation:

Ms. Bridget O’Keefe, attorney with Daspin & Aument, spoke on behalf of the Petitioner, Arboretum View Animal Hospital at 2551 Warrenville Road. Ms. O’Keefe explained that the Petitioner was requesting approval for two variations related to the use of an MRI trailer on the hospital site. Also present with Ms. O’Keefe was Alexis Newman, Medical Director of VCA Arboretum View, Charles Nichols, Director of Construction with VCA, Adam Wilmot of Wallin Gomez Architects, Peter Kacinskas of VCA, and Robert Aument of Daspin & Aument.

Ms. O’Keefe said the Petitioner is seeking relief from two provisions of the Downers Grove Zoning Code. The first concerns the requirement that no accessory structure shall be erected in the front yard of a property, and the second specifies that no parking will be allowed in the required 35’ front yard setback.

Ms. O’Keefe introduced Dr. Newman of the Arboretum View Animal Hospital. In response to questions from Ms. O’Keefe, Dr. Newman said she has been with the hospital since March of 2003. It is a 24-hour specialty and emergency hospital, the only one of its kind in DuPage County. There are 23 veterinarians and a total of 50 employees at the center. Departments in the hospital include emergency, general practice, neurology, oncology, and internal medicine. In 2010 the hospital treated 7,500 patients.

Dr. Newman noted that the current hospital building was constructed in 2002. At that point they did not have the requirements for a full-time MRI at the site because they had only a radiologist on site and no neurologist. However, since 2010 they have been able to provide 24-hour MRI availability for patients in need of such testing. They used the MRI trailer with the understanding that they did not need further approval from the Village for that use. In August of 2010, the hospital received a letter from the Village after a false fire alarm, saying the structure needed additional approval. At that time they decided to apply for a temporary use permit to give them time to determine what was necessary to bring them into compliance with the Village Zoning Ordinance. In the summer of 2011 the hospital ownership changed to VCA.

Ms. O’Keefe then introduced Adam Wilmot, Architect with Wallin Gomez Architects. Mr. Wilmot said he has worked 17 years in the field of architecture and is a licensed architect with the State of Illinois. He said the existing location of the MRI trailer is east of the primary

hospital building toward the south end of the property, which he pointed out on the site plan. The proposed location is the same, but will make it less visible from the bordering streets. Proposed improvements include securing the trailer to the ground with hurricane struts, installing a permanent underground electrical service, constructing a 12.5-foot high enclosure on three sides to screen the MRI trailer from the public way. This will also include an 8-foot wide gate to allow access to the trailer.

Mr. Wilmot explained that in discussions with village staff an alternate location was identified north of the existing hospital and within the setbacks, taking over six parking spaces. The six spaces that would be eliminated would increase an existing deficiency as the current parking is non-conforming. They would have to erect a 6-foot tall wooden fence to match the current screening fence for the electrical equipment. A 5-foot wide covered sidewalk would also have to be constructed creating a path from the southwest corner of the hospital to the relocated MRI center. Mr. Wilmot explained this would require an 185-foot long overhead canopy to shield patients from rain and snow during the transport from the hospital to the trailer.

In response to Ms. O'Keefe, Mr. Wilmot said that the proposed use and location is consistent with the surrounding uses in the district. Animal Hospitals are a permitted use in the M-1 zoning district, and this use is compatible with the Park District facility to the east across Cross Street. He noted that the proposed use is consistent with the surrounding uses in the O-R-M district as well. In addition, the enclosure will be located 220 feet south of Warrenville Road at an elevation of approximately 6 feet below Warrenville Road, thereby reducing the visibility of the structure from Warrenville Road. The enclosure will blend into the existing building by use of matching materials, color and scale to the existing hospital.

Mr. Wilmot said it is difficult to maximize the use of the property because of the grade differential along the north and south property lines. There is a grade differential of approximately 4 feet to the south and 6 feet to the north, making expansion of the building to the south or the parking area to the north difficult. Mr. Wilmot explained there is no opportunity to locate the MRI trailer on the property without violating a yard requirement or somehow negatively affecting the aesthetics of the area, and incurring significant expense to the owner.

In 2002 when the hospital was developed, the existing tract was built to hold a temporary MRI trailer to the east of the building. Mr. Wilmot said that records show that it was planned that the trailer would be located in its current location. Because of the decisions made in 2002, options are now limited as to where the trailer can be located. Moving the trailer elsewhere on the property would negatively affect the overall quality of the site, aesthetics and functionality. The proposed enclosure will not block natural light. He showed where the typical building setback line would be. He explained that there would be no change to the existing access to and from the site, as well as existing parking availability. The alternative location would result in a loss of parking. The MRI trailer will be secured in place and poses no risk to the public safety, and it will also be secured from public access. The enclosure is consistent with adjacent surrounding uses, compatible with the existing hospital facility, and would not impact parking, traffic or the aesthetics of the area. It should also not affect the property values of the area.

Ms. O'Keefe then called for testimony from Charles Nichols, Director of Construction with VCA. Mr. Nichols said he was the Director of Construction for VCA and was located in Los Angeles, California. The Arboretum View is one of nine hospital belonging to VCA. Mr. Nichols said the proposed alternate location to transfer patients from the hospital to the parking

lot in adverse weather conditions is problematic. An MRI is an elective service. The enclosed walkway would protect the staff and patients on inclement days. He said there has been a call for this service locally and they believe there is a long-term benefit for clients to have the service here. The MRI itself is a very large room, 17 feet x 25 feet, with another 12 feet x 18 feet for mechanical equipment. The primary hospital is on the first floor, with specialties on the third floor. The only place to place the MRI room would be on the second level. The trailer could not be placed in the basement because they would need a 10-foot square hole, and a hoist to get it down to the basement. Mr. Nichols explained that keeping the trailer is preferable to building an addition to the existing hospital because the cost would be between \$400,000-\$600,000.

Mr. Nichols stated that the MRI is a long-term specialty. He discussed the impact on a patient in an emergency situation, versus one who is coming in for a well-being check. He explained the critical impact on a patient being moved outdoors through the parking lot to the MRI facility on a cold January night. Mr. Nichols indicated that hospital staff is comfortable that the facility will not be used seven days a week, but the option of storing it, then moving and recalibrating it when the need arises is problematic. They don't know when the need for use will arise. He did say that they can show that it is not being used more than 50% of the time. He thought that was a reasonable arrangement.

Mr. Nichols said he understands that the Board has a difficult job; however, if there is a similar situation where a temporary use is requested for a special sale of hats out of a truck, that is not the same thing as this request to use the MRI trailer on the site. This situation involves provision of a service by a critical hospital for an emergency patient.

Ms. O'Keefe commented that this use has been on the site for a number of years, and there has never been a complaint about the location of the trailer. The applicant believes that they comply with the standards and asks the Board to consider the testimony presented. The neighbor, the Alter group, was concerned that the location would be visible from their building, however, the proposed location was not a problem for them.

Ms. Majauskas asked why they are asking for a "trailer" rather than an accessory structure. Mr. Nichols replied that a "trailer" was always part of the original capacity for the hospital prior to VCA purchasing it. He cannot speak to the decision made in 2002. If he was building it, and there was a future MRI plan, they would have allocated space in the building accordingly.

Ms. Majauskas asked the reasons for not building a small building rather than using the trailer. Mr. Nichols explained that the "building" would be significantly more expensive than the trailer. Trailer MRIs are specific pieces of equipment and differ from those in a building situation. He reminded that this is human MRI equipment. The MRI in the trailer is no different than the MRI in a hospital.

Ms. Majauskas asked again why the trailer could not be exchanged for an accessory structure. Mr. Nichols responded that to build a structure to house an MRI would cost about \$400,000-\$600,000.

Ms. Majauskas asked what they would have to do for the existing structure to make it work. Mr. Nichols responded that the heat generated with an MRI requires shielding. An MRI image is impacted by radio frequencies outside of the room. The entire room is shielded with copper, and then a triple wall construction that would happen in regular construction. The room size would

be larger than the trailer. In the trailer they move the patient in, take the image and then pull the patient out. You would never build a trailer-size MRI room. It could be done but would still be very expensive.

Mr. Nichols clarified that the sizes he spoke to referenced the interior space. They are not just talking about the physical space for equipment and circulation within the area, but also adequate space for service of the equipment. The overall structure would be four times larger than the interior space.

Ms. Earl said in March 2011 the issue that the trailer was not a permanent structure first came to the attention of the hospital. In April of 2011 they applied for a temporary use permit. In July 2011 they purchased the trailer outright expecting it to be there on a permanent basis, thereby creating their own hardship.

Ms. O'Keefe responded that they had the temporary use permit, and although the trailer was purchased, it was not disclosed to the new owner that the trailer was not in compliance. Ms. Earl said they should then have a case against the former owner or person handling the real estate transaction. Ms. O'Keefe responded that the owner did not cause this problem.

Ms. Earl noted that this was never designed for a permanent trailer, but was always designed to be a temporary use. Ms. O'Keefe responded that it was not clarified in the papers they received, and at that time the technology was not as advanced; therefore, it was not anticipated that the MRI trailer could be used permanently.

Ms. Earl suggested that they should have considered a permanent solution as opposed to a temporary trailer. Ms. O'Keefe noted that after purchase they became aware of the complication, and they had to make a decision that would be a balance between trying to provide the service and meet the economic need.

Ms. Majauskas asked if the trailer they purchased was different than the trailer used previously. Ms. O'Keefe said it was different.

There being no further questions at this time, Chairman White asked staff to make its presentation.

Staff's presentation:

Mr. Jeff O'Brien, Planner for the Village, reviewed that the southwest corner of Cross Street and Warrenville Road is zoned M-1, and houses the Arboretum Animal Hospital. The Hospital is requesting a variation to keep the MRI trailer parked in the setback along Cross Street, with a proposed setback of 9 feet, 8 inches. The second variation is to construct an accessory structure around the trailer in the front yard. The proposed enclosure would be 7 feet from the property line.

Mr. O'Brien explained that there would be three key themes in tonight's presentation as to why staff does not support these requests. First, the request is the most convenient location and option for applicant. Second, there are administrative proceedings that provide necessary relief. Finally, the applicant was aware of the Village's requirements and the change in their business requires an alteration in the Village's land use regulations. He clarified that the applicant has

been working with the village staff to resolve the issue. Mr. O'Brien stressed that this request is not about a "smokescreen" or bad faith on the part of the applicant.

Mr. O'Brien showed the site plan and photos of the site. He noted the main building, parking lot and concrete pad. The Hospital was constructed in 2002. The concrete pad and electrical connections on the east side of the building were part of the construction permit. The intent of the original permit approval was that the trailer would come and go as needed. Mr. O'Brien explained the set-up was intended for a temporary use. He noted the electrical connection was similar to plugging a lamp into a wall – albeit with a much larger cord. He showed the electrical connection between the trailer and electrical service.

Mr. O'Brien noted this arrangement is similar to what exists at Good Samaritan Hospital for a similar temporary use. In 2010 the applicant was made aware of the problem because of a fire alarm. At that time the hospital applied for a temporary use permit, which is common many commercial uses in the Village. He explained that temporary use permits are valid for 180 days per year. The permit for the Animal Hospital was issued in April of 2011 and expired in October of 2011.

Mr. O'Brien then displayed photographs of the trailer as viewed from various points surrounding the property. He explained staff does not believe there are any physical hardships or unique circumstances to grant the variation. There are several administrative remedies that can be applied to this property. The Zoning Ordinance intends to create attractive commercial corridors, and not provide the most cost-efficient or convenient options for property owners. He said one option would be parking the trailer off-site and bringing it on the site as needed, as was done in the past. That would require reprogramming the animal hospital's MRI function. The second option would be to park the trailer on the main parking lot on the north side of the building. That would require eliminating six parking spaces; however, there is an administrative procedure they can go through for shared parking with the Alter property. He noted they currently lease spaces on an informal basis from the Alter Group. Finally, Mr. O'Brien noted the applicant could move the MRI operations inside with a building addition.

Mr. O'Brien stated staff recommends denial of the request. He went through the standards. He noted the property is yielding a reasonable return. It has been used a successful practice since 1978. Practice recently sold and demand for MRI services demonstrates the successful nature of the business. Services can be provided and were provided through administrative processes (i.e. temporary use permits). The request to maintain the trailer in the location is one of convenience and not necessitated by a unique characteristic on the property. He went on to explain the zoning ordinance intends to create and maintain attractive commercial properties which is why there are limits on temporary uses and setbacks.

Mr. O'Brien stated there are no unique circumstances on the property. Rather, the Request is to maintain convenient business practices. The applicant's claim they had no knowledge of the Village's regulation. However, this is not a unique circumstance. Further the original permit was issued with the understanding that the trailer would be temporary and the applicant was notified by staff in March 2011, prior to the purchase of the trailer.

Mr. O'Brien said staff believes the placement of the trailer would impact the essential character of the area. The zoning ordinance limits temporary uses, location of parking and location of accessory structures to protect the aesthetics of commercial areas. The Comprehensive Plan and

other Village planning tools worked together to try to beautify the Village's commercial corridors.

Mr. O'Brien stated there were no physical characteristics that restricted construction on the property. He agreed that there are significant slopes on the site; however, they are within in the required setback areas and do not affect the building area on the lot.

Mr. O'Brien explained these conditions are applicable to most other commercial properties. Most commercial and manufacturing properties have loading and parking areas that are used for temporary loading and unloading. In many cases, trailers are used for temporary storage such as during the holiday season. Trailers are not usually used as permanent extensions of the building's main use. He went on to explain the Council recently discussed and turned down a request to use trailers and trucks as donation centers for the Salvation Army on 75th Street.

Mr. O'Brien stated staff believed the applicant's change in nature of the business created the conflict. Village offered administrative remedies that have been rejected by the applicant. Therefore, the applicant created their own hardship.

Mr. O'Brien agreed that the request would not have an impact on providing adequate light and air to surrounding properties. However, he reminded the ZBA that all standards need to be met in order to grant a variation.

Mr. O'Brien said staff believes the request will alter the land use characteristics of the M-1 District. He reminded the Board the applicant changed their operations and is asking the Village to alter its land use regulations to accommodate the use. He reiterated that the location is necessary only for convenience of the business and there other options to locate the trailer on site.

Mr. O'Brien went on to say the goal of the Village's zoning ordinance is to create attractive commercial corridors. Accessory structures tend to be utilitarian structures that generally house "backroom" operations for businesses. In most cases, these are not the most attractive aspects of businesses. Parking setbacks also established for these reasons. The Village's building code and zoning code work together to limit temporary uses.

Mr. O'Brien explained the request would confer a special privilege to the applicant because the solution proposed is the most convenient location. He reminded the Board there are other options that do not require approval of a variation available to the applicant.

Mr. O'Brien summarized that staff is recommending denial. He noted the proposal does not meet the standards because the request is the most convenient location and option for applicant. The variation is not necessary because there are administrative proceedings that provide necessary relief. Further, the applicant was aware of the Village's requirements and the change in their business requires an alteration in the Village's land use regulations. He added temporary structures are temporary because they lack the permanent connections to the electrical system, fire alarm and sprinkler systems and lack the necessary handicap accessibility.

Mr. O'Brien noted if the Zoning Board of Appeals chooses to approve, staff requests that the Board consider the conditions listed in staff's report.

Ms. Earl asked if the petitioner's intent is for the trailer to be there more than 180 days in the year, why a permit is required. Mr. O'Brien replied that if the variation were approved, the trailer would be on site permanently. He noted that temporary use permits are available for up to 180 days per calendar year. He noted that the applicant's proposal to hardwire the trailer to the building would be a permanent application and that would require further examination of building code issues. The Village would request a log of the amount of usage. The Village understands that the trailer is used about 14 days a month, which would equal about 180 days in the year.

Mr. O'Brien further responded that the hospital is allowed to maintain the temporary nature of the facility. The area on the plan is identified as a loading area. There is nothing on the plan to indicate a temporary MRI facility.

Mr. Isacson said that the Board has received letters from neighbors who are not opposed, and he asked if there has been any communication from neighbors who are opposed to this. Mr. O'Brien said that staff has had no letters or communication in opposition to the request.

Mr. Isacson asked for clarification that the trailer as configured now does not meet the Village's codes. Mr. O'Brien responded that it meets the Village's Codes for a temporary use and a temporary occupancy, which translates to 180 days per calendar year. The Fire Department raised the initial concern about the connection to the sprinkler system. The Department worked with the Hospital on the temporary location of the trailer.

There being no further comments from the Board, Chairman White called for comments from the audience in favor of or in opposition to the request. There were none. Chairman White then asked the petitioner if they had any further comments.

Ms. O'Keefe responded to the question of fire issues, saying that the hospital did follow the Fire Department's concerns regarding moving the trailer to another location. She said that the hospital has two front yards with 35-foot setbacks on both sides. This restricts their ability for development opportunities. With regard to parking they are already leasing parking next door at a cost of \$800 per month. To lease more parking would cost another \$400 per month.

Ms. O'Keefe said by Code they could keep the trailer on site for 180 days, and then store the trailer. She stressed that this is not a question of convenience. It is a question of whether the location is good for patients, and they are providing the best care. Their proposal would eliminate the problem of moving an animal through the parking lot in order to conduct the MRI test. The administrative processes available to them are contradictory to the Village's intent to have an attractive commercial corridor. She said the applicant believes they meet the standards required by the Village.

Ms. Majauskas asked about using the trailer for 180 days and then storing it for 180 days. Ms. O'Keefe said putting it on the east side would violate the yard requirements, even if it is a temporary structure. They have a 35-foot setback requirement on both front yards.

There being no further comments, Chairman White closed the opportunity for further public comment, and opened the discussion to the Board's deliberation.

Board Deliberation:

Chairman White asked the Board's preliminary thoughts on the petition.

Ms. Earl said that the Hospital claims this is best for the animals. She believes what is best for the animal is to have the facility inside the building. She would not give a temporary trailer to any other business in their front yard just because they outgrew their business.

Ms. Majauskas said she agreed with Ms. Earl that this could set a precedent for requests for trailers. She also thinks there is a due diligence issue, and she finds it difficult giving them a break when they did not ask for permission. She hates to stop a business from expanding, but there are questions she is concerned with.

Ms. Souter agreed that this is the only business of its kind in the County, and she would like to work with the business to see what can be done. What she likes about the trailer idea is that they are accommodating what technology is now. From a business perspective she is inclined to work further with the petitioner.

Mr. Isacson said in his whole 2-1/2 years on the Board he has never seen a presentation as thorough as that brought forth tonight by the applicant. He also has never seen a presentation by the Village staff to be as strongly opposed to the petitioner's request. In order to approve something the Board has to find some reason to pass all nine of the standards. In this case, staff has such a strong position against the petition on all standards except one that he does not think there is any way for the ZBA to find that the request meets the standards.

Mr. Domijan said he understands their need to bring a service to their clients in the County. However, this best works within the footprint of the building. He stated his concerns about the location of the trailer in relation to providing adequate emergency access to the building. He noted the current location of the trailer could create difficulties for fire and rescue operations. He has difficulty trying to approve a variation by putting this structure in the front yard that will leave a legacy that he can not live with.

Chairman White said within the four corners of the Zoning Ordinance he does not see how the ZBA can distinguish an MRI trailer from a Salvation Army trailer. He sees differences between the two trailers, but cannot justify the argument within the context of the existing Zoning Ordinance. He sees no basis for a variation under the Zoning Ordinance as written.

Ms. Earl made a motion that in case ZBA-01-12, the requested variations be denied.

Mr. Domijan seconded the Motion.

AYES: Ms. Earl, Mr. Domijan, Mr. Isacson, Ms. Majauskas, Ch. White

NAYS: Ms. Souter

The Motion to deny the requested variation passed 5:1.

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ZBA-02-12 A petition seeking a sign variation for the property located at the southeast corner of Ogden Avenue and Lee Avenue, commonly known as 1711 Ogden Avenue,

Downers Grove, IL (PIN 09-06-305-001); Chuck Alden, Grate Signs, Inc., Petitioner; Merlin 200,000 Mile Shops, Owner.

Petitioner's presentation:

Mr. Chuck Alden, owner and petitioner for Grate Sign Company said that Merlin will be replacing its nonconforming pylon sign with a conforming monument sign within its property. Merlin's property is unique in that it is set back 35 feet from Ogden Avenue, which is further back than their neighbors whose properties have setbacks of 15 feet - 20 feet. If Merlin conforms to the setback they would be minimum 45 feet back from Ogden Avenue and the sign would be within the driveway pavement where cars enter the bay doors. Therefore they are requesting a 3-foot setback for the monument sign instead of the required 10 feet. There are two monument signs now in the neighborhood that are less than the required setback. They are located at 1723 Ogden (27-foot setback) and 1650 Ogden Avenue (29-foot setback). Mr. Alden said that approval of the requested variation would allow them to have room for landscaping 3 feet around the base of the sign and be more visible to Ogden Avenue traffic.

There being no comments from the Board, Chairman White asked staff to make its presentation.

Staff's presentation:

Mr. Damir Latinovic summarized the request. The property has a 15,000 square foot building that is occupied by Merlin. The petitioner is requesting a sign variation to build a monument sign 3 feet from the front property line where 10 feet is required by Code. He showed on a site plan how cars enter the site into the service bays. Mr. Latinovic said that originally the petitioner applied for a building permit to install only the wall signs, but later came back wanting to install the monument sign also. In 2008 the petitioner came before the Zoning Board of Appeals and requested the same sign variation and it was approved; however, the petitioner did not install the sign and the variation expired after one year. Based on its analysis, staff believes there is a unique circumstance associated with the property that warrants granting the request. If the variance is not approved, the sign would have to be located 45 feet from the Ogden Avenue which would be unique. It would also cut into the pavement area in front of the building. Staff reviewed surrounding properties to determine how the variation would impact the area, and believes that all standards have been met. He then reviewed each of the Standards for granting a variation, as noted in the staff's report. Staff recommends approval of the variation subject to condition #1 on page 5 of staff's report.

In response to Ms. Earl, Mr. Latinovic said this request is identical to what was approved in 2008.

Mr. Latinovic responded to a question from Mr. Isacson regarding Exhibit B. He clarified that it was provided by staff to illustrate where a code-compliant sign could be located.

There being no further comments, Chairman White closed the opportunity for further public comment, and opened the discussion to the Board's deliberation.

Board Deliberation:

Chairman White asked the Board's preliminary thoughts on the petition.

Ms. Earl made a motion that in case ZBA-02-12, the requested variation be granted subject to the following condition:

- 1. The proposed monument sign shall substantially conform to the drawing prepared by Grate Signs dated January 11, 2011, last revised August 3, 2011 and plans attached to this report except as such drawing and plans may be changed to conform to village cods, ordinances, and policies.**

Ms. Souter seconded the Motion.

**AYES: Ms. Earl, Ms. Souter, Mr. Domijan, Mr. Isacson, Ms. Majauskas,
Ch. White**

NAYS: None

The Motion to approve the requested variation passed unanimously.

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Mr. O'Brien reminded the Board that the Boards and Commissions Certification form has to be completed by January 1, 2013. He also announced that there will be a special guest at the ZBA meeting on February 22nd to provide a training workshop.

There being no further business, Chairman White adjourned the meeting by voice vote at 9:27 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary