

Staff Responses to Council Questions
April 3, 2012

Non-Agenda Related

On Friday, March 30, 2012, Standard and Poor's assigned a AA+ rating to the Village of Downers Grove for its anticipated \$35 million bond issue. S&P's summary report is attached.

6. Consent Agenda J. Bid: Award \$39,515 to ENCAP, Inc., Sycamore, IL, for Cumnor Basin Planting and Landscape Improvements

The low bid price is substantially below the other bids. Does staff have any concerns with this contractor?

No, staff does not have concerns with this contractor, who is well respected in this industry. Staff met with the contractor to review the scope of work and staff is assured that they intend to perform the work as described for the bid price. Staff will monitor the performance of the work.

8. First Reading A. Ordinance: Rezone Property Located at 6622 and 6700 Fairview Avenue from R-1, Single Family Residence to R-3, Single Family Residence

A few years ago, this property was being considered for townhomes. Could you provide the documentation (or references) for previous proceedings and any subsequent history of this property.
In late 2007, Fairview Ministries proposed a townhouse development for the properties in the eastern portion of the Green Acres Subdivision (around Lynn Gremer Court). The Plan Commission reviewed the proposal twice (in October 2007 and September 2008). The Commission recommended approval both times (2007 - 6-2; 2008 - 4-3). The Village Council considered the request twice (in May 2008 and October/November 2008). The Council remanded the request to the Plan Commission in May 2008. When the item came back from the Plan Commission in November 2008, the Council denied the request. The agenda materials from the November 2008 Village Council meeting and minutes from the Plan Commission meetings are attached.

What is the minimum required lot depth in the R-3 District? Do all of the lots comply with the lot depth requirement?

Yes, the lots comply with the depth requirement. The minimum lot depth for the R-3 district is 140 feet. All of the lots are at least 147 feet deep.

Is the detention facility hydrologically connected to the basin on the east side of Fairview? Which way does the water flow between the basins? Will this be a wet-bottom or dry-bottom basin?

This dry basin is not connected to the basin on the east side of Fairview. The detention basin drains eastward to the storm sewer on Fairview and eventually into Prentiss Creek. The basin on the east side of Fairview is part of the St. Joseph's Creek watershed.

Will sidewalks be constructed along Fairview Ave?

Sidewalks exist along Fairview Ave. The sidewalk will be modified to accommodate the new curb cut and sidewalks internal to the subdivision.

Is the cul-de-sac bulb wide enough to accommodate turning movements of emergency vehicles? Will it have an island in the middle?

Yes, the cul-de-sac is designed to accommodate the turning radii of the Village's emergency fleet. There will not be an island in the middle of the cul-de-sac bulb.

8. First Reading C. Resolution: Approve the Final Plat of Subdivision for 6622, 6650 and 6700 Fairview Avenue

From this item and the previous, it appears that subdivision stormwater handling will be the responsibility of an SSA. Have we done this before? Where? Is this going to be a somewhat routine method of handling in the future?

The stormwater handling will be the responsibility of the Homeowners Association. If the association fails to maintain the facility, the Village would have the ability to use the SSA to recoup the cost of maintaining the facility. The Village has not handled detention basins for subdivisions with SSAs. Staff may recommend this practice for future single-family subdivisions; however, it is not currently a requirement of the Village Code.

Why wait for the SSA if detention already constructed?

The creation of the SSA is dependent on the completion of administrative tasks associated with the subdivision. The SSA cannot be created until the subdivision is recorded with the County and the lots are assigned Property Identification Numbers (PINs). After this is complete, the Village Council can consider the creation of the SSA.

8. First Reading D. Resolution: Abrogate a Certain Lot at 6562 Davane Lane

What has happened to this property since 2006? Any reports, letters etc? What was the County response and did they return the funds to the developer?

Subsequent to the submittal of the 2006 report from Burke Engineering (then the Village's wetland consultant) that included a written opinion (attached) that property no longer met the definition of a wetland, the County stormwater engineering staff acknowledged that the area in question was no longer a wetland. On August 7, 2007, the County Stormwater Committee approved the refund of the fee in lieu of wetland banking in the amount of \$93,421 (see attached minutes).

8. First Reading F. Bid: Award \$165,550 to A Lamp Concrete Contractors, Inc., Schaumburg, IL for 2012 Pavement Patching Services

Why is there a large spread between the two bids? Is the A-Lamp bid lower because they will be working on another project in the Village? Should we consider completing additional patching with this low bid price?

This year's bid results are typical of what has been seen in the four years this contract has been bid. This contract involves multiple mobilizations in many locations throughout the Village, and the bid results vary depending on the bidders' familiarity with the requirements of the work and what other work is available in the area. The quantity is based upon the amount of work needed to be done and there is not a need to expand the scope of work.

ATTACHMENTS

Summary Bond Rating Report

Village Council Meeting and Plan Commission Minutes regarding Lynn Gremer Court

Letter from Burke Engineering regarding Green Acres Subdivision

County Stormwater Committee Meeting Minutes

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
NOVEMBER 4, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Fairview Village - Rezoning and Preliminary Planned Development Amendment (west side of Fairview Avenue)	Resolution ✓ Ordinances Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Preliminary Planned Development Amendment to Planned Development #32 has been prepared for the seven parcels of Green Acres Subdivision. An ordinance has been prepared to change the zoning of seven residential parcels within the Green Acres Subdivision from R-3 (Single Family Residential) to R-5A (Townhouse Residential).

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2007-2012 identified *Preservation of the Residential and Neighborhood Character*. Supporting these goals are the objectives *Tolerance of Neighborhood Private Redevelopment* and *Continuing Reinvestment in the Neighborhoods*.

FISCAL IMPACT

N/A.

RECOMMENDATION

This item was discussed at the October 28, 2008 Workshop. During that discussion the Village Council requested further information about the items specified below.

What are the plans for the future of Fairview Avenue?

Fairview, in that area, is a Village street. There are no plans to further improve Fairview.

What was the purpose of the MIT study and who paid for it?

The purpose of the MIT study was to determine the impacts of a mixed-income, large-scale multi-family development on surrounding single family home property values. The study was funded by the MIT Center for Real Estate and the Joseph R. Mullins Company (developed).

Could the proposed development be built on the east side of Fairview Avenue instead of the west?

Fairview Village could explore the development of these units on the east side; however, it would mean a loss of some of the cottages and a portion of its east side expansion. During the course of staff's conversations, Fairview Village indicated that it is trying to offer a slightly different product in the Auxiliary campus. It would be marketed to younger seniors, who have the ability to live on their own but do not want the responsibilities that come with homeownership.

Historically, how often has the Village approved developments that followed and/or did not follow the Future Land Use Map (FLUM)?

On some occasions, the Village has amended the FLUM in conjunction with rezonings where the rezoned land use was inconsistent with the original recommendation of the FLUM. For example, when the Village approved the Villas of Maple Woods development (Maple and Elinor), the Council amended the FLUM from zero to six dwelling units per acre to six to 11 dwelling units per acre. There are some occasions when

the Village did not amend the FLUM when a rezoning conflicted with its recommendation. For example, when the Village approved the townhomes on Fairview Avenue, south of 63rd Street, the FLUM was not amended for consistency. Staff is compiling further information for presentation on Tuesday.

Staff recommends approval on the November 4, 2008 active agenda.

BACKGROUND

Fairview Village proposes to expand its campus to a 2.9 acre parcel surrounding Lynn Gremer Court along Fairview Avenue. The parcel contains seven lots within the eastern portion of the Green Acres Subdivision. The petitioner requests a Preliminary Planned Development Amendment to be included within the existing Planned Development #32 and a rezoning to change the zoning from R-3, Single Family Residential to R-5A, Townhouse Residential to be consistent with the existing Planned Development #32 zoning. The petitioner requests only preliminary approval of the land use and site plan at this time. Final building, engineering and site plans, a Plat of Vacation for Lynn Gremer Court, and a Plat of Subdivision will be required to come back to the Plan Commission and Village Council for approval of a final planned development amendment.

Zoning Table

Zoning Requirements	Required	Proposed (Oct 2007)	Proposed (Aug 2008)
Front Yard Setback (East)	25'	30'	30'
Side Yard Setback (North)	47'	30'	47'
Side Yard Setback (South)	47'	30'	47'
Rear Yard Setback (West)	20'	20'	40'
Building Height	35'	37'-6"	24'-6"
Lot Coverage	32%	29.0%	29%
Lot Area			
3-bedroom unit	3,000 sf / unit	3,959 sf / unit	3,959 sf / unit
Floor Area Ratio	0.8	0.59	0.59
Parking	40	98	96
Open Space	40%	56%	63%

Traffic Table

	Morning Peak Trips	Evening Peak Trips	Trips Per Day	% increase to average daily traffic on Fairview Avenue
Approved Single Family	5	7	67	0.05
Proposed Senior Independent Living	3	4	111	0.08

Site Plan

The petitioner proposes to construct four two-story apartment buildings which would each contain eight independent living units. The existing single family house would be converted into primarily a clubhouse with a small office. The petitioner revised their original August 2007 site plan to increase building setbacks from the adjacent single family residences. The setback from the north and south property lines is 47 feet, while the closest point along the western property line is 40 feet. The proposal meets all the bulk requirements of the Zoning Ordinance for the proposed R-5A district, including building height and setbacks, parking and open green space.

Attached is a process and timeline summary for the development. During that process the Village Council charged the Plan Commission with thoroughly reviewing the project with respect to all aspects of the project, including:

- home values
- appropriate use of the land
- stormwater management
- traffic

These four topics are summarized below:

Property Values

Surrounding neighbors expressed concern about the impact the proposed development would have on surrounding property values. To address this concern, Fairview Village contracted with Tracy Cross & Associates, Inc. (TCA) to prepare a study on how property values would be affected. TCA completed an analysis of the market potential for residential development in February 2008 which provided an assessment of the potential impact of the proposed Auxiliary Campus upon local property values. Staff requested additional information from the petitioner to further clarify the report's findings. TCA provided a second study in August 2008 which more closely examined property values adjacent to senior living facilities and multi-family developments adjacent to single family developments over time. The additional information, submitted in August 2008, confirmed TCA's initial assessment that the rezoning "will not impair or negatively impact single family property values in the immediate vicinity." Both the February and August reports are provided in the attached Staff Report.

To verify the TCA results, staff researched the issue of property values through the American Planning Association (APA). The APA had no report or data relating specifically to the impact of senior living facilities. The APA did have five studies which examined the issue of property values in cases where multi-family residential was constructed in a single-family neighborhood. Only one study from the MIT Center for Real Estate provided background information and data within the available report. The MIT study examined the impact of introducing a large-scale, mixed-income, multi-family rental development with an affordable housing component into a neighborhood of single-family houses over a period of time from 1983 through 2003.¹ The authors found that large, dense, multi-family rental developments with affordable housing components do not negatively impact the sales price of nearby single family homes.² Additional information pertaining to the MIT study can be found in the Staff Report.

Appropriate Use of the Land

The surrounding residents expressed concerns about the proposed multiple-family development encroaching into their single-family neighborhood and whether the proposed encroachment was compatible with the Future Land Use Plan. The Auxiliary Campus property is currently designated as Residential 0-6 dwelling units per acre in the Future Land Use Plan. The proposed development would create a density of 11 dwelling units per acre. The proposal is not consistent with the Future Land Use Plan. However, the proposal is consistent with the multi-family developments currently in-place along Fairview Avenue between 63rd Street and 75th Street. There exists already a townhouse development located at 6308-6316 Fairview Avenue approximately 800 feet north of the proposed project along the same side of the street. The Main Campus across Fairview Avenue is multi-family and apartment buildings and townhouse developments are located on the east side of Fairview Avenue immediately north of the Main Campus. Additionally, a multi-family complex is located at the northwest corner of Fairview Avenue and 75th Street. The pattern suggests a market-based rationale for multiple-family in the vicinity.

Stormwater Management

Stormwater management and how it will be addressed is a topic of concern for the neighbors. Stormwater management will be provided through the existing storm sewers and the installation of new storm sewer structures and lines throughout the site. The stormwater will be conveyed off-site to the two previously approved detention ponds located on the Main Campus. These ponds were designed to provide capacity for both the Auxiliary and Main Campuses. The pond reconfiguration is currently on-going. A preliminary engineering plan is provided in the Staff Report.

¹ Pollakowski, Henry O. et al., *Effects of Mixed-Income Multi-Family Rental Housing Developments on Single-Family Housing Values*. MIT Center for Real Estate, April 2005.

² Ibid.

Traffic Study

The amount of traffic entering and exiting the site and the impact of this additional traffic on the neighborhood and Fairview Avenue is a concern to the neighborhood. To address these concerns, Fairview Village contracted with Gewalt Hamilton Associates, Inc. to complete a traffic study of the Auxiliary Campus. The study found that the traffic generated by the proposed Auxiliary Campus would not create significantly different impacts on the existing roadway system than the approved single family residential development. Levels of Service during both morning and evening peak were acceptable and the slight increase in traffic will not result in service level decreases along Fairview Avenue. Although the number of vehicles entering and exiting the site is more than anticipated for seven single-family properties, the difference results from slightly higher off-peak (mid-day) traffic associated with senior independent living use. The traffic study is provided in the Staff Report.

Findings and Recommendations

Staff believes the standards for approval of an amendment to the Zoning Ordinance and Planned Developments have been met. The adjacent uses contain both single-family and multiple-family uses and the subject property is on the edge of the single-family neighborhood. The impact of the development will not be detrimental to the health, safety, morals or general welfare of persons residing in the vicinity and will not be injurious to property values or improvements in the vicinity as demonstrated by the petitioner's additional home value, market analysis and traffic studies. The proposal makes adequate provisions for stormwater management and utilities, provides adequate control over vehicular traffic and provides open space in the form of landscaping and an interior courtyard. The proposed use would be beneficial to the community as it provides an opportunity for elderly residents to remain in the Village when they decide to downsize their living arrangements.

Plan Commission Recommendation

The Plan Commission conducted a public hearing regarding the Auxiliary Campus on September 8, 2008. During the meeting, many neighborhood residents expressed concerns regarding the proposal. These concerns included neighborhood character, the possible deterioration of surrounding property values, and their desire to delay any decision until the TCD 3 and Comprehensive Plan process concludes.

The Plan Commission recommended approval of the Auxiliary Campus Preliminary Planned Development and rezoning by a vote of 4:3. The majority of Plan Commissioners found that the petition had provided sufficient evidence that the development would not harm neighboring property values, was an appropriate use of the land and would not cause significant stormwater or traffic impacts. The majority found the petition met the standards for approval of an amendment to the Zoning Ordinance and Planned Developments. The three dissenting Plan Commission members did not believe the proposal was consistent with existing uses and zoning of nearby properties and did not conform to the planning objectives of the Village. One commissioner also believed the development would negatively affect neighboring property values, was not suitable for the requested rezoning, departs from the zoning regulations applicable to the property, and did not make adequate provisions for public services.

ATTACHMENTS

Ordinances

**VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY**

INITIATED: Petitioner **DATE:** November 4, 2008
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** 35-07
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE APPROVING A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #32, TO PERMIT CONSTRUCTION OF FOUR (4), TWO-STORY SENIOR CITIZEN APARTMENT BUILDINGS FOR THE PROPERTY LOCATED AT 401-406 LYNN GREMER COURT AND 6568 FAIRVIEW AVENUE", as presented.

SUMMARY OF ITEM:

At their meeting of September 8, 2008, the Plan Commission recommended to approve a preliminary planned development amendment to Planned Development #32.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A PRELIMINARY PLANNED
DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #32,
TO PERMIT CONSTRUCTION OF FOUR (4), TWO-STORY
SENIOR CITIZEN APARTMENT BUILDINGS FOR THE PROPERTY LOCATED AT
401-406 LYNN GREMER COURT AND 6568 FAIRVIEW AVENUE**

WHEREAS, the Village Council has previously adopted Ordinance No. 3456 on April 27, 1992, designating the property described therein as Planned Development #32; and,

WHEREAS, the Owners have filed a written petition with the Village conforming to the requirements of the Comprehensive Zoning Ordinance and requesting a preliminary amendment to Planned Development #32 to permit construction of four (4), two-story senior citizen apartment buildings; and,

WHEREAS, such request was referred to the Plan Commission of the Village of Downers Grove, and the Plan Commission has given the required public notice, conducted a public hearings for the petition on October 1, 2007 and on September 8, 2008, and had made its findings and recommendations on September 8, 2008, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission had recommended approval of the requested petition, subject to certain conditions; and,

WHEREAS, the Village Council has considered the record before the Plan Commission, as well as the recommendations of Plan Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

SECTION 1. That the provisions of the preamble are incorporated into and made a part of this ordinance as if fully set forth herein.

SECTION 2. That a Preliminary Planned Development Amendment is hereby authorized to approve four (4), two-story senior citizen apartment buildings.

SECTION 3. That approval set forth in Section 2 of this ordinance is subject to the findings and recommendations of the Downers Grove Plan Commission regarding File PC-35-07 as set forth in the minutes of their September 8, 2008 meeting, a copy of which is attached hereto and incorporated herein by reference as Group Exhibit A.

SECTION 4. The approval set forth in Section 2 of this ordinance is subject to the following conditions:

1. The Final Planned Development shall substantially conform to the preliminary architecture plans prepared by A.G. Architecture dated September 10, 2007 and revised on June 27, 2008; the preliminary engineering plan prepared by Gewalt Hamilton Associates, Inc. dated July 2, 2008; and the preliminary landscape plans prepared by 3D Design Studio dated August 31, 2007, except as such plans may be modified to conform to Village Codes and Ordinances.
2. The petitioner shall file a petition for a Final Planned Development Amendment, Plat of Subdivision, Plats of Easement, and a Plat of Vacation for the Lynn Gremer Court right-of-way no later than one (1) year after Village Council approval if said approval is granted. If a petition is not filed within one (1) year, any approvals gained from this petition for a Preliminary Planned Development Amendment shall be null and void. The building elevations and site plan shall substantially conform to any plans approved by the Village Council and Plan Commission.
3. Prior to the Plan Commission consideration of the Final Planned Development Amendment, the following comments shall be addressed:
 - a. A revised stormwater grading plan shall be provided that addresses stormwater conveyance for the western portion of Green Acres Subdivision.
 - b. The site shall provide for overland flow routes from Davane Lane through the site and across Fairview Avenue without negative impacts to the site or Fairview Avenue.
 - c. Best Management Practices for stormwater quality shall be implemented on the site.
 - d. All executed utility easements shall be abrogated, and new easements shall be provided over all relocated utilities, stormwater facilities and overland flow routes.
 - e. The Village shall assume ownership of the water main and water appurtenances. As such, easements shall be provided over all water main pipes, valves, fire hydrants and all other water appurtenances.
 - f. A photometric plan shall be submitted.
4. The existing Lynn Gremer Court right-of-way shall be vacated.
5. The four proposed apartment buildings and the existing single-family residence shall have an automatic sprinkler system installed throughout. All areas of each building shall be protected.
6. The four proposed apartment buildings and the existing single-family residence shall have a manual and automatic detection system installed throughout. All detection systems shall be tied into the Downers Grove Alarm Board. All areas of each building shall be protected.
7. A fire hydrant shall be located within 100 feet of each proposed and existing building's fire department connection.
8. Each proposed apartment building shall have one main electrical disconnect or a shunt trip system that cuts power to the entire building.
9. Prior to the issuance of any development permits for development, the petitioner shall pay to the Village a total of \$90,837.34 as school and park donations (\$63,691.89 to Downers Grove Park District, \$20,932.49 to Downers Grove Elementary School District 58, and \$6,212.96 to Community High School District 99) subject to verification by the Department of Community Development.
10. The four proposed apartment buildings shall contain no more than eight apartments each for a total of 32 living units on the site. The existing single-family residence shall be converted only to a

clubhouse and executive office. Any changes to the proposed number of living units shall be approved by the Village through a Planned Development Amendment.

SECTION 5. That the four (4), two-story senior citizen apartment buildings are consistent with and complimentary to the overall planned development site plan and with the requirements of the “R-5 A, *Townhouse Residential*” zoning district.

SECTION 6. That the Mayor and Village Clerk are authorized to sign the above described plans.

SECTION 7. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. That this ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING SEPTEMBER 8, 2008, 7:00 P.M.

Chairman Pro Tem Waechtler called the September 8, 2008 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Pro Tem Waechtler, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Webster

ABSENT: Mr. Beggs, Chairman Jirik

STAFF PRESENT: Mr. Jeff O'Brien, Sr. Village Planner; Mr. Stan Popovich, Village Planner;

VISITORS: Steve Stewart, Fairview Village, 210 Village Drive, Downers Grove*; Don Vandevander, Fairview Village, 210 Village Drive, Downers Grove*; Doug Thaxton, Fairview Village, 210 Village Drive, Downers Grove*; John Martin, 1755 Naperville Road, Wheaton; Andrea VanBuren, 6576 Fairview, Downers Grove*; John & Simone Kapovich, 6416 Blodgett Court, Downers Grove; Marc Pietrzak, 6430 Blodgett Court, Downers Grove; Dana Rennie, 613 65th Street, Downers Grove; Bill Myers, Fairview Village, 210 Village Drive, Downers Grove; Mary Spencer, 6332 Blodgett Court, Downers Grove; Frank Muraca, ARCH Consultants, 250 Parkway Drive; Kerry & Peggy Richmond, 6575 Davane Lane, Downers Grove; Anne Hizon, 661 61st Street, Downers Grove; Walter & Doreen Lenckas, 6357 Davane Court, Downers Grove; Dan & Sue Gross, 6407 Davane Court, Downers Grove; Bob Scelze, 6642 St. James Court, Downers Grove; Larry Rosol, 6556 Berrywood, Downers Grove; Jeanette Howard, 6443 Davane Court, Downers Grove; Daniel C. Carlson, 6336 Davane Court, Downers Grove; Rick & Nene Bailey 6413 Blodgett Court, Downers Grove; Carmela Zinnecker, 6345 Davane Court, Downers Grove*; Janet Cerny, 412 66th St., Downers Grove; David & May Tsui, 6407 Blodgett Court, Downers Grove; Carol Rochter, 6600 St. James Court, Downers Grove; Anthony DiSalvo, 6339 Davane Court, Downers Grove*; Lauren & Quinton Ford*, 415 66th Street, Downers Grove; Carol & Bob Nield, 6326 Fairview Avenue, Downers Grove; Valeria & Evelyn Giralda, 532 66th Street, Downers Grove; Joy & Ron Detmer*, 6580 Davane Lane, Downers Grove; Jason Mitchell, 6572 Fairview Avenue, Downers Grove*; Simon & Clara Liu, 6436 Davane Court, Downers Grove; Natasha Buh, 6412 Davane Lane, Downers Grove; Sandra & Ray Konrath, 6637 Saint James Court, Downers Grove; Fred Foss, 6579 Davane Lane, Downers Grove; Marge Earl, 4720 Florence Avenue, Downers Grove*; C. Wei, 6440 Fairview Avenue, Downers Grove; Betty C. Lewis, 6431 Davane Court, Downers Grove; Theresa Stewart, 6413 Davane Court, Downers Grove; Tariq Khan, 6450 Fairview Avenue, Downers Grove*; Mary & Walter Sobat, 404 66th Street, Downers Grove; Arlene & Benjamin Widrevitz, 7136 Blackburn, Downers Grove; G. Tracy Cross, Tracy Cross & Associates, 1920 N. Thoreau Drive #150, Schaumburg*; Mike Carey, Powermart, 1301 W. 22nd Street, Oak Brook*; James F. Russ, Jr., Attorney, 4915 Main Street, Downers Grove*; Ed Rickert, 6563 Berrywood, Downers Grove*; Jon Povlivka, 6016 Washington, Downers Grove*; William White, Attorney, 5530 Main Street, Downers Grove*; Luke Casson,

Kensington Real Estate Consultants, Inc., P. O. Box 39, Lemont, IL*; Suli Gasafer (phonetic spelling), Plainfield, IL (*Spoke at Meeting)

Chairman Pro Tem Waechtler led the plan commissioners in the recital of the Pledge of Allegiance.

Minutes of the August 4, 2008 Meeting - Mr. Matejczyk made a motion to approve the minutes as presented, seconded by Mr. Cozzo. Motion carried by voice vote of 7-0.

Chairman Pro Tem Waechtler reviewed the meeting's protocol for the public and petitioners and for those petitioners that would be speaking on the following two petitions:

FILE NO. PC-35-07 (Continued from 08-04-08) A petition seeking approval of a Preliminary Planned Development Amendment to expand Planned Development #32 Fairview Village for the construction of four multi-family buildings and to rezone such property from R-3, Single Family Residential to R-5A, Townhouse Residential for the property located on the West side of Fairview Avenue at the intersection of Fairview Avenue and Lynn Gremer Court, Downers Grove, IL (PIN's 09-20-213-013,-014,-015,-016,-017,-018,-019); Steve Stewart, Petitioner; Fairview Ministries, Owner

Turning to the overhead screen, Village Planner Stan Popovich reviewed the petition explaining the petitioner is requesting a Preliminary Planned Development Amendment to Planned Development #32 and rezoning from R-3 Single Family Residential to R-5A Townhouse Residential in order to construct four (4), two-story senior citizen apartment buildings on a 2.9 acre parcel surrounding Lynn Gremer Court.

Reviewing some of the project's history, he discussed that on October 1, 2007, the petition received a positive recommendation from the Plan Commission for the Main Campus and for the proposed Auxiliary Campus on the west side of Fairview Avenue. The Village Council approved the Main Campus proposal on November 6, 2007, and subsequent construction began on the Main Campus. However, per the petitioner's request, the Village Council tabled the Auxiliary Campus proposal so the petitioner could examine surrounding home values, the appropriate use of the land, rezoning, stormwater management and traffic. In May 2008, Fairview Village returned to the Village Council with the petitioner having a prepared market analysis. Because the site plan changed, staff recommended returning the petition back to the Plan Commission. In June 2008, the Village Council returned the petition to the Plan Commission and charged the Plan Commission to review the project and consider four aspects of the project: home values, appropriate use of the land, stormwater management, and traffic.

The petition was scheduled for the August 4, 2008 Plan Commission meeting, but the petitioner requested the Plan Commission to continue the petition so they could provide additional information to staff. The petitioner submitted additional property value data to staff in late August 2008. Currently, the petitioner is requesting preliminary approval of the land use and preliminary site plan approval. Final building, engineering and site plans, a Plat of Vacation for Lynn Gremer Court and a Plat of Subdivision will be required to come back to the Plan Commission and Village Council for approval of a final planned development amendment. Tonight's discussion will focus on the four following points: home values, appropriate use of the land, stormwater management, and traffic.

Per Mr. Popovich, the proposal includes the construction of four (4) two-story units and converting the existing house into a clubhouse and executive office. Three of the buildings surround a courtyard and the remaining building sits in the northwest corner of the property. The proposal has been revised, and the setbacks from the north, west and south property lines are 47 feet, as opposed to the 20 to 30 feet previously noted. Each building would have underground parking for its residents. The access drive will be no closer than 68 feet from the west property line, compared to 25 feet in the previous proposal. All vehicles will be entering and exiting at Fairview Avenue. The site provides 96 parking spaces, 20 underground spaces for each apartment and 16 spaces at grade. Approximately 80,000 square feet of green space is being proposed with landscape buffers to the north, west, south, and landscaping along Fairview Avenue. A floor plan was shown. Four units per floor are planned. Renderings and elevations were presented. Bulk regulations and height regulations were being met by the petitioner.

Mr. Popovich stated Gewalt Hamilton Associates, Inc. completed a traffic study of the Auxiliary Campus, which found that the traffic generated from the senior living development would not create a significantly different impact on the existing roadway system than the previously approved single-family development. The study found single-family residences would generate five trips during the morning peak hour and seven trips during the evening peak hour for 12 total peak trips. Overall, the single-family residences would produce 67 total trips per day. The proposed senior independent living units would produce three trips during the morning peak and four during the evening peak for a total of seven peak trips. Overall, the proposed development would produce 111 trips per day. The difference results from slightly higher off-peak (mid-day) traffic associated with the senior independent living use. Seniors would make more trips during daytime off-peak hours.

Staff's data reflects that Fairview Avenue between 63rd Street and 75th Street has an average daily traffic count of 14,000 vehicles. A single-family development would result in a 0.05% increase in traffic, wherein the proposed senior community would result in a 0.08% increase.

The traffic study identifies the level of service for the intersection of the access roads with Fairview Avenue as a Level of Service B for weekday morning peak hours and Level of Service C for weekday evening peak hours for movements into and out of the Auxiliary Campus. Levels of Service are rated A through F, with A being the best, D being the lower threshold of acceptable waiting times. Levels E and F are unacceptable. The anticipated Levels of Service would be acceptable even with the additional trips. The Village's Public Works Department reviewed the traffic study and found the increase in traffic would not result in significant service level decreases along Fairview Avenue. Staff believes the residents of the site who have to enter and exit the site will feel the largest impact. Staff believes the petitioner has addressed this matter.

Regarding the home value study, consultant Tracy Cross & Associates, Inc. completed a market analysis in February 2008, which concluded that the proposed Auxiliary Campus would have no detrimental impact on surrounding home values. The report found that in six cases out of eleven the local annual percent change in home values was higher than for the host municipality. In the other five cases, the local area annual percent change in home values was lower than the host municipality. Staff requested additional information to further clarify the analysis's findings since they were inconclusive.

In August 2008, the consultant examined three cases where municipalities rezoned from single-family residential to multi-family residential and the impact the rezoning had on property values.

The study found that multi-family developments expanding into single-family neighborhoods did not impact single-family home values. Mr. Popovich explained the study also reviewed three cases of single-family residential being located adjacent to senior living facilities: one in Downers Grove, one in Burr Ridge, and one in Barrington and found that the home values immediately adjacent to the developments were similar to home values further away from the senior living facility. The study of these six developments appears to support the assertion that multi-family developments did not affect the property values immediately adjacent to single-family houses whether the development existed or following a rezoning. The consultant will provide further details.

Mr. Popovich also explained that staff conducted its own research through the American Planning Association archives. A Massachusetts Institute of Technology (MIT) Center for Real Estate study completed in 2005 examined the impact of large-scale, mixed-income, multi-family rental development with an affordable housing component into single-family neighborhoods from 1983 through 2003. Mr. Popovich pointed out Fairview was not affordable housing. The MIT study examined seven cases over a period of 20 years. The study looked at the immediate area and the larger municipality with regard to property values. The research found that the multi-family rental developments with affordable housing did not negatively affect the sales price of nearby single-family homes. Mr. Popovich further explained the study looked at the worse case scenarios over a short-term time period and a long-term time period and concluded that the developments did not have a negative impact. Staff believes the study is relevant as the density of the studied cases is comparable to the proposed densities of this proposal. Based on the Tracy Cross and MIT studies, staff believes the proposed Fairview Village project would not have a negative impact on neighboring property values.

As to the appropriate use of the land, Mr. Popovich conveyed the site is not in line with the Future Land Use Plan since the plan designates the area as Residential 0-6 dwelling units per acre. The development is for 11 dwelling units per acre. While the proposal is not consistent with the Future Land Use Plan, it is consistent with the multi-family developments in place along Fairview Avenue between 63rd Street and 75th Street. He noted a nearby townhouse development located north on Fairview Avenue; the Main Campus across Fairview Avenue being multi-family; and apartment buildings and townhouse developments being located on the east side of Fairview Avenue immediately north of the Main Campus. Lastly, a multi-family complex was located at the northwest corner of Fairview Avenue and 75th Street. Staff agreed the proposal had merit since multi-family zoning along Fairview Avenue already existed.

In addressing the stormwater management issue, the proposal provides a preliminary engineering plan, which will take existing stormwater and pipe it underground to the two new improved ponds located on the main campus. A couple of the storm sewers may have to be removed or replaced in order to meet new requirements and layouts. The ponds were designed to provide capacity for both the Auxiliary and Main Campuses. The pond reconfiguration is currently on going.

Mr. Popovich stated public improvements would include a vacation of Lynn Gremer Court with a new entrance drive on Fairview Avenue. Any existing utilities would be re-used as much as possible. The proposal meets the R-5A bulk regulations for setbacks, height and open space. A plat of subdivision will be required to be filed for final planned development approval. School and park donations will also be required. Fire Prevention has reviewed the revised plans and believes there is adequate access in the drive aisles and separation between the buildings.

In addition, neighborhood comment has been extensive with meetings held in September 2007 and April 2008. The neighbors have hired Counsel, and staff has been corresponding with the attorney and the neighbors. A memo from the attorney was on the dais for commissioners to review.

Mr. Popovich stated that staff believes the four Village Council issues have been addressed as stated in staff's report, and the standards for approval for an amendment to the Zoning Ordinance have been met as well as other multi-family uses exist on Fairview Avenue. The Tracy Cross and MIT study also support the findings of no detrimental impact to surrounding single-family property values. The planned development standards have been met, and the proposal complies with the Zoning Ordinance, adequate provisions have been made for sewer, traffic and open space. Staff believes the property is suitable for the proposed use, and the project is not detrimental to the general health, safety and general welfare or surrounding property values. The proposed development meets the zoning requirements of the R-5A district.

Staff asked the Plan Commission to recommend approval of the petition with staff's conditions on page 11 of its report. Mr. Popovich offered to answer questions.

Per Mr. Matejczyk's question about the Village Stormwater Department being concerned about the stormwater plan provided by the petitioner, Mr. Popovich confirmed there were no concerns, noting it was a preliminary plan. Staff and stormwater staff were fine with the plan being proposed. Regarding the various studies inside and outside of the Chicagoland area, he asked if the studies indicated a negative impact on home values in the area of the development or even a neutral impact, Mr. Popovich stated home values continued to rise. The only changes seen were in the percent change in increase.

On behalf of the petitioner, Mr. Steve Stewart, Executive Vice President of Fairview Village, thanked the Commissioners in postponing the presentation due to additional work with Tracy Cross. Mr. Stewart stated the agency has been in Downers Grove since 1973 and has expanded the campus to be a full, continuing care retirement facility with 450 to 500 seniors living on the campus. A history of the project through the Village process followed. He noted the proposal does meet the requirements of the bulk standards and confirmed the proposal was seeking a change in zoning from R-3 to R-5A to match what was across the street. For the expansion of the main campus, Mr. Stewart said starting the ponds was probably a year premature, but he wanted to show a good faith to the neighbors in starting that expansion.

Mr. Stewart stated he believes the project will be an asset to the community and wants to continue to have a flagship campus in the Village. In addition, the failed single-family home project across the street was an opportunity to expand the project, since there was a wait list in the community.

He noted the plan has been reworked to have the building setback within the requirements of the current zoning. "Before" and "after" slides were presented. He confirmed the bulk standards for the proposal were in compliance. Two parking spaces are reserved for each unit. Regarding the pond construction, about 80% of the pond is completed and should be completed this fall. Because neighborhood suggestions have been taken into account and have enhanced the proposal, the proposal sits as currently presented. The four buildings will total 32 units at approximately 1,650 square feet per apartment. Entry costs are approximately \$500,000 to \$600,000. Renderings of the buildings were presented. He thanked the neighbors for some of their comments. Mr. Stewart closed by stating the petitioner not only purchased the seven lots on the west side of Fairview

Avenue but also was required to purchase the five remaining lots within Green Acres Subdivision. However, the proposal tonight was for only the seven lots surrounding the cul-de-sac. The five remaining lots are still for sale as single-family lots.

Mr. Cozzo inquired about the mention of “berming” from the neighborhood minutes wherein Mr. Stewart stated there have been discussions about berming, and it will have to be worked out in the final presentation. He preferred to install some berming but would work with staff on their input. Chairman Pro Tem Waechtler inquired about the landscaping on the west side of the townhomes to screen from the residents, wherein Mr. Stewart stated the screening has been considered and he will have a landscape architect work further on that issue. He reiterated the petitioner wanted to have a good relationship with the neighbors. Per a question, Mr. Stewart advised about 50 individuals were on the wait list.

Mr. Tracy Cross with Tracy Cross & Associates, Schaumburg, Illinois, discussed his scope of business focuses on marketing analysis and market research. He reminded commissioners the focus of his study was to analyze the housing values around senior citizen facilities that were in a half-mile radius and compare those values to a host community. Initially, the study was inclusive in that the radius was either too large or the senior facility was an isolated campus and did not reflect the respective zoning change or show what happens when homes directly abut such a facility. Mr. Cross walked through his presentation in detail discussing various rezoning examples to multi-family zoning near single-family zoning and the fact that the rezoning had no impact to the housing value. In reviewing home values in single-family developments adjacent to senior facilities, he noted home values have either increased or increased at the same rate as the single-family developments. There has been no impact in the examples presented. Mr. Cross reiterated the proposal adds value or will protect values to a certain degree.

Mr. Cross stated his examples were randomly chosen within DuPage County dating back to 1999. No properties prior to 1999 were reviewed. Chairman Pro Tem Waechtler pointed out during this period it was a time when real estate values increased. He thanked Mr. Cross for his presentation. Per a question, Senior Village Planner, Mr. O’Brien, stated he was familiar with the development in Barrington but not the other developments.

Attorney Jim Russ, 4915 Main Street, Downers Grove, informed the Commission he was the attorney for Siever’s and Stevens Construction, which was the developer of the townhomes south of the Family Video building. Mr. Russ reviewed the history of that project’s rezoning ultimately to the R-5A zoning district, which was approved by Village Council. Reviewing prior minutes and workshop minutes, the concern was whether the townhome development was an appropriate buffer from the commercial to the residential area. The Council felt it was an appropriate buffer. He did not see any reference to any “promise” that there would not be further development along Fairview Avenue. Instead, he found reference to any further development along Fairview Avenue would have to be reviewed on an individual bases, as referenced by Mr. Rathje, the prior Village Community Development Director, and the development would probably come before the Plan Commission as a planned unit development for multi-family use.

Mr. Stewart asked to have two residents of Fairview Village speak to the Commission.

Mr. Donald Vandevander, 200 Village Drive, Downers Grove, and Mr. Douglas Thaxton, 200 Village Drive, Downers Grove introduced themselves and presented a signed petition from

residents of the facility who supported the expansion efforts of the Fairview Village on the west side of Fairview Avenue. He presented the petition to Chairman Pro Tem Waechtler.

Mr. Vandevander stated he chose Fairview Village because of what it offers in the way of ministries and various activities it offers. Both men invited the Commissioners to visit the beautiful facility. He stated the site was kept up very well. Mr. Thaxton discussed the volunteer activities offered at the facility.

Chairman Pro Tem Waechtler opened up the meeting to public comment.

Mr. Jason Mitchell, 6572 Fairview, Downers Grove, resides directly south of the vacant lot. He raised concern about the amount of vehicles entering and exiting the driveways, and it being very close to his driveway and had safety concerns for his children. His largest objection was the fact that the proposed development will affect the character of his neighborhood and will affect his view from his home. He stated a study paid by the petitioner could present positive numbers over not so positive numbers. He asked that the commissioners “plan” their projects. He also pointed out the facility could change officials and change the use of the property to apartments.

Mr. Ron Detmer, 6580 Davane Court, Downers Grove, stated much has changed since Fairview Village came before the last Plan Commission meeting. He stated the CEO revealed that Fairview Village plans to extend their apartment building concept and purchase available properties along Fairview Avenue north and south of Lynn Gremer Court. He called attention to the fact that the petitioner has made reference that it owns five lots on Davane Lane, two of which abut the proposed development and he questioned the petitioner’s intention as it relates to those lots. He voiced concern about future development of Fairview Village and the intrusiveness of the proposal into the neighborhood. He summarized some of the comments made at neighborhood meetings contrasted what Fairview Village had previously stated. Mr. Detmer found discrepancies in the Tracy Cross studies, the Village’s Master Plan and the standards of approval for amendments to the Zoning Ordinance as it relates to this proposal.

Commissioners noted some of Mr. Detmer’s comments were also speculative.

Mr. Anthony DiSalvo, 6339 Davane Court, Downers Grove, was sworn in. Mr. DiSalvo stated his neighbors in Green Acres have questioned the actions of this Commission. He reviewed the prior annexation and zoning for the site and discussed what occurred over the past few years; i.e., prior builders mis-timed the housing market. As a result, he stated the petitioner was a buyer who purchased lots that did not meet its needs and was now requesting a change to the zoning. He questioned why the Village should grant the rezoning. Mr. DiSalvo stated the residents would like the Commission continue to maintain the residents’ neighborhood as it has been represented; i.e., single-family homes. Any deviation was against the zoning and was contradictory to prior meetings. Mr. DiSalvo referenced minutes of January 22, 2002 wherein it was conveyed by a Village Council member that the Village did not have control over the property at all, it was not in the Village of Downers Grove, and if it were annexed into the Village, the Village would be able to define what would exist at the site. It went on to discuss future developments and not to focus just on the present.

Per Mr. DiSalvo, at the meeting of April 23, 2002, the same Council member conveyed if the site was within the Village, the decision would be simple because it depicts the area on the Future Land Use Map as residential. Mr. DiSalvo asked that the neighborhood remain residential. He also

stated that if the Commission approves the rezoning of the property, he and his neighbors would come before the Commission to rezone their property to multi-family.

Ms. Andrea VanBuren, 6576 Fairview, Downers Grove, representing herself and her neighbor, Bill Nelson (6624 St. James Court) who could not attend the meeting, discussed that staff uses MIT's study as a basis for justifying that the proposal will not negatively affect surrounding home values. She pointed out that MIT's study appears to justify the Massachusetts Chapter 40.B. of the Anti-Snob Zoning Act which allows developers to obtain state permits to override local zoning regulations if less than 10% of the community's housing stock is defined as "affordable." While staff indicates the density of the study areas of the petitioner's proposal are similar, staff lacks to convey is that the housing stock is very dissimilar. Ms. VanBuren went on to discuss how the housing stock differed in the MIT study, and how some information was dismissed from the study. She believed the MIT study was lending credibility to the Fairview proposal. She discussed in staff's memo, reference is made that the proposal is not consistent with the Village's Future Land Use Map (FLUM), yet staff says the proposal is consistent with the multi-family developments along Fairview Avenue. She found zoning decisions made in Westmont would be a basis for the Village to ignore its own FLUM. There was concern about the Commission rezoning a parcel that was just zoned annexed and rezoned four years earlier. Ms. VanBuren pointed out the subdivision with three buildings on the property has not had time to be successful because it has been discussed at meetings continuously.

She voiced concern about precedent setting and asked that the Commission reject the proposal and adhere to the zoning of its FLUM. She noted the proposal was meeting the setbacks of R-5A zoning and found inconsistencies with the revised Tracy Cross & Associates study. She believed the proposal was an intrusion into an established community.

Mr. Ed Rickert, 6563 Berrywood, Downers Grove, was sworn in. Mr. Rickert noted his home was on the lot directly west of Davane Court. He was not convinced the facility was inappropriate for the area at first. He discussed the concern was not whether it was R-3 zoning versus 5A zoning, but the fact that Fairview was creating a continuum care campus where residents purchase single-family homes, eventually purchase assisted living homes, and then move into the nursing home; i.e., moving a business use into a residential use. It also allowed the petitioner to avail himself to a continuum of care variance and to add beds to an existing property without going through the full Certificate of Need process to show there is a need for nursing home beds in the community. For the above reasons, he opposed the project.

Mr. John Povlivka, 6016 Washington, Downers Grove, was sworn in. He reviewed the zoning the petitioner was seeking, noting the fifth structure, would be an office and clubhouse. He asked if the petitioner was asking for zoning of an office on the property. Mr. O'Brien stated the zoning for the property would be R-5A with a Planned Development overlay with specific uses permitted. In this case, the petitioner requests the existing single-family residence be converted into a small office and clubhouse.

Mr. Bill White, attorney, 5330 Main Street, Downers Grove, has been asked to assist the homeowners. He asked the Commissioners to consider whether the Village's FLUM meant anything given the Village Council recently passed an ordinance to comprehensively review the FLUM. If the Commission was going to deviate from the FLUM, then strong reasons needed to be conveyed. Also, because Fairview Village has openly admitted that it owns other parcels on the

west side of Fairview Avenue, that to rezone this parcel without taking those parcels into account, pre-empts any successful review of the FLUM and places an R-5A zoning in the middle of that piece of property and sets a precedent for future developments. He believed it was inappropriate that this was not conveyed from the very beginning. Personally, Mr. White stated proper planning was looking at Fairview Avenue in its entirety and determining where the parcel should go in the long term and not parcel by parcel. He questioned why the Village would pay a significant amount of money to a consultant to look at proper planning and the Future Land Use Map, especially if the proposal was approved.

Mr. White also questioned whether the MIT study and the Tracy Cross study would find a multi-family project anywhere that would negatively affect single-family home values. He believed it should not be based on one petition but on many and should be considered when the Village's FLUM and Comprehensive Plan was reviewed and be decided upon by the community. In addition, he recalled the word "buffer" being discussed but no promises said. However, he stated the homeowners feel they were promised that single-family would remain. Mr. White asked those residents who were against the petition to stand up or raise their hand for the Commission to see. He reiterated he was not representing the homeowners but merely assisting them to prepare their case. However, he stated their sentiment on this matter was very strong. He pointed out the residents wished to preserve the character of their neighborhood, which could not have a monetary value placed upon it. Again, he asked the Commission what was the compelling reason to deviate from the Future Land Use Map.

Mr. Quinton Ford, 415 66th Street, Downers Grove, discussed the contract he entered into to purchase his current home about three months ago. After finding out about Fairview's purchase of nearby properties, he tried to get out of the contract due to such a development. He stated his point was that based on the law of supply and demand, when a single qualified motivated buyer is not interested in a property because of adjacent activities and property uses, it decreases the property value. He questioned Mr. Cross's statement of "he could not find many examples of rezoning from single-family to multi-family" and why, wherein Mr. Ford surmised that planning commissions realize it is not a good idea to do that because it disrupts the character of single-family neighborhoods.

Mr. Tariq Khan, 6450 Fairview Avenue, Downers Grove, commented when he purchased his home that it had been on the market for two years. He did not believe the residents should be penalized for a failed business decision. He agreed that the area was hurting prior to the purchase of his home. However, he noted when reviewing the east side of Fairview there were many various subdivisions and many homes were older and not rehabbed yet. On the west side, the development was occurring and was encouraging. He believed the proposal was going to hinder further development. He did not trust the petitioner because some of their townhomes on the east side of Fairview were already run down for the area.

Ms. Carmella Zinnecker, 6345 Davane Court, Downers Grove, was sworn in, resides directly adjacent to the townhomes, and referenced a comment made by Mr. Stewart regarding Darien Club. She stated those homes were built after Fairview Village, and the residents there have chosen to live there when the development already existed. Wherein, this proposal was something new, and the more recent homeowners including herself bought their property because the lots were there as residential. She stated it was disheartening to see the change. As to the Tracy Cross study, she stated the study had to consider those developments not in the middle of a residential neighborhood

but off to a side, or they were in existence before some of the homes were. She asked that the petitioner and Mr. Cross take into the consideration those items they considered when they purchased their own properties.

Due to no further comments, the public comment portion of the meeting was closed.

No comments were received from the commissioners.

Mr. Stewart closed by stating he was excited about the project and committed to what was being proposed. He did not believe the proposal had a negative impact to the neighborhood and because he paid the consultant for the study, it did not invalidate the study. He thanked Mr. Russ for researching the minutes and clarifying what was said at earlier meetings. Mr. Stewart felt no precedent was being set. The R5A requirements were being met. In addition, he disagreed that the proposal was being characterized as a business use. He asked that the Plan Commission make a positive recommendation to the Village Council.

As to the many references about the Village reviewing the Future Land Use Map and Comprehensive Plan and when it will take place, Mr. O'Brien explained the Village very recently contracted with a consultant to review the Village's Comprehensive Plan, which includes a comprehensive study of the FLUM. He expects it will take until 2010 before the project is completed. Mr. O'Brien stated the FLUM was revised in 2005 for the Siever's project. The map was reviewed in 2002 and 2003 with no formal recommendations adopted by the Village Council. Details followed. The most recent narrative to the map was last approved in 1995.

(The commission took a break at 9:15 p.m.; the commission returned at 9:25 p.m.)

Chairman Pro Tem Waechtler announced that he, Commissioners Beggs and Hamernik were re-appointed for the next three years.

Mr. Matejczyk discussed the difficulty of hearing both sides of the proposal since they both made sense. He also stated spot zoning was very difficult. Another concern was what effect the proposal would have on property values. However, he has heard no data where this type of development is detrimental to property values. Mrs. Rabatah voiced her concern about the upcoming review of the Future Land Use Map when the proposal was before them. While Mr. Cozzo favored the concept of the overall service of the proposal, its architecture, and its attempt to be compatible, he voiced concern about dropping the proposal in the center of a neighborhood. Mr. Matejczyk also clarified this proposal was a residential use versus a residential use, and the issue was the residents' needs in that area versus the needs and benefits of the greater community. He noted the population was aging and would like to remain in the community.

Mr. Webster clarified that this Commission recommends to the Village Council what is appropriate and that staff plans the zoning of the Village. While he understood the opposition of the changes to the fabric along Fairview Avenue, he did not believe it was fair to state the proposal was in the "middle" of a neighborhood, but instead would be contiguous to an existing planned development across the street. He questioned the term "spot zoning", as it was a residential use to another type of residential use. In addition, Mr. Webster stated Fairview Village was an existing part of the community and brought value to the community. The proposal met the standards for planned developments and amendments to the Zoning Ordinance. Mr. Webster supported the project for the

prior reasons stated and left the final decision with the Village Council but did not believe the review of the FLUM had a large bearing on the proposal tonight.

Mrs. Hamernik agreed the standards for planned development were met, but the standards for amendment to zoning were not met. She believed the Tracy Cross study was fair, and the traffic study was valid. The suitability of the site was fine for the zoned purposes, and she believed the length of time the property was vacant was due to current market conditions felt by everyone and not because of the proposed facility. Mrs. Hamernik agreed the value to the community was true. However, her issue was with the existing uses and the zoning of nearby properties. She stated up and down Fairview Avenue was single-family, and she could not support the facility.

Adding to the comments, Mr. Quirk recalled Mr. Beggs brought up some similar situations where uses crossed a street. These expansions do not constitute not meeting the standards under Number 1. Mr. Quirk stated the proposal meets the standards and immediately across the street, the land was zoned at a higher density. He was of the belief that the proposal would improve property values and the Village. The proposal's per square foot cost was also high-end which he believed would bring value to the neighborhood.

Chairman Pro Tem Waechtler reminded the public that the Commission was a fact-finding body and many times had to work between the developers and the development. He recalled residents in this neighborhood purchased their homes with the understanding it would be a single-family neighborhood, but it did not work out. Changing from an R3 to a R5A zoning was significant. He also recalled when the Tracy Cross study was done it was during a time when rising property values were occurring. He disagreed with Mr. Webster that a decision should not be left up to the Village Council. Rather, this commission needed to stand by its decision. Mr. Matejczyk clarified his understanding of the Tracy Cross study and the fact that there were no studies that showed the property values decreased when such a facility was constructed near single-family. The fact that a large number of residents appeared at the meeting reflected positively on the sense of community in the immediate area and within the Village.

Mr. Webster agreed a recommendation from the Commission was necessary, but the irony was that the project was recommended previously and it was a very decisive project. Ultimately, the Council approves or denies the project.

Chairman Pro Tem Waechtler reminded the four key findings of fact were discussed tonight.

WITH RESPECT TO FILE NO. PC-35-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND A POSITIVE APPROVAL OF A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO FAIRVIEW BAPTIST HOME PLANNED DEVELOPMENT #32 AND REZONING OF THE SUBJECT PROPERTIES SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY A.G. ARCHITECTURE DATED SEPTEMBER 10, 2007 AND REVISED ON JUNE 27, 2008; THE PRELIMINARY ENGINEERING PLAN PREPARED BY GEWALT HAMILTON ASSOCIATES, INC. DATED JULY 2, 2008; AND THE PRELIMINARY LANDSCAPE PLANS PREPARED BY 3D DESIGN STUDIO**

DATED AUGUST 31, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

2. THE PETITIONER SHALL FILE A PETITION FOR A FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, PLATS OF EASEMENT, AND A PLAT OF VACATION FOR THE LYNN GREMER COURT RIGHT-OF-WAY NO LATER THAN ONE (1) YEAR AFTER VILLAGE COUNCIL APPROVAL IF SAID APPROVAL IS GRANTED. IF A PETITION IS NOT FILED WITHIN ONE (1) YEAR, ANY APPROVALS GAINED FROM THIS PETITION FOR A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT SHALL BE NULL AND VOID. THE BUILDING ELEVATIONS AND SITE PLAN SHALL SUBSTANTIALLY CONFORM TO ANY PLANS APPROVED BY THE VILLAGE COUNCIL AND PLAN COMMISSION.
3. PRIOR TO THE PLAN COMMISSION CONSIDERATION OF THE FINAL PLANNED DEVELOPMENT AMENDMENT, THE FOLLOWING COMMENTS SHALL BE ADDRESSED:
 - a. A REVISED STORMWATER GRADING PLAN SHALL BE PROVIDED THAT ADDRESSES STORMWATER CONVEYANCE FOR THE WESTERN PORTION OF THE GREEN ACRES SUBDIVISION.
 - b. THE SITE SHALL PROVIDE FOR OVERLAND FLOW ROUTES FROM DAVANE LANE THROUGH THE SITE AND ACROSS FAIRVIEW AVENUE WITHOUT NEGATIVE IMPACTS TO THE SITE OR FAIRVIEW AVENUE.
 - c. BEST MANAGEMENT PRACTICES FOR STORMWATER QUALITY SHALL BE IMPLEMENTED ON THE SITE.
 - d. ALL EXECUTED UTILITY EASEMENTS SHALL BE ABROGATED, AND NEW EASEMENTS SHALL BE PROVIDED OVER ALL RELOCATED UTILITIES, STORMWATER FACILITIES AND OVERLAND FLOW ROUTES.
 - e. THE VILLAGE SHALL ASSUME OWNERSHIP OF THE WATER MAIN AND WATER APPURTENANCES. AS SUCH, EASEMENTS SHALL BE PROVIDED OVER ALL WATER MAIN PIPES, VALVES, FIRE HYDRANTS AND ALL OTHER WATER APPURTENANCES.
 - f. A PHOTOMETRIC PLAN SHALL BE SUBMITTED.
4. THE EXISTING LYNN GREMER COURT RIGHT-OF-WAY SHALL BE VACATED.
5. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.
6. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL DETECTION SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.
7. A FIRE HYDRANT SHALL BE LOCATED WITHIN 100 FEET OF EACH PROPOSED AND EXISTING BUILDING'S FIRE DEPARTMENT CONNECTION.

8. **EACH PROPOSED APARTMENT BUILDING SHALL HAVE ONE MAIN ELECTRICAL DISCONNECT OR A SHUNT TRIP SYSTEM THAT CUTS POWER TO THE ENTIRE BUILDING.**
9. **PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS FOR THE AUXILIARY CAMPUS DEVELOPMENT, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$90,837.34 AS SCHOOL AND PARK DONATIONS (\$63,691.89 TO DOWNERS GROVE PARK DISTRICT, \$20,932.49 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$6,212.96 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

MR. QUIRK SECONDED THE MOTION.

ROLL CALL:

Per a question, Mr. Popovich stated the current request is for a Preliminary Planned Development Amendment. The petitioner will have to return with a final plan and final plat of subdivision in order to obtain final planned development approval.

AYE: MR. MATEJCZYK, MR. QUIRK, MRS. RABATAH, MR. WEBSTER

NAY: MR. COZZO, MRS. HAMERNIK, CHAIRMAN PRO TEM WAECHTLER

MOTION CARRIED. VOTE: 4-3

Mrs. Rabatah asked that the Village Council be made aware that she is uncomfortable with the rezoning but does understand this is a preliminary plan.

Mr. Cozzo said he voted Nay because on page 8 he is uncomfortable with the impact to home values and was not comfortable with the appropriate use of the land in the rezoning; i.e., Zoning Amendment Standard Nos. 1 and 4. Mrs. Hamernik voted Nay because the proposal deviated from Zoning Amendment Standard No. 1. Chairman Pro Tem Waechtler voted Nay because the proposal did not meet Zoning Amendment Standard Nos. 1, 2 and 4. As to Standards for Approval for Planned Development Nos. 2, 3 and 4, he disagreed with them.

FILE NO. PC-24-08 A petition seeking approval for Special Uses for a drive-through and a car wash for the property located on the Southeast corner of Ogden Avenue and Belmont Road, commonly known as 2125 Ogden Avenue, Downers Grove, IL (PIN 08-01-405-042); Power Mart Corporation Petitioner; Power Mart Real Estate Corporation, Owner

Chairman Pro Tem Waechtler swore in those individual who would be speaking on File No. PC-24-08.

Mr. Popovich explained the petitioner was requesting Special Use approval to 1) construct a drive-through convenience store and 2) to re-establish a car wash at 2125 Ogden Avenue. The property is located at the southeast corner of Belmont Road and Ogden Avenue. The site is zoned B-3 and both Special Uses are permitted. The site is 37,200 square feet with approximately 150 feet of frontage

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
JUNE 3, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Fairview Village – Rezoning and Preliminary Planned Development Amendment (west side of Fairview Avenue)	Resolution ✓ Ordinances Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Preliminary Planned Development Amendment to Planned Development #32 has been prepared for the seven parcels of Green Acres Subdivision. An ordinance has been prepared to change the zoning of seven residential parcels within the Green Acres Subdivision from R-3 (Single Family Residential) to R-5A (Townhouse Residential).

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2007-2012 identified *Preservation of the Residential and Neighborhood Character*. Supporting these goals are the objectives *Tolerance of Neighborhood Private Redevelopment* and *Continuing Reinvestment in the Neighborhoods*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the May 27, 2008 Workshop. Staff recommends remanding the project to the Plan Commission for further review and discussion. The Plan Commission should review the new information presented in both the market analysis and revised building design and site plan in addition to a traffic study to be conducted by staff.

Staff recommends remanding the project to the Plan Commission during the June 3, 2008 active agenda.

BACKGROUND

In October 2007, Fairview Village proposed a comprehensive redevelopment of its existing Main Campus on the east side of Fairview Avenue and a new development for an Auxiliary Campus on the west side of Fairview Avenue surrounding Lynn Gremer Court. The Plan Commission considered the proposed Main Campus and Auxiliary Campus proposal at its October 1, 2007, meeting and recommended unanimous approval of the Main Campus Final Planned Development. The Plan Commission recommended approval of the Auxiliary Campus Preliminary Planned Development and rezoning by a vote of six to two. The two dissenting Plan Commission members did not believe the Auxiliary Campus proposal was consistent with the surrounding land uses on the west side of Fairview Avenue.

The Village Council discussed both items at the October 23, 2007, Workshop and November 6, 2007, Meeting. The Council heard positive feedback from neighbors regarding the Main Campus proposal and approved the comprehensive redevelopment of the Main Campus. Construction has since begun on the Main Campus.

With regard to the Auxiliary Campus, the Council heard multiple concerns from surrounding neighbors. These concerns included the impact on property values, the appropriate use of the land, rezoning, stormwater and traffic. The Council voted to table the Auxiliary Campus petition indefinitely to allow Fairview Village an opportunity to obtain additional information and to work with the neighbors.

Since the petition was tabled, the petitioner has completed a Residential Market Study and has presented a modified site plan to the surrounding neighbors. The market study reviews Fairview's proposal and examines eleven similar developments in the Chicago metropolitan area. The study found that home values in six of the eleven surrounding similar developments met or exceeded the annual increase in appreciation noted for the municipality. The study further noted the proposed base entry fee for the proposed Auxiliary Campus units is \$520,000, which is similar to the estimated home values in the surrounding neighborhood.

Fairview Village developed a revised site plan taking into account previous neighborhood comments from the Plan Commission and Village Council meetings. The revised site plan was presented to the neighbors at the April 29, 2008, neighborhood meeting. The revised site plan increases the building setbacks along the north, south and west property lines. Additional screening and a central courtyard have been added based on the revised site plan.

Neighborhood Comment

Fairview Village held a neighborhood meeting for surrounding property owners concerning both the Main and Auxiliary Campuses on September 24, 2007, and another meeting regarding only the Auxiliary Campus on April 29, 2008. The April neighborhood meeting included a presentation and discussion. The neighbors expressed concerns regarding lot coverage, berming, construction time frames and future expansion to the Davane Lane properties and other properties along Fairview Avenue.

At the Plan Commission and Village Council meetings, neighbors expressed concern regarding the Auxiliary Campus proposal. The concerns regarded the amount of traffic the development would provide, the encroachment of multi-family buildings in a single-family area, the conversion of the Auxiliary Campus units to market-rate rentals, and the possible deterioration of surrounding property values. The future traffic impacts of the Auxiliary Campus will be explored and analyzed through a traffic study. Staff believes proper screening and setbacks can address many of the concerns regarding the two-story apartment buildings. The apartment buildings have been designed to be comparable in height to single family homes in the area. The units and buildings are age-restricted by Fairview Village.

Auxiliary Campus Proposal

Fairview Village is proposing to expand its services to a 2.9 acre parcel surrounding Lynn Gremer Court along Fairview Avenue. The parcel contains seven lots within the eastern portion of the Green Acres Subdivision. The petitioner is requesting a Preliminary Planned Development Amendment to be included within the existing Planned Development #32 and a rezoning to change the existing zoning from R-3, Single Family Residential to R-5A, Townhouse Residential to be consistent with the existing Planned Development #32 zoning. The petitioner is only requesting preliminary approval of the land use and preliminary site plan. Final building, engineering and site plans, a Plat of Vacation for Lynn Gremer Court, and a Plat of Subdivision will be required to come back to the Plan Commission and Village Council for approval of a final planned development amendment.

The petitioner is proposing to construct four two-story apartment buildings which would each contain eight independent living units. The existing single family house would be converted into primarily a clubhouse with a small office. Each apartment building would have underground parking for its residents. The proposal calls for Lynn Gremer Court to be removed, vacated and replaced with an access drive. Parking would be provided along this access drive. A second access drive would be located further to the south.

The proposal provides a 20-foot setback from the western (rear) property line and 30 feet from the north, east and south property lines. The proposed plan provides 98 parking spaces, 20 in each apartment building’s garage and 18 along the northern drive aisle. The Village requires a total of 48 parking spaces. The site provides approximately 71,000 square feet (56 percent) of landscaped green space. The Village will require the petitioner to screen the proposed development from the surrounding single family parcels.

The Auxiliary Campus proposal will be reviewed by the Plan Commission and Village Council for zoning compliance again during the analysis of the Final Planned Development Amendment. The current proposal complies with the bulk requirements of the Zoning Ordinance as provided in the table below.

Zoning Requirements	Required	Provided (Auxiliary Campus)
Front Yard Setback (East)	25'	30'
Side Yard Setback (North)	47.7'	30'
Side Yard Setback (South)	47.7'	30'
Rear Yard Setback (West)	20'	20'
Building Height (Midpoint)	35'	28'-2"
Lot Coverage	32%	29.0%
Lot Area		
3-bedroom unit	3,000 sf / unit	3,959 sf / unit
Floor Area Ratio	0.8	0.59
Parking	64	98
Open Space	40%	56%

The two detention ponds on the Main Campus have been designed to accommodate the proposed Auxiliary Campus and the remaining parcels within the Green Acres Subdivision. The existing stormwater facilities and easements within the Auxiliary Campus shall be abrogated and new easements provided over all relocated stormwater facilities and overland flow routes.

Prior to the development of Auxiliary Campus final plans, additional studies shall be undertaken by the petitioner to determine if the existing utilities are adequate, the impact of the development to the traffic system, and the lighting levels throughout the property.

Staff Recommendation

Staff recommends remanding the project to the Plan Commission for further review and discussion. The Plan Commission should review the new information presented in both the market analysis and revised building design and site plan. In regard to the market analysis, staff believes Fairview Village should explore the characteristics of the similar projects that showed a positive improvement in land values and determine if those same factors are present in their petition. The building and site plan revisions are significant in scope and warrant a thorough review by both staff and the Plan Commission.

Plan Commission Minutes Fairview Ministries

10/1/2007

FILE NO. PC-35-07 A petition seeking 1) Final Planned Development Amendment to Planned Development #32 Fairview Village for the expansion of Fairview Village at 210 Village Drive, Downers Grove to include new assisted living, independent living and skilled nursing facilities commonly known as 210 Village Drive, Downers Grove (PIN 09-21-102-007); 2) Preliminary Planned Development Amendment to expand Planned Development #32 Fairview Village for the construction of four multi-family buildings at the intersection of Fairview Avenue and Lynn Gremer Court and to rezone such property from R-3, Single Family Residential to R-5A, Townhouse Residential, Downers Grove (PIN's 09-20-213-013,-014,-015,-016,-017,-018,-019); Steve Stewart, Petitioner; Fairview Ministries, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-35-07.

Mr. Stan Popovich, Planner, stated the petitioner, Fairview Village, was seeking two requests: 1) final planned development amendment for the main campus at Fairview and 66th Avenue and 2) an auxiliary campus encompassing seven lots within the eastern portion of the Green Acres Subdivision, calling for a preliminary planned development and rezoning.

For the main campus, the petitioner seeks a final planned development amendment to the existing current planned development. The current parcel is 38.77 acres with 506 independent living, skilled nursing, and sheltered care units with a common interior building space and accessory structures totaling 519,981 square feet. The petitioner is proposing to demolish six independent living cottages, the three-story skilled nursing facility, and three ancillary buildings along with the relocation of the barn. In its place, the petitioner is proposing to construct a new four-story skilled nursing and assisted living building and a new four-story independent living building with underground parking. All three buildings will be interconnected. The proposed project will result in a total of 661 independent living, assisted living, and skilled nursing units. Combined with the common interior building space, the existing space, and the proposed space, the proposal will total 885,352 square feet.

Mr. Popovich referenced the engineering plans, noting new roads will be proposed including a new loop road. A new intersection will tie into the existing 66th Street intersection. Two existing parking lots east of the skilled nursing will be combined into one lot. New lots will also be incorporated to the site. A 220 car parking garage will be located under the independent living wing. A new road will tie in the new northern entrance to the southern entrance which will provide better traffic circulation. The petitioner will be providing 685 parking spaces which exceeds the Village's requirement of 559 spaces. Approximately 25.9 acres of green space will be located throughout the

development. Planned developments in the R-5A district require 40% (15.51 acres) green space.

The proposed height of the independent living facility is 55 feet 10 inches, and the skilled nursing and assisted living buildings are 51 feet 4 inches. The maximum height for this development is 35 feet or $66 \frac{2}{3}\%$ of the shortest distance between any wall of such building and any exterior boundary line of the planned development. For this proposal, the maximum allowable height was 110 feet. Mr. Popovich presented various elevations of the proposal.

Per Mr. Popovich, the Main Campus proposal complies with the Village's bulk requirements of the Zoning Ordinance. The Future Land Use Map (FLUM) calls for 6 to 11 dwelling units per acre and the proposal, as proposed, would be 17 dwelling units per acre, but staff believes the impact is sufficient but not significant due to the type of age restricted proposal it is. It was consistent with the goals of the FLUM. No plat of subdivision is required for the main campus. However, the main campus is required to provide donations to the school and park district, but those donations are counted only for the independent living facilities. The petitioner does receive credit for removing six independent living cottages which results in 196 independent living units to be calculated for donation, or approximately \$433,140.65 to be split between two school districts and the Dowers Grove Park District. An existing park district easement exists over two ponds on the north side of the facility and for the improvements, the Park District has to approve the improvements or release the easement. The petitioner was currently working with the Park District. Staff stated that documentation will have to be presented to the Village prior to the issuance of development permits.

One sign is proposed, and it meets the Sign Ordinance. Extensive stormwater engineering and public improvements are planned. The water in the two ponds will be lowered to improve the capacity of the ponds to handle the main campus, auxiliary campus, and the remaining parcels of Green Acres Subdivision. An easement over the ponds will need to be provided by the petitioner to the Village. Staff was comfortable with the proposed stormwater plan. A traffic study was enclosed in the Commissioners' packets. Details followed. Staff believes the existing roads will be able to handle the additional traffic. A photometric plan in the packet was referenced; details followed. No lighting is planned toward the property lines. A fire command center will be required to be installed as well as an automatic sprinkler system. A fire safety and evacuation plan will be required by staff for both the new buildings and for the occupied buildings during construction. No public comment has been received at this time.

The Village of Westmont and City of Darien have been sent staff's report regarding the proposal with informational questions returned. Additionally, on September 24, 2007 a neighborhood meeting was held. Staff recommended approval of the main campus with the listed conditions in its memo.

The Auxiliary Campus 2.9 acre proposal is a conversion of seven lots within the eastern portion of the Green Acres Subdivision. Proposed is a Preliminary Planned Development

Amendment to become part of the Final Planned Development on the Main Campus and a Rezoning from R-3, Single Family Residential to R-5A, Townhouse Residential. The R-5A rezoning is requested to be consistent with the existing zoning of the main campus. Per staff, the discussion tonight is only for a land use and preliminary plan and approval request. The final development, building plans, site plan, etc. will have to return to the Commission and Village Council.

Proposed are four (4) two-story apartment buildings that would each contain eight units with underground parking for its residents. The existing single-family house would be converted into a clubhouse and executive offices. Additional on-street parking will be provided to the north. Lynn Gremer Court will be removed, vacated and replaced with an access drive. Staff believes the two curb cuts along Fairview are adequate as two curb cuts were approved for the Green Acres Subdivision based on the lot layout.

A 20-foot setback exists from the western (rear) property line and 30 feet from the north, east and south property lines. Staff believes a 30-foot setback was a sufficient setback for the proposal as adequate landscaping and buffering can be installed in this setback. Approximately 98 parking spaces are proposed to the required 48 parking spaces. The site provides approximately 71,000 square feet of green space or 56% green space from the required 40% green space. The Final Planned Development Amendment auxiliary campus proposal will be reviewed for zoning compliance by the Commission and Village Council. When viewed together, both the main campus and auxiliary campus comply with the bulk requirements of the Zoning Ordinance as shown in the staff report.

The auxiliary campus property is designated as Residential at 0-6 dwelling units per acre. The proposed development would create a density of 11 dwelling units per acre. Staff believes that due to the age-restricted use of the proposal, the proposal will meet the spirit of the Future Land Use Map. Through proper screening, Mr. Popovich believes the single-family residential area will be buffered appropriately.

A Plat of Subdivision and a Plat of Vacation will need to be prepared for the auxiliary campus proposal. The proposal will require school and park district donations. The Green Acres developer previously paid donations based on seven (7) four-bedroom units and, therefore, the petitioner will receive credit for those units, based on their 32 units, the total donation will total approximately \$80,837.34.

No signage is being proposed, and no detailed engineering plans are being provided because the request is for a preliminary plan approval, but it will be required for the final development amendment process. As previously noted, the two detention ponds on the main campus were designed to accommodate the proposed main and auxiliary campus developments and the remaining parcels of the Green Acres Subdivision. New easements will be required within the auxiliary campus. The Village is requiring an additional study of the water main which will be provided during the final planned amendment process. A traffic study and photometric plans will be required as well as automatic sprinklers for safety. The existing single-family house may have to go under changes as well, due to fire issues. The petitioner is aware of that.

No public comments were received on this auxiliary proposal which was also discussed at the September neighborhood meeting. Staff recommended approval of the auxiliary campus proposal subject to the conditions in staff's memo.

Per a question, Mr. Popovich clarified that the petitioner will be required to maintain the underground stormwater and detention systems. However, if the petitioner does not maintain the stormwater systems, the easement would allow the Village to complete the necessary maintenance.

Mr. Rick Olson, CEO of Fairview Ministries, 210 Village Drive, Downers Grove, introduced Mr. Steve Stewart, summarizing that he has been involved with the senior living industry for 30 years. He reviewed the history of the ministry and stated the master plan before the Commissioners was a very good plan because it positioned the ministries to continue to serve seniors in the future. He discussed the number of activities that the seniors participate in and wanted to be responsive to the needs of the community while planning for the long-term.

Mr. Olson introduced Mr. John Gray with New Life Management and Development. Mr. Gray explained his firm works exclusively in the senior living area and, in particular, for non-profits such as Fairview Ministries, in developing new projects and expanding projects. He discussed that the project has three goals: 1) repositioning the main campus to offer additional opportunities for area seniors to access the programs and services; 2) replace the aging Baptist home with a state of the art healthcare facility; and 3) to expand the service offerings to residents through the auxiliary facility. After a market study was conducted, it was determined that the number of seniors were increasing, and Fairview wanted to meet that need.

Mr. Gene Guskowski President with AG Architecture, 1414 Underwood Avenue, Wauwatosa, Wisconsin, discussed that the materials on the project will be the same as the main campus with some additional materials being added. Amenities will include the Wellness Center, new dining areas, a fitness/aquatic center, focus on care levels of living for the long-term, a concierge; and private rooms. Also planned are a performing arts/theater; physician offices; a daycare center; underground parking, and green space. Details of the auxiliary campus followed. Mr. Guskowski summarized that the Fairview Ministries was providing various strategies that will allow Fairview to remain vital and vibrant in the senior marketplace.

Chairman Jirik opened the meeting up to public participation.

Ms. Andrea VanBoren, 6576 Fairview Avenue, Downers Grove stated her home faces Fairview Village currently and is adjacent to the proposed auxiliary campus. She discussed the number of residential areas surrounding her home and their market values. She is opposed to the proposed auxiliary campus because it is in direct view of her home and next to her neighbor. The proposal will leave two undeveloped lots on Davane Lane which she feels will draw apartment or townhome development. Inconsistent zoning will

make the area an unstable market choice. Plans for the club house and executive office shows evidence that the proposal is not residential at all but a business use. Through hearsay, she heard there was going to be a shuttle run between Fairview and the auxiliary campus, which was a business/nursing home. She believed with a turn of the real estate market, the buildings could become rental units. She supported a traffic study for the auxiliary campus and voiced her concerns about the current traffic difficulties she has encountered. She believes they will jeopardize the safety of the seniors as well. She stated the new townhomes just south of 63rd Street were a good transition from commercial back to residential. While an office building was originally proposed, the Village denied the variance, due to other available parcels on 63rd. She believed the proposed variance would change the character of the neighborhood, density, and safety of the area.

Mr. Jason Mitchell, 6572 Fairview Avenue, Dowens Grove, discussed that he moved to the area due to the open space. He feared that the proposal would affect property values and he asked to see some data provided by Fairview to prove otherwise. He did not believe they would have that information. He supported the activities that were taking place at the main Village and would support that part of the proposal. He just did not support multi-unit development next to him.

Mr. Kerry Richman, 6575 Davane Lane, was familiar with the Village since he lived there. He did have concerns about the auxiliary proposal due to the established residential area. He also was concerned about the two empty lots on Davane Lane.

Ms. Von Boren stated during staff's presentation there was mention that no comments were received from the residents. However, she had a petition with 20 names on it not supporting the auxiliary campus proposal. She submitted the petition.

Mr. Larry Rosol, Rosol Construction Co., 6556 Barrywood, stated his home was in the area and the concern about resale value should be mitigated because the auxiliary proposal had plans to buffer off the entire proposal from the residential to create its own community. The single lots on Davane would remain as single-family lots. He believed that some of the residents were misinformed on the proposal.

Mr. Fred Foss, 6579 Davane Lane, Downers Grove, stated his concerns about the amount of parking, specifically, that it calculated out to be three parking spaces per unit. He believed there would be added stress placed on emergency facilities and increased traffic due to adding employees. He requested that a traffic study be done.

Per a question, Mr. Popovich stated the traffic study for the main campus showed an increase of 4% on Fairview Avenue. Minor increases were at 8:00 a.m. and during the evening peak hours, however due to the type of housing, the majority of the increase is seen during non-peak hours. A traffic study for the auxiliary campus would be required by staff.

Chairman Jirik closed public participation.

In response to the above concerns, Mr. Gene Guskowski with AG Architecture, explained that the single-family home was significant and had a high level of finish within it. It offered an opportunity for a passive community space. Amenities of the home followed, noting it would be a community space for the new 32 residents. A marketing office or an executive office may exist there. The shuttle discussion was raised because it was asked if there was an opportunity to offer a shuttle between the two campuses since one already existed. Lastly, there 98 parking spots existed but 60 could be placed in the underground garages. The additional spaces were for guest parking. There was no intention to expand west on the Davane lots. As to the traffic study, Mr. Guskowski stated there would be little traffic generated from the site because seniors do not usually drive during the peak hours. A traffic study would be forthcoming.

Comments from the Commissioners followed. Mr. Waechtler inquired about the reduction in the skilled nursing facility on the main campus, wherein Mr. Guskowski explained it was due to the marketplace. The trend was to reduce skilled nursing and replace it with assisted living. Other dialog followed that a minimum age of 62 would be required for use of the auxiliary campus. However, the average age of move-in on the main campus was 78 years of age. Mr. Waechtler did not understand why the developer had to pay contributions to the school district when no students would be residing at the campus. Senior Planner, Mr. O'Brien agreed, but stated the Village had a subdivision ordinance that when any plat of subdivision is filed or planned development amendment is filed involving residential dwelling units, the Village is obligated, through an intergovernmental agreement, to collect school donations. The petitioner, however, can seek relief from the school district.

Mr. Waechtler suggested that the intergovernmental agreement be reviewed because he did not agree with that portion of it. In reviewing the zoning map, he pointed out where the auxiliary proposal would sit; i.e., surrounded by single family residential.

WITH RESPECT TO FILE NO. PC-35-07, MRS. HAMERNIK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF A FINAL PLANNED DEVELOPMENT AMENDMENT TO FAIRVIEW BAPTIST HOME PLANNED DEVELOPMENT #32, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY A.G. ARCHITECTURE DATED SEPTEMBER 10, 2007; THE PRELIMINARY ENGINEERING PLANS PREPARED BY GEWALT HAMILTON ASSOCIATES, INC. DATED JULY 20, 2007, LAST REVISED AUGUST 21, 2007; THE PRELIMINARY LANDSCAPE PLANS PREPARED BY 3D DESIGN STUDIO DATED AUGUST 21, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**

- 2. THE VILLAGE SHALL ASSUME OWNERSHIP OF THE WATER MAINS. AS SUCH, EASEMENTS SHALL BE PROVIDED OVER ALL WATER MAIN PIPES, VALVES, FIRE HYDRANTS AND ALL OTHER WATER APPURTENANCES WHICH GIVES THE VILLAGE THE RIGHT TO MAINTAIN AND REPAIR THE MAINS AND WATER APPURTENANCES. A PLAT OF EASEMENT SHALL BE PREPARED AND ACCEPTED BY THE VILLAGE PRIOR TO THE ISSUANCE OF SITE DEVELOPMENT PERMITS.**
- 3. ALL THE FIRE HYDRANTS ON THE SITE WILL BE OWNED AND MAINTAINED BY THE VILLAGE AND SHALL BE PAINTED YELLOW.**
- 4. A COMPLETE LEAK DETECTION SURVEY SHALL BE CONDUCTED FOR THE ENTIRE EXISTING WATER SERVICE ON THE SITE. ALL REPAIRS SHALL BE COMPLETED BY THE OWNER PRIOR TO VILLAGE ACCEPTANCE.**
- 5. AN IEPA WATER PERMIT SHALL BE SUBMITTED TO THE VILLAGE FOR THE INSTALLATION OF NEW WATER MAIN ON THE SITE. WATER MAIN CONSTRUCTION SHALL NOT BEGIN UNTIL AN APPROVED PERMIT IS RECEIVED FROM THE IEPA.**
- 6. AN EASEMENT SHALL BE PROVIDED OVER ALL STORMWATER DETENTION FACILITIES AND PIPING. A PLAT OF EASEMENT SHALL BE PREPARED AND ACCEPTED BY THE VILLAGE PRIOR TO THE ISSUANCE OF SITE DEVELOPMENT PERMITS.**
- 7. DISABLED PERSONS ACCESSIBLE PARKING SPACES SHALL COMPLY WITH THE ILLINOIS STATE LAW FOR ACCESSIBLE PARKING.**
- 8. A COMPLETE MANUAL AND AUTOMATIC DETECTION SYSTEM SHALL BE INSTALLED THROUGHOUT THE NEW INDEPENDENT LIVING, ASSISTED LIVING AND SKILLED NURSING FACILITIES. ALL DETECTION SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD.**
- 9. A COMPLETE AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE INSTALLED THROUGHOUT THE NEW INDEPENDENT LIVING, ASSISTED LIVING AND SKILLED NURSING FACILITIES.**
- 10. AN ADDITIONAL FIRE HYDRANT SHALL BE INSTALLED ON THE NORTH SIDE OF THE SKILLED NURSING BUILDING IN AN APPROVED LOCATION.**
- 11. AN APPROVED FIRE SAFETY AND EVACUATION PLAN SHALL BE DEVELOPED FOR THE INDEPENDENT LIVING (EXISTING AND NEW), ASSISTED LIVING AND SKILLED NURSING FACILITIES. THE PLAN SHALL BE SUBMITTED AND APPROVED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- 12. AN APPROVED FIRE SAFETY AND EVACUATION PLAN SHALL BE DEVELOPED FOR THE EXISTING SKILLED NURSING BUILDING WHICH WILL BE OCCUPIED DURING CONSTRUCTION. THE PLAN SHALL BE SUBMITTED AND APPROVED PRIOR TO THE ISSUANCE OF ANY VILLAGE CONSTRUCTION PERMITS.**

- 13. FAIRVIEW VILLAGE SHALL PROVIDE THE VILLAGE WITH WRITTEN DOCUMENTATION FROM THE DOWNERS GROVE PARK DISTRICT IDENTIFYING THE RELEASE OF THE PARK DISTRICT EASEMENT WITHIN FAIRVIEW VILLAGE OR THEIR CONSENT TO ALLOW IMPROVEMENTS WITHIN THEIR EASEMENT. THIS DOCUMENTATION SHALL BE SUBMITTED TO THE VILLAGE PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT PERMITS.**
- 14. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$433,140.65 AS SCHOOL AND PARK DONATIONS (\$321,411.58 TO DOWNERS GROVE PARK DISTRICT, \$81,504.52 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$30,224.55 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

SECONDED BY MR. BEGGS.

ROLL CALL:

**AYE: MRS. HAMERNIK, MR. BEGGS, MR. COZZO, MR. MATEJZCYK, MR. QUIRK,
MRS. RABATAH, MR. WAECHTLER, CHAIRMAN JIRIK.**

NAY: NONE

MOTION CARRIED. VOTE: 8-0

Positive comments followed on staff's presentation and the petitioner's presentation and the fact that the petitioner held a public meeting with the neighbors. As to the auxiliary facility, Mr. Beggs pointed out that in general the Commission has seen medical facilities grow up on residential areas which have complemented the areas and not detracted from them. He agreed such facilities were growing up and growing out and applauded the confidence displayed by Fairview in order to expand its facilities. He favored the plan being presented. Discussion followed that there was a previous attempt to move commercial further south on Fairview which the Village Council did not support. Mr. Waechtler voiced concern about the proposal encroaching upon the beautiful residential neighborhood on the west side of Fairview. Chairman Jirik believed the proposal offered an opportunity for a diversity of housing which did not exist and was serving an unserved population which would be done in good taste. He believed the proposal was an asset.

WITH RESPECT TO FILE NO. PC-35-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL APPROVING THE PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO FAIRVIEW BAPTIST HOME PLANNED DEVELOPMENT #32 (AUXILIARY CAMPUS)

AND REZONING OF THE SUBJECT PROPERTIES, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY A.G. ARCHITECTURE DATED SEPTEMBER 10, 2007 AND THE PRELIMINARY LANDSCAPE PLANS PREPARED BY 3D DESIGN STUDIO DATED AUGUST 31, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL FILE A PETITION FOR A FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, PLATS OF EASEMENT, AND A PLAT OF VACATION FOR THE LYNN GREMER COURT RIGHT-OF-WAY NO LATER THAN ONE (1) YEAR AFTER VILLAGE COUNCIL APPROVAL IF SAID APPROVAL IS GRANTED. IF A PETITION IS NOT FILED WITHIN ONE (1) YEAR, ANY APPROVALS GAINED FROM THIS PETITION FOR A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT SHALL BE NULL AND VOID. THE BUILDING ELEVATIONS AND SITE PLAN SHALL SUBSTANTIALLY CONFORM TO ANY PLANS APPROVED BY THE VILLAGE COUNCIL AND PLAN COMMISSION.**
- 3. PRIOR TO THE PLAN COMMISSION CONSIDERATION OF THE FINAL PLANNED DEVELOPMENT AMENDMENT, THE FOLLOWING COMMENTS SHALL BE ADDRESSED:**
 - a. A REVISED STORMWATER GRADING PLAN SHALL BE PROVIDED THAT ADDRESSES STORMWATER CONVEYANCE FOR THE WESTERN PORTION OF GREEN ACRES SUBDIVISION.**
 - b. THE SITE SHALL PROVIDE FOR OVERLAND FLOW ROUTES FROM DAVANE LANE THROUGH THE SITE AND ACROSS FAIRVIEW AVENUE WITHOUT NEGATIVE IMPACTS TO THE SITE OR FAIRVIEW AVENUE.**
 - c. BEST MANAGEMENT PRACTICES FOR STORMWATER QUALITY SHALL BE IMPLEMENTED ON THE SITE.**
 - d. ALL EXECUTED UTILITY EASEMENTS SHALL BE ABROGATED, AND NEW EASEMENTS SHALL BE PROVIDED OVER ALL RELOCATED UTILITIES, STORMWATER FACILITIES AND OVERLAND FLOW ROUTES.**
 - e. THE VILLAGE SHALL ASSUME OWNERSHIP OF THE WATER MAIN AND WATER APPURTENANCES. AS SUCH, EASEMENTS SHALL BE PROVIDED OVER ALL WATER MAIN PIPES, VALVES, FIRE HYDRANTS AND ALL OTHER WATER APPURTENANCES.**
 - f. A TRAFFIC STUDY SHALL BE COMPLETED FOR THE SITE. THE STUDY SHALL DETAIL THE IMPACT OF THE DEVELOPMENT ON THE SURROUNDING ROAD NETWORK AND ASSESS THE PROXIMITY BETWEEN THE TWO**

PROPOSED CURB CUTS ONTO FAIRVIEW AVENUE.

- g. A PHOTOMETRIC PLAN SHALL BE SUBMITTED.**
- 4. THE EXISTING LYNN GREMER COURT RIGHT-OF-WAY SHALL BE VACATED.**
 - 5. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.**
 - 6. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL DETECTION SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.**
 - 7. A FIRE HYDRANT SHALL BE LOCATED WITHIN 100 FEET OF EACH PROPOSED AND EXISTING BUILDING'S FIRE DEPARTMENT CONNECTION.**
 - 8. EACH PROPOSED APARTMENT BUILDING SHALL HAVE ONE MAIN ELECTRICAL DISCONNECT OR A SHUNT TRIP SYSTEM THAT CUTS POWER TO THE ENTIRE BUILDING.**
 - 9. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS FOR THE AUXILIARY CAMPUS DEVELOPMENT, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$90,837.34 AS SCHOOL AND PARK DONATIONS (\$63,691.89 TO DOWNERS GROVE PARK DISTRICT, \$20,932.49 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$6,212.96 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

**AYE: MR. BEGGS, MR. MATEJCZYK, MR. COZZO, MR. QUIRK, MRS. RABATAH,
CHAIRMAN JIRIK**

NAY: MRS. HAMERNIK, MR. WAECHTLER

MOTION CARRIED. VOTE: 6-2

Mrs. Hamernik voted Nay because she did not believe the proposal was consistent with the west side of Fairview even though she saw the benefits of the proposal. Mr. Waechtler liked the main campus proposal but voted Nay because he did not feel the auxiliary campus was right for the area, even though it was a wonderful project.

September 8, 2008

FILE NO. PC-35-07 (Continued from 08-04-08) A petition seeking approval of a Preliminary Planned Development Amendment to expand Planned Development #32 Fairview Village for the construction of four multi-family buildings and to rezone such property from R-3, Single Family Residential to R-5A, Townhouse Residential for the property located on the West side of Fairview Avenue at the intersection of Fairview Avenue and Lynn Gremer Court, Downers Grove, IL (PIN's 09-20-213-013,-014,-015,-016,-017,-018,-019); Steve Stewart, Petitioner; Fairview Ministries, Owner

Turning to the overhead screen, Village Planner Stan Popovich reviewed the petition explaining the petitioner is requesting a Preliminary Planned Development Amendment to Planned Development #32 and rezoning from R-3 Single Family Residential to R-5A Townhouse Residential in order to construct four (4), two-story senior citizen apartment buildings on a 2.9 acre parcel surrounding Lynn Gremer Court.

Reviewing some of the project's history, he discussed that on October 1, 2007, the petition received a positive recommendation from the Plan Commission for the Main Campus and for the proposed Auxiliary Campus on the west side of Fairview Avenue. The Village Council approved the Main Campus proposal on November 6, 2007, and subsequent construction began on the Main Campus. However, per the petitioner's request, the Village Council tabled the Auxiliary Campus proposal so the petitioner could examine surrounding home values, the appropriate use of the land, rezoning, stormwater management and traffic. In May 2008, Fairview Village returned to the Village Council with the petitioner having a prepared market analysis. Because the site plan changed, staff recommended returning the petition back to the Plan Commission. In June 2008, the Village Council returned the petition to the Plan Commission and charged the Plan Commission to review the project and consider four aspects of the project: home values, appropriate use of the land, stormwater management, and traffic.

The petition was scheduled for the August 4, 2008 Plan Commission meeting, but the petitioner requested the Plan Commission to continue the petition so they could provide additional information to staff. The petitioner submitted additional property value data to staff in late August 2008. Currently, the petitioner is requesting preliminary approval of the land use and preliminary site plan approval. Final building, engineering and site plans, a Plat of Vacation for Lynn Gremer Court and a Plat of Subdivision will be required to come back to the Plan Commission and Village Council for approval of a final planned development amendment. Tonight's discussion will focus on the four following points: home values, appropriate use of the land, stormwater management, and traffic.

Per Mr. Popovich, the proposal includes the construction of four (4) two-story units and converting the existing house into a clubhouse and executive office. Three of the buildings surround a courtyard and the remaining building sits in the northwest corner of the property. The proposal has been revised, and the setbacks from the north, west and south property lines are 47 feet, as opposed to the 20 to 30 feet previously noted. Each

building would have underground parking for its residents. The access drive will be no closer than 68 feet from the west property line, compared to 25 feet in the previous proposal. All vehicles will be entering and exiting at Fairview Avenue. The site provides 96 parking spaces, 20 underground spaces for each apartment and 16 spaces at grade. Approximately 80,000 square feet of green space is being proposed with landscape buffers to the north, west, south, and landscaping along Fairview Avenue. A floor plan was shown. Four units per floor are planned. Renderings and elevations were presented. Bulk regulations and height regulations were being met by the petitioner.

Mr. Popovich stated Gewalt Hamilton Associates, Inc. completed a traffic study of the Auxiliary Campus, which found that the traffic generated from the senior living development would not create a significantly different impact on the existing roadway system than the previously approved single-family development. The study found single-family residences would generate five trips during the morning peak hour and seven trips during the evening peak hour for 12 total peak trips. Overall, the single-family residences would produce 67 total trips per day. The proposed senior independent living units would produce three trips during the morning peak and four during the evening peak for a total of seven peak trips. Overall, the proposed development would produce 111 trips per day. The difference results from slightly higher off-peak (mid-day) traffic associated with the senior independent living use. Seniors would make more trips during daytime off-peak hours.

Staff's data reflects that Fairview Avenue between 63rd Street and 75th Street has an average daily traffic count of 14,000 vehicles. A single-family development would result in a 0.05% increase in traffic, wherein the proposed senior community would result in a 0.08% increase.

The traffic study identifies the level of service for the intersection of the access roads with Fairview Avenue as a Level of Service B for weekday morning peak hours and Level of Service C for weekday evening peak hours for movements into and out of the Auxiliary Campus. Levels of Service are rated A through F, with A being the best, D being the lower threshold of acceptable waiting times. Levels E and F are unacceptable. The anticipated Levels of Service would be acceptable even with the additional trips. The Village's Public Works Department reviewed the traffic study and found the increase in traffic would not result in significant service level decreases along Fairview Avenue. Staff believes the residents of the site who have to enter and exit the site will feel the largest impact. Staff believes the petitioner has addressed this matter.

Regarding the home value study, consultant Tracy Cross & Associates, Inc. completed a market analysis in February 2008, which concluded that the proposed Auxiliary Campus would have no detrimental impact on surrounding home values. The report found that in six cases out of eleven the local annual percent change in home values was higher than for the host municipality. In the other five cases, the local area annual percent change in home values was lower than the host municipality. Staff requested additional information to further clarify the analysis's findings since they were inconclusive.

In August 2008, the consultant examined three cases where municipalities rezoned from single-family residential to multi-family residential and the impact the rezoning had on property values. The study found that multi-family developments expanding into single-family neighborhoods did not impact single-family home values. Mr. Popovich explained the study also reviewed three cases of single-family residential being located adjacent to senior living facilities: one in Downers Grove, one in Burr Ridge, and one in Barrington and found that the home values immediately adjacent to the developments were similar to home values further away from the senior living facility. The study of these six developments appears to support the assertion that multi-family developments did not affect the property values immediately adjacent to single-family houses whether the development existed or following a rezoning. The consultant will provide further details.

Mr. Popovich also explained that staff conducted its own research through the American Planning Association archives. A Massachusetts Institute of Technology (MIT) Center for Real Estate study completed in 2005 examined the impact of large-scale, mixed-income, multi-family rental development with an affordable housing component into single-family neighborhoods from 1983 through 2003. Mr. Popovich pointed out Fairview was not affordable housing. The MIT study examined seven cases over a period of 20 years. The study looked at the immediate area and the larger municipality with regard to property values. The research found that the multi-family rental developments with affordable housing did not negatively affect the sales price of nearby single-family homes. Mr. Popovich further explained the study looked at the worse case scenarios over a short-term time period and a long-term time period and concluded that the developments did not have a negative impact. Staff believes the study is relevant as the density of the studied cases is comparable to the proposed densities of this proposal. Based on the Tracy Cross and MIT studies, staff believes the proposed Fairview Village project would not have a negative impact on neighboring property values.

As to the appropriate use of the land, Mr. Popovich conveyed the site is not in line with the Future Land Use Plan since the plan designates the area as Residential 0-6 dwelling units per acre. The development is for 11 dwelling units per acre. While the proposal is not consistent with the Future Land Use Plan, it is consistent with the multi-family developments in place along Fairview Avenue between 63rd Street and 75th Street. He noted a nearby townhouse development located north on Fairview Avenue; the Main Campus across Fairview Avenue being multi-family; and apartment buildings and townhouse developments being located on the east side of Fairview Avenue immediately north of the Main Campus. Lastly, a multi-family complex was located at the northwest corner of Fairview Avenue and 75th Street. Staff agreed the proposal had merit since multi-family zoning along Fairview Avenue already existed.

In addressing the stormwater management issue, the proposal provides a preliminary engineering plan, which will take existing stormwater and pipe it underground to the two new improved ponds located on the main campus. A couple of the storm sewers may have to be removed or replaced in order to meet new requirements and layouts. The

ponds were designed to provide capacity for both the Auxiliary and Main Campuses. The pond reconfiguration is currently on going.

Mr. Popovich stated public improvements would include a vacation of Lynn Gremer Court with a new entrance drive on Fairview Avenue. Any existing utilities would be re-used as much as possible. The proposal meets the R-5A bulk regulations for setbacks, height and open space. A plat of subdivision will be required to be filed for final planned development approval. School and park donations will also be required. Fire Prevention has reviewed the revised plans and believes there is adequate access in the drive aisles and separation between the buildings.

In addition, neighborhood comment has been extensive with meetings held in September 2007 and April 2008. The neighbors have hired Counsel, and staff has been corresponding with the attorney and the neighbors. A memo from the attorney was on the dais for commissioners to review.

Mr. Popovich stated that staff believes the four Village Council issues have been addressed as stated in staff's report, and the standards for approval for an amendment to the Zoning Ordinance have been met as well as other multi-family uses exist on Fairview Avenue. The Tracy Cross and MIT study also support the findings of no detrimental impact to surrounding single-family property values. The planned development standards have been met, and the proposal complies with the Zoning Ordinance, adequate provisions have been made for sewer, traffic and open space. Staff believes the property is suitable for the proposed use, and the project is not detrimental to the general health, safety and general welfare or surrounding property values. The proposed development meets the zoning requirements of the R-5A district.

Staff asked the Plan Commission to recommend approval of the petition with staff's conditions on page 11 of its report. Mr. Popovich offered to answer questions.

Per Mr. Matejczyk's question about the Village Stormwater Department being concerned about the stormwater plan provided by the petitioner, Mr. Popovich confirmed there were no concerns, noting it was a preliminary plan. Staff and stormwater staff were fine with the plan being proposed. Regarding the various studies inside and outside of the Chicagoland area, he asked if the studies indicated a negative impact on home values in the area of the development or even a neutral impact, Mr. Popovich stated home values continued to rise. The only changes seen were in the percent change in increase.

On behalf of the petitioner, Mr. Steve Stewart, Executive Vice President of Fairview Village, thanked the Commissioners in postponing the presentation due to additional work with Tracy Cross. Mr. Stewart stated the agency has been in Downers Grove since 1973 and has expanded the campus to be a full, continuing care retirement facility with 450 to 500 seniors living on the campus. A history of the project through the Village process followed. He noted the proposal does meet the requirements of the bulk standards and confirmed the proposal was seeking a change in zoning from R-3 to R-5A to match what was across the street. For the expansion of the main campus, Mr. Stewart

said starting the ponds was probably a year premature, but he wanted to show a good faith to the neighbors in starting that expansion.

Mr. Stewart stated he believes the project will be an asset to the community and wants to continue to have a flagship campus in the Village. In addition, the failed single-family home project across the street was an opportunity to expand the project, since there was a wait list in the community.

He noted the plan has been reworked to have the building setback within the requirements of the current zoning. “Before” and “after” slides were presented. He confirmed the bulk standards for the proposal were in compliance. Two parking spaces are reserved for each unit. Regarding the pond construction, about 80% of the pond is completed and should be completed this fall. Because neighborhood suggestions have been taken into account and have enhanced the proposal, the proposal sits as currently presented. The four buildings will total 32 units at approximately 1,650 square feet per apartment. Entry costs are approximately \$500,000 to \$600,000. Renderings of the buildings were presented. He thanked the neighbors for some of their comments. Mr. Stewart closed by stating the petitioner not only purchased the seven lots on the west side of Fairview Avenue but also was required to purchase the five remaining lots within Green Acres Subdivision. However, the proposal tonight was for only the seven lots surrounding the cul-de-sac. The five remaining lots are still for sale as single-family lots.

Mr. Cozzo inquired about the mention of “berming” from the neighborhood minutes wherein Mr. Stewart stated there have been discussions about berming, and it will have to be worked out in the final presentation. He preferred to install some berming but would work with staff on their input. Chairman Pro Tem Waechtler inquired about the landscaping on the west side of the townhomes to screen from the residents, wherein Mr. Stewart stated the screening has been considered and he will have a landscape architect work further on that issue. He reiterated the petitioner wanted to have a good relationship with the neighbors. Per a question, Mr. Stewart advised about 50 individuals were on the wait list.

Mr. Tracy Cross with Tracy Cross & Associates, Schaumburg, Illinois, discussed his scope of business focuses on marketing analysis and market research. He reminded commissioners the focus of his study was to analyze the housing values around senior citizen facilities that were in a half-mile radius and compare those values to a host community. Initially, the study was inclusive in that the radius was either too large or the senior facility was an isolated campus and did not reflect the respective zoning change or show what happens when homes directly abut such a facility. Mr. Cross walked through his presentation in detail discussing various rezoning examples to multi-family zoning near single-family zoning and the fact that the rezoning had no impact to the housing value. In reviewing home values in single-family developments adjacent to senior facilities, he noted home values have either increased or increased at the same rate as the single-family developments. There has been no impact in the examples presented. Mr. Cross reiterated the proposal adds value or will protect values to a certain degree.

Mr. Cross stated his examples were randomly chosen within DuPage County dating back to 1999. No properties prior to 1999 were reviewed. Chairman Pro Tem Waechtler pointed out during this period it was a time when real estate values increased. He thanked Mr. Cross for his presentation. Per a question, Senior Village Planner, Mr. O'Brien, stated he was familiar with the development in Barrington but not the other developments.

Attorney Jim Russ, 4915 Main Street, Downers Grove, informed the Commission he was the attorney for Siever's and Stevens Construction, which was the developer of the townhomes south of the Family Video building. Mr. Russ reviewed the history of that project's rezoning ultimately to the R-5A zoning district, which was approved by Village Council. Reviewing prior minutes and workshop minutes, the concern was whether the townhome development was an appropriate buffer from the commercial to the residential area. The Council felt it was an appropriate buffer. He did not see any reference to any "promise" that there would not be further development along Fairview Avenue. Instead, he found reference to any further development along Fairview Avenue would have to be reviewed on an individual bases, as referenced by Mr. Rathje, the prior Village Community Development Director, and the development would probably come before the Plan Commission as a planned unit development for multi-family use.

Mr. Stewart asked to have two residents of Fairview Village speak to the Commission.

Mr. Donald Vandevander, 200 Village Drive, Downers Grove, and Mr. Douglas Thaxton, 200 Village Drive, Downers Grove introduced themselves and presented a signed petition from residents of the facility who supported the expansion efforts of the Fairview Village on the west side of Fairview Avenue. He presented the petition to Chairman Pro Tem Waechtler. Mr. Vandevander stated he chose Fairview Village because of what it offers in the way of ministries and various activities it offers. Both men invited the Commissioners to visit the beautiful facility. He stated the site was kept up very well. Mr. Thaxton discussed the volunteer activities offered at the facility.

Chairman Pro Tem Waechtler opened up the meeting to public comment.

Mr. Jason Mitchell, 6572 Fairview, Downers Grove, resides directly south of the vacant lot. He raised concern about the amount of vehicles entering and exiting the driveways, and it being very close to his driveway and had safety concerns for his children. His largest objection was the fact that the proposed development will affect the character of his neighborhood and will affect his view from his home. He stated a study paid by the petitioner could present positive numbers over not so positive numbers. He asked that the commissioners "plan" their projects. He also pointed out the facility could change officials and change the use of the property to apartments.

Mr. Ron Detmer, 6580 Davane Court, Downers Grove, stated much has changed since Fairview Village came before the last Plan Commission meeting. He stated the CEO revealed that Fairview Village plans to extend their apartment building concept and

purchase available properties along Fairview Avenue north and south of Lynn Gremer Court. He called attention to the fact that the petitioner has made reference that it owns five lots on Davane Lane, two of which abut the proposed development and he questioned the petitioner's intention as it relates to those lots. He voiced concern about future development of Fairview Village and the intrusiveness of the proposal into the neighborhood. He summarized some of the comments made at neighborhood meetings contrasted what Fairview Village had previously stated. Mr. Detmer found discrepancies in the Tracy Cross studies, the Village's Master Plan and the standards of approval for amendments to the Zoning Ordinance as it relates to this proposal.

Commissioners noted some of Mr. Detmer's comments were also speculative.

Mr. Anthony DiSalvo, 6339 Davane Court, Downers Grove, was sworn in. Mr. DiSalvo stated his neighbors in Green Acres have questioned the actions of this Commission. He reviewed the prior annexation and zoning for the site and discussed what occurred over the past few years; i.e., prior builders mis-timed the housing market. As a result, he stated the petitioner was a buyer who purchased lots that did not meet its needs and was now requesting a change to the zoning. He questioned why the Village should grant the rezoning. Mr. DiSalvo stated the residents would like the Commission continue to maintain the residents' neighborhood as it has been represented; i.e., single-family homes. Any deviation was against the zoning and was contradictory to prior meetings. Mr. DiSalvo referenced minutes of January 22, 2002 wherein it was conveyed by a Village Council member that the Village did not have control over the property at all, it was not in the Village of Downers Grove, and if it were annexed into the Village, the Village would be able to define what would exist at the site. It went on to discuss future developments and not to focus just on the present.

Per Mr. DiSalvo, at the meeting of April 23, 2002, the same Council member conveyed if the site was within the Village, the decision would be simple because it depicts the area on the Future Land Use Map as residential. Mr. DiSalvo asked that the neighborhood remain residential. He also stated that if the Commission approves the rezoning of the property, he and his neighbors would come before the Commission to rezone their property to multi-family.

Ms. Andrea VanBuren, 6576 Fairview, Downers Grove, representing herself and her neighbor, Bill Nelson (6624 St. James Court) who could not attend the meeting, discussed that staff uses MIT's study as a basis for justifying that the proposal will not negatively affect surrounding home values. She pointed out that MIT's study appears to justify the Massachusetts Chapter 40.B. of the Anti-Snob Zoning Act which allows developers to obtain state permits to override local zoning regulations if less than 10% of the community's housing stock is defined as "affordable." While staff indicates the density of the study areas of the petitioner's proposal are similar, staff lacks to convey is that the housing stock is very dissimilar. Ms. VanBuren went on to discuss how the housing stock differed in the MIT study, and how some information was dismissed from the study. She believed the MIT study was lending credibility to the Fairview proposal. She discussed in staff's memo, reference is made that the proposal is not consistent with

the Village's Future Land Use Map (FLUM), yet staff says the proposal is consistent with the multi-family developments along Fairview Avenue. She found zoning decisions made in Westmont would be a basis for the Village to ignore its own FLUM. There was concern about the Commission rezoning a parcel that was just zoned annexed and rezoned four years earlier. Ms. VanBuren pointed out the subdivision with three buildings on the property has not had time to be successful because it has been discussed at meetings continuously.

She voiced concern about precedent setting and asked that the Commission reject the proposal and adhere to the zoning of its FLUM. She noted the proposal was meeting the setbacks of R-5A zoning and found inconsistencies with the revised Tracy Cross & Associates study. She believed the proposal was an intrusion into an established community.

Mr. Ed Rickert, 6563 Berrywood, Downers Grove, was sworn in. Mr. Rickert noted his home was on the lot directly west of Davane Court. He was not convinced the facility was inappropriate for the area at first. He discussed the concern was not whether it was R-3 zoning versus 5A zoning, but the fact that Fairview was creating a continuum care campus where residents purchase single-family homes, eventually purchase assisted living homes, and then move into the nursing home; i.e., moving a business use into a residential use. It also allowed the petitioner to avail himself to a continuum of care variance and to add beds to an existing property without going through the full Certificate of Need process to show there is a need for nursing home beds in the community. For the above reasons, he opposed the project.

Mr. John Povlivka, 6016 Washington, Downers Grove, was sworn in. He reviewed the zoning the petitioner was seeking, noting the fifth structure, would be an office and clubhouse. He asked if the petitioner was asking for zoning of an office on the property. Mr. O'Brien stated the zoning for the property would be R-5A with a Planned Development overlay with specific uses permitted. In this case, the petitioner requests the existing single-family residence be converted into a small office and clubhouse.

Mr. Bill White, attorney, 5330 Main Street, Downers Grove, has been asked to assist the homeowners. He asked the Commissioners to consider whether the Village's FLUM meant anything given the Village Council recently passed an ordinance to comprehensively review the FLUM. If the Commission was going to deviate from the FLUM, then strong reasons needed to be conveyed. Also, because Fairview Village has openly admitted that it owns other parcels on the west side of Fairview Avenue, that to rezone this parcel without taking those parcels into account, pre-empts any successful review of the FLUM and places an R-5A zoning in the middle of that piece of property and sets a precedent for future developments. He believed it was inappropriate that this was not conveyed from the very beginning. Personally, Mr. White stated proper planning was looking at Fairview Avenue in its entirety and determining where the parcel should go in the long term and not parcel by parcel. He questioned why the Village would pay a significant amount of money to a consultant to look at proper planning and the Future Land Use Map, especially if the proposal was approved.

Mr. White also questioned whether the MIT study and the Tracy Cross study would find a multi-family project anywhere that would negatively affect single-family home values. He believed it should not be based on one petition but on many and should be considered when the Village's FLUM and Comprehensive Plan was reviewed and be decided upon by the community. In addition, he recalled the word "buffer" being discussed but no promises said. However, he stated the homeowners feel they were promised that single-family would remain. Mr. White asked those residents who were against the petition to stand up or raise their hand for the Commission to see. He reiterated he was not representing the homeowners but merely assisting them to prepare their case. However, he stated their sentiment on this matter was very strong. He pointed out the residents wished to preserve the character of their neighborhood, which could not have a monetary value placed upon it. Again, he asked the Commission what was the compelling reason to deviate from the Future Land Use Map.

Mr. Quinton Ford, 415 66th Street, Downers Grove, discussed the contract he entered into to purchase his current home about three months ago. After finding out about Fairview's purchase of nearby properties, he tried to get out of the contract due to such a development. He stated his point was that based on the law of supply and demand, when a single qualified motivated buyer is not interested in a property because of adjacent activities and property uses, it decreases the property value. He questioned Mr. Cross's statement of "he could not find many examples of rezoning from single-family to multi-family" and why, wherein Mr. Ford surmised that planning commissions realize it is not a good idea to do that because it disrupts the character of single-family neighborhoods.

Mr. Tariq Khan, 6450 Fairview Avenue, Downers Grove, commented when he purchased his home that it had been on the market for two years. He did not believe the residents should be penalized for a failed business decision. He agreed that the area was hurting prior to the purchase of his home. However, he noted when reviewing the east side of Fairview there were many various subdivisions and many homes were older and not rehabbed yet. On the west side, the development was occurring and was encouraging. He believed the proposal was going to hinder further development. He did not trust the petitioner because some of their townhomes on the east side of Fairview were already run down for the area.

Ms. Carmella Zinnecker, 6345 Davane Court, Downers Grove, was sworn in, resides directly adjacent to the townhomes, and referenced a comment made by Mr. Stewart regarding Darien Club. She stated those homes were built after Fairview Village, and the residents there have chosen to live there when the development already existed. Wherein, this proposal was something new, and the more recent homeowners including herself bought their property because the lots were there as residential. She stated it was disheartening to see the change. As to the Tracy Cross study, she stated the study had to consider those developments not in the middle of a residential neighborhood but off to a side, or they were in existence before some of the homes were. She asked that the petitioner and Mr. Cross take into the consideration those items they considered when they purchased their own properties.

Due to no further comments, the public comment portion of the meeting was closed.

No comments were received from the commissioners.

Mr. Stewart closed by stating he was excited about the project and committed to what was being proposed. He did not believe the proposal had a negative impact to the neighborhood and because he paid the consultant for the study, it did not invalidate the study. He thanked Mr. Russ for researching the minutes and clarifying what was said at earlier meetings. Mr. Stewart felt no precedent was being set. The R5A requirements were being met. In addition, he disagreed that the proposal was being characterized as a business use. He asked that the Plan Commission make a positive recommendation to the Village Council.

As to the many references about the Village reviewing the Future Land Use Map and Comprehensive Plan and when it will take place, Mr. O'Brien explained the Village very recently contracted with a consultant to review the Village's Comprehensive Plan, which includes a comprehensive study of the FLUM. He expects it will take until 2010 before the project is completed. Mr. O'Brien stated the FLUM was revised in 2005 for the Siever's project. The map was reviewed in 2002 and 2003 with no formal recommendations adopted by the Village Council. Details followed. The most recent narrative to the map was last approved in 1995.

(The commission took a break at 9:15 p.m.; the commission returned at 9:25 p.m.)

Chairman Pro Tem Waechtler announced that he, Commissioners Beggs and Hamernik were re-appointed for the next three years.

Mr. Matejczyk discussed the difficulty of hearing both sides of the proposal since they both made sense. He also stated spot zoning was very difficult. Another concern was what effect the proposal would have on property values. However, he has heard no data where this type of development is detrimental to property values. Mrs. Rabatah voiced her concern about the upcoming review of the Future Land Use Map when the proposal was before them. While Mr. Cozzo favored the concept of the overall service of the proposal, its architecture, and its attempt to be compatible, he voiced concern about dropping the proposal in the center of a neighborhood. Mr. Matejczyk also clarified this proposal was a residential use versus a residential use, and the issue was the residents' needs in that area versus the needs and benefits of the greater community. He noted the population was aging and would like to remain in the community.

Mr. Webster clarified that this Commission recommends to the Village Council what is appropriate and that staff plans the zoning of the Village. While he understood the opposition of the changes to the fabric along Fairview Avenue, he did not believe it was fair to state the proposal was in the "middle" of a neighborhood, but instead would be contiguous to an existing planned development across the street. He questioned the term "spot zoning", as it was a residential use to another type of residential use. In addition,

Mr. Webster stated Fairview Village was an existing part of the community and brought value to the community. The proposal met the standards for planned developments and amendments to the Zoning Ordinance. Mr. Webster supported the project for the prior reasons stated and left the final decision with the Village Council but did not believe the review of the FLUM had a large bearing on the proposal tonight.

Mrs. Hamernik agreed the standards for planned development were met, but the standards for amendment to zoning were not met. She believed the Tracy Cross study was fair, and the traffic study was valid. The suitability of the site was fine for the zoned purposes, and she believed the length of time the property was vacant was due to current market conditions felt by everyone and not because of the proposed facility. Mrs. Hamernik agreed the value to the community was true. However, her issue was with the existing uses and the zoning of nearby properties. She stated up and down Fairview Avenue was single-family, and she could not support the facility.

Adding to the comments, Mr. Quirk recalled Mr. Beggs brought up some similar situations where uses crossed a street. These expansions do not constitute not meeting the standards under Number 1. Mr. Quirk stated the proposal meets the standards and immediately across the street, the land was zoned at a higher density. He was of the belief that the proposal would improve property values and the Village. The proposal's per square foot cost was also high-end which he believed would bring value to the neighborhood.

Chairman Pro Tem Waechtler reminded the public that the Commission was a fact-finding body and many times had to work between the developers and the development. He recalled residents in this neighborhood purchased their homes with the understanding it would be a single-family neighborhood, but it did not work out. Changing from an R3 to a R5A zoning was significant. He also recalled when the Tracy Cross study was done it was during a time when rising property values were occurring. He, Chairman Pro Tem Waechtler, respectfully disagreed with Mr. Webster. The Plan Commission has the responsibility to deliberate and recommend to the Village Council their findings and decisions. Mr. Matejczyk clarified his understanding of the Tracy Cross study and the fact that there were no studies that showed the property values decreased when such a facility was constructed near single-family. The fact that a large number of residents appeared at the meeting reflected positively on the sense of community in the immediate area and within the Village.

Mr. Webster agreed a recommendation from the Commission was necessary, but the irony was that the project was recommended previously and it was a very decisive project. Ultimately, the Council approves or denies the project.

Chairman Pro Tem Waechtler reminded the four key findings of fact were discussed tonight.

WITH RESPECT TO FILE NO. PC-35-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND A POSITIVE

APPROVAL OF A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO FAIRVIEW BAPTIST HOME PLANNED DEVELOPMENT #32 AND REZONING OF THE SUBJECT PROPERTIES SUBJECT TO THE FOLLOWING CONDITIONS:

- 10. THE FINAL PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY A.G. ARCHITECTURE DATED SEPTEMBER 10, 2007 AND REVISED ON JUNE 27, 2008; THE PRELIMINARY ENGINEERING PLAN PREPARED BY GEWALT HAMILTON ASSOCIATES, INC. DATED JULY 2, 2008; AND THE PRELIMINARY LANDSCAPE PLANS PREPARED BY 3D DESIGN STUDIO DATED AUGUST 31, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 11. THE PETITIONER SHALL FILE A PETITION FOR A FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, PLATS OF EASEMENT, AND A PLAT OF VACATION FOR THE LYNN GREMER COURT RIGHT-OF-WAY NO LATER THAN ONE (1) YEAR AFTER VILLAGE COUNCIL APPROVAL IF SAID APPROVAL IS GRANTED. IF A PETITION IS NOT FILED WITHIN ONE (1) YEAR, ANY APPROVALS GAINED FROM THIS PETITION FOR A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT SHALL BE NULL AND VOID. THE BUILDING ELEVATIONS AND SITE PLAN SHALL SUBSTANTIALLY CONFORM TO ANY PLANS APPROVED BY THE VILLAGE COUNCIL AND PLAN COMMISSION.**
- 12. PRIOR TO THE PLAN COMMISSION CONSIDERATION OF THE FINAL PLANNED DEVELOPMENT AMENDMENT, THE FOLLOWING COMMENTS SHALL BE ADDRESSED:**
 - a. A REVISED STORMWATER GRADING PLAN SHALL BE PROVIDED THAT ADDRESSES STORMWATER CONVEYANCE FOR THE WESTERN PORTION OF THE GREEN ACRES SUBDIVISION.**
 - b. THE SITE SHALL PROVIDE FOR OVERLAND FLOW ROUTES FROM DAVANE LANE THROUGH THE SITE AND ACROSS FAIRVIEW AVENUE WITHOUT NEGATIVE IMPACTS TO THE SITE OR FAIRVIEW AVENUE.**
 - c. BEST MANAGEMENT PRACTICES FOR STORMWATER QUALITY SHALL BE IMPLEMENTED ON THE SITE.**
 - d. ALL EXECUTED UTILITY EASEMENTS SHALL BE ABROGATED, AND NEW EASEMENTS SHALL BE PROVIDED OVER ALL RELOCATED UTILITIES, STORMWATER FACILITIES AND OVERLAND FLOW ROUTES.**
 - e. THE VILLAGE SHALL ASSUME OWNERSHIP OF THE WATER MAIN AND WATER APPURTENANCES. AS SUCH, EASEMENTS SHALL BE PROVIDED OVER ALL WATER MAIN PIPES, VALVES, FIRE HYDRANTS AND ALL OTHER WATER**

APPURTENANCES.

- f. A PHOTOMETRIC PLAN SHALL BE SUBMITTED.**
- 13. THE EXISTING LYNN GREMER COURT RIGHT-OF-WAY SHALL BE VACATED.**
 - 14. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.**
 - 15. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL DETECTION SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.**
 - 16. A FIRE HYDRANT SHALL BE LOCATED WITHIN 100 FEET OF EACH PROPOSED AND EXISTING BUILDING'S FIRE DEPARTMENT CONNECTION.**
 - 17. EACH PROPOSED APARTMENT BUILDING SHALL HAVE ONE MAIN ELECTRICAL DISCONNECT OR A SHUNT TRIP SYSTEM THAT CUTS POWER TO THE ENTIRE BUILDING.**
 - 18. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS FOR THE AUXILIARY CAMPUS DEVELOPMENT, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$90,837.34 AS SCHOOL AND PARK DONATIONS (\$63,691.89 TO DOWNERS GROVE PARK DISTRICT, \$20,932.49 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$6,212.96 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

MR. QUIRK SECONDED THE MOTION.

ROLL CALL:

Per a question, Mr. Popovich stated the current request is for a Preliminary Planned Development Amendment. The petitioner will have to return with a final plan and final plat of subdivision in order to obtain final planned development approval.

AYE: MR. MATEJCZYK, MR. QUIRK, MRS. RABATAH, MR. WEBSTER

NAY: MR. COZZO, MRS. HAMERNIK, CHAIRMAN PRO TEM WAECHTLER

MOTION CARRIED. VOTE: 4-3

Mrs. Rabatah asked that the Village Council be made aware that she is uncomfortable with the rezoning but does understand this is a preliminary plan.

Mr. Cozzo said he voted Nay because on page 8 he is uncomfortable with the impact to home values and was not comfortable with the appropriate use of the land in the rezoning; i.e., Zoning Amendment Standard Nos. 1 and 4. Mrs. Hamernik voted Nay because the proposal deviated from Zoning Amendment Standard No. 1. Chairman Pro Tem Waechtler voted Nay because the proposal did not meet Zoning Amendment Standard Nos. 1, 2 and 4. As to Standards for Approval for Planned Development Nos. 2, 3 and 4, he disagreed with them.

May 27, 2008 Workshop Minutes

Fairview Village – Rezoning and Preliminary Planned Development Amendment.

Mr. Fieldman asked Tom Dabareiner, Director, Community Development, to address this item.

Tom Dabareiner, Director, Community Development, provided background information on this request for rezoning and a preliminary planned development amendment for Planned Development #32, property located on the west side of Fairview Avenue. The property contains seven parcels of the Green Acres Subdivision. Staff recommends remanding this to the Plan Commission due to changes made since this was originally submitted and due to new information. He showed the area in question on the overhead projection, depicting the original site plan and the revised site plan with changes in the setbacks and the elevations. Mr. Dabareiner said a property value study has been submitted with a revised site plan, revised elevations, and a summary of the April 29, 2008 neighborhood meeting.

The Mayor noted that the petitioner withdrew the preliminary plan. The Village staff has recommended that this go back to the Plan Commission as this plan is different from the first one reviewed by the Plan Commission. The Plan Commission is a recommending body, and although their decision is not binding, they have an important role in the process.

Bill White, 5330 Main Street, said that he has been retained to consult with the homeowners with respect to their opposition to this development. He said that all of the information that he placed in the letter to the Council reflects the feelings of the homeowners. He said it was important that the Village Council be aware that they are talking about the entire west side of Fairview Avenue. Fairview Village has stated that they intend to expand the concept of their development. He added that the homeowners were given assurances in the Family Video case and the Sievers townhome development that there would be no further encroachment of businesses onto the west side of Fairview Avenue. Mr. White said that the Council needs to understand the feelings of the homeowners in this regard, and know that the homeowners believe they were guaranteed there would be no further business encroachment than already exists.

Andrea Van Buren, 6576 Fairview, provided a brief history of Lynn Gremer Court. There was only one home on that entire property when she purchased her home. She said that Fairview Village has purchased all of the parcels on the west side of Fairview, not just the seven they are currently proposing for development. Ms. Van Buren said that Rosol Construction had the property re-platted and was allowed to put in 14 home sites. They removed a cul de sac, which removed the wetlands. She wanted the Council to see that this is not a neighborhood that needs a development to come in and save it. She showed the size of the buildings that Fairview Village is proposing. The four buildings proposed would, in her opinion, look like one big mass with no green space. She said it is not a large piece of property. The buildings will be in the middle of residential back

yards. She showed additional views from Davane Lane and from various other residences. Ms. Van Buren said that the project is too big for the space.

Anthony DeSalvo, 6339 Davane Court, expressed his disappointment at the Zoning Board of Appeals and the Plan Commission for their approval of this project, and is further disappointed that this is being remanded back to the Plan Commission. Mr. DeSalvo said the Zoning Board of Appeals should not have approved the petition requesting R-5 zoning since the specific use of this parcel was determined by that same Board as single-family residential. Just a few years ago ZBA approved that parcel as single-family residential. Mr. DeSalvo said that in 2004 four members of this Council (Mayor Sandack, Commissioners Schnell, Urban and Tully) voted in favor of annexation and single-family residential zoning. He believes what has changed over the years is the builder filed for bankruptcy, and a speculator purchased a number of lots which they are now changing. He asked why the Village should rezone these parcels. The residents are asking the Council to respect and honor what it already approved. He added that Fairview Village should also respect and honor what they have purchased, which he believes is single-family residential property. Mr. DeSalvo said the neighbors in the area are not against Fairview Village, but respect what they do and what they have done for the Village. The residents are asking the Council to maintain the neighborhood as it was represented and established, and not as part of Fairview Village's new expansion campus. Deviation from this is against the zoning, the Future Land Use Map, and is contradictory to common sense. He referred to previous Councils that approved the Family Home Video as a buffer, and the Sievers townhomes as a transition between commercial and residential property. He quoted from meetings held in 2002 in support of keeping the property single-family residential. He said the residents believe it should be an easy decision to deny this rezoning as the property is already in the Village and zoned single-family residential. Mr. DeSalvo then asked whether the residents were fighting a losing battle, saying it is ironic that the seller and buyer have already made arrangements, and that the seller will act as a contractor on the project. Fairview Village is already advertising units for sale on their website which showcases the new apartments. Some neighbors are of the impression that it was a done deal. In 2002, when the Sievers development was proposed, Mr. Sievers stated, according to Mr. DeSalvo, that he has asked for rezoning because he was assured that the Council supported his plan. Mr. DeSalvo said that is a slap in the face for the community. Lastly, Mr. DeSalvo said that if Fairview Village wanted to satisfy a demand, these 16 units will not do it. There are other parcels available.

Sandy Mitchell, 6572 Fairview, said her home would be one of the houses most impacted by the rezoning. Fairview Village has yet to discuss how this will change the neighborhood. The units are apartment building size and obtrusive to the neighborhood. She said that a home value study was presented at the last meeting, but the significance was not made clear. The existing community is comprised of a number of \$500,000 homes. Ms. Mitchell said that common sense says that the view from her home to the back of the apartment building will negatively affect the value of her home. She does not want to look at the backs of these buildings. Ms. Mitchell said there are also safety issues

concerns for the children and the pedestrians. The concept presented looks beautiful, but not in a single-family neighborhood.

Theresa Stewart , 6413 Davane Court, said that Fairview Village is treating this as if it is a done deal. She received a sales call last week asking if she would be interested in, or knew anyone who would be interested in the senior housing apartments. She was told they would not be ready for three years. Ms. Stewart is disturbed by the presales when the proposal has not yet been approved. Regarding the tax-exempt status, she and many of her neighbors find it distasteful that these building will have a tax exempt status. At a recent open house she saw the new plans and was told by Fairview Village that the Darien Club had no problems with this; however, Ms. Stewart said she has heard otherwise. She does not understand what the Village sees as positives in this project since the tax exempt status will bring no money to the Village.

Dan Gross , 6407 Davane Court, said he did not expect to have multi-family homes in the neighborhood. This is a major concern particularly with safety concerns. There have been no traffic studies of which he is aware. He feels there will be a major increase in traffic, which will affect Fairview Avenue as well as adjacent streets. Mr. Gross said he was told that Fairview Village wants to hear from its neighbors, but he has never heard from Fairview Village. He was not informed of meetings being held by Fairview Village, and knows of them only because of the neighbors. He questions Fairview's marketing tactics as well. Mr. Gross said that he has also heard that traffic wouldn't increase because the residents are seniors. He disagrees with this. His mother is 83 years old and she drives and runs errands every day. There will also be people visiting which will increase the volume of traffic. Fairview Avenue is a busy street and is a main artery for Fairview Station. There are 25-30 children under the age of 14 on Davane Court, and they will be affected by an increase in traffic. All of the parents are concerned about safety issues caused by an increase in traffic. Mr. Gross said he heard that Fairview Village stated if the community did not want this development, Fairview would drop the issue. There is a large group of people in Downers Grove who do not want this to happen, which includes everyone on Davane Court. He does not believe Fairview will back off this proposal no matter what the neighborhood thinks. Mr. Gross said he spoke with some parents who did not know about the proposed development and received 25 signatures within a matter of minutes. He wants the people represented. He and his wife worked hard and cut corners to afford this home at this location. Had they known about the potential rezoning, it would have affected their decision. He was told by realtor friends that this development will affect his property values and not in a good way. He asked that the Council reject the proposal on behalf of their community.

Ron Detmer , 6580 Davane Lane, said that looking at the west side of Fairview Avenue shows that Fairview Village now owns 14 single-family home lots across from Fairview Village. At the last Fairview Village meeting, their Chief Financial Officer said they would buy additional properties on Fairview as they became available, which means they have grander plans than already mentioned. If additional homes are made available for sale it could result in 15-20 apartment buildings lining Fairview Avenue. Mr. Detmer said that Fairview Village says it is a not-for-profit faith-based organization. Initially they said

they would never go against the wishes of the neighbors, but at the last meeting Mr. Howard said that they would just have to agree to disagree. He said that it seems obvious that Fairview Village is making a land grab to serve upscale seniors at the expense of an established community. Seniors will be charged over \$500,000 plus a monthly fee. Mr. Detmer said that things change, but prior zoning designations and commitments to the residents should not change.

Dr. Ramanan , 6555 Berrywood Drive, said he and his family moved into Downers Grove and put all of their savings into this house based on the Village's earlier zoning decision. He is convinced that bringing multi-family homes into single-family residential areas has enormous negative impacts on the area. He feels there is an ulterior motive here.

Stephen Stewart of Fairview Village made a Powerpoint presentation, beginning with Fairview Village's Mission Statement, saying they are a not-for-profit religiously based organization. He recapped the history of this project beginning in September 2007. The project was approved October 1 by the Plan Commission and recommended to the Village Council. Fairview Village requested tabling a decision on the proposal to address issues that had been raised by resident input. He used the zoning map to show how the R-5 zoning fits into that area, then introduced professionals connected with the proposed project to provide further information to the Council and public.

HollyAnn Eageny , Vice President of Client Services for Tracy Cross and Associates, a nationally recognized market analysis firm, said they were asked to conduct an analysis of the impact of this new development on the existing residential areas. They looked at a one-half mile radius of the area, or eight blocks. They used comparable areas in the Chicagoland area to determine home values, using Arlington Heights, Barrington, Washington Square, LaGrange, Lisle, and Schaumburg. Home prices were studied for the year 2002 over a 12-month period, and what comparable homes sold for later. Ms. Eageny said that in nearly every case, the home appreciation rates in each of the eight-block areas met or exceeded that of the expected host village. The only exception was Burr Ridge and Oak Brook where home prices in 2002 exceeded the million-dollar mark. She said that basically there was no detrimental impact by a campus community setting. Ms. Eageny said the proposal is for an independent living age-restricted community with an initial buy-in of \$500,000, plus monthly service fees. That price is consistent with homes in the area.

Commissioner Schnell said that the study determined 6 out of 11 markets showed the same or greater increase in home values. She asked about the other five. Ms. Eageny responded that all increased in value. It becomes a case of nominal increases, based on resale values. It had nothing to do with the communities. None of the communities was impacted in a negative way by the senior communities.

Commissioner Schnell noted that some communities were surrounded by more intense uses. This is not an apples to apples comparison. Ms. Eageny said that their staff is very careful to do apples to apples comparisons. It is one of the reasons they chose the half-

mile radius. Anything smaller than that would result in less than a median value in any given area.

Commissioner Schnell then commented on the Villas of St. Benedict saying they did not put high-end apartments in a residential area. She thought this situation to be different as there are established substantial homes on the west side. Ms. Eageny said they could eliminate the Villas of St. Benedict from the comparison. It was included because it was a newer western suburban community. Mayslake is in Oak Brook and has had no impact. It is an income-qualifying project. Commissioner Schnell suggested that the Plan Commission look at this in terms of the study, comparisons, etc. She would like to know the implications.

Commissioner Beckman said that there have been suggestions that there are other parcels involved which could grow the project. He asked whether the size of the development has an impact on the value. Ms. Eageny said that it does not, it is not quantifiable. Four buildings versus fifty might be significant. All of the communities studied offered the same ratio of housing types as Fairview Village is suggesting.

Mr. Stewart said they had some slides of the architecture planned for the development. He said they do not think it represents a change significant enough to remand it back to the Plan Commission.

Gene Guskowski, President, AG Architecture, 1414 Underwood Avenue, Wauwatosa, Wisconsin, said the neighborhood speaks with great passion about their concerns for their community. He showed the physical changes in the plan. They attempted to make the plan more compact by increasing the setbacks and pulling the buildings closer to each other. He detailed the landscape plan, which results in a more pedestrian-oriented plan. Mr. Guskowski said that the drive ways will be contained by retaining walls. They intend to do heavier planting along the edges of the property to provide a boundary between the subject development and existing adjacent single-family properties. He indicated that the placement of the four drives results in only about 20 feet of the construction being construed as three stories. He reviewed the amount of open space versus built space. For R-3 zoning the maximum building height is 33 feet. In R-5, 35 feet is the maximum. In the proposed development, the height of the buildings is 28.2 feet not counting the chimneys. As for lot coverage, the maximum amount under R-3 and R-5 would be 32% coverage. They intend to have 29% coverage. He also reviewed the floor area ratio (FAR) and minimum open space requirements. R-3 and R-5 zoning require .8 FAR and 40% open space. The proposed development will have a .59 FAR and 56% open space. Mr. Guskowski said these figures could not be achieved with a single-family development. He showed plans depicting the exterior design with a lower roofline giving the buildings a townhouse feel. They are proposing four buildings plus a clubhouse. The petitioner has tried to hear the concerns of the residents and be sensitive to them. Mr. Guskowski said that they have created more open space on the lots and maintained control over the design of the rear of the buildings, which would face the residential area.

Mr. Stewart said that he believes they have addressed the concerns expressed November 6 regarding the home value study. As for traffic impact, he indicated that they will do a traffic study, and will meet the stormwater management requirement for the site. With regard to real estate taxes, Mr. Stewart said that Fairview Village has paid its first installment already, and will not be seeking tax exemptions on this property. He said they believe they meet the Downers Grove Strategic Plan objectives. He verified that Fairview Village does own the five additional lots directly west of the subject property. They did not want to purchase those lots, but the Green Acres developer insisted they be included in the purchase. He said that Fairview Village has no intention of moving farther than they have already proposed. They intend to sell the additional lots, although if other property becomes available on Fairview Avenue, they will look at it. They have a wait list of 60 people at this time. He reiterated that Fairview Village does not believe this project will have any negative impact on the existing properties and asked that the Green Acres area be looked at again. He asked that the Council vote on this tonight.

Mayor Sandack said the Council cannot vote on this tonight as it is a Workshop meeting.

Bill Nelson , 6624 St. James Court, said he moved there about one month ago. Regarding the marketing study, he said it is not an exact science. He indicated that many of the developments compared, such as Bethlehem Woods, were not rezoned from residential to multi-family, but a higher density use to lower density. Mr. Nelson said that the residents do not seem to be concerned so much as to the appearance as they are with the fact that this development is not within the character of what the community thinks it should be. Fairview Avenue is not a multi-family roadway. It is not appropriate to turn the area into multi-family. Fairview Village has already stated that they would like to purchase more property if it becomes available, and should this project pass it would open the floodgates for further development. He asked that the Council not take this lightly. Regarding Bethlehem Woods and the tax-exempt status, they stated originally that they had no intention of filing for tax-exempt status. He said that it is not within the Village's jurisdiction to grant or restrict tax-exempt status. Mr. Nelson pointed out that in the case of Bethlehem Woods, they requested the tax exempt status one year after the development was completed.

John Martin , the attorney for Fairview Village, said that Larry Rosol is not, and will not be the contractor for the project. In addition, the marketing activities that are going on now are for the approved project. Fairview is not marketing this project. He said that they are requesting the Council not to remand this to the Plan Commission. They are seeking the Council's approval of the plans when appropriate.

The Mayor expressed his appreciation to the public for bringing their comments to the Council. If this is remanded, the Plan Commission takes testimony again, as was done tonight. The petitioner is asking that the Council not remand it. The petitioner received a positive recommendation in October 2007. However, the petitioner asked for a remand the first time around, and the Council tabled it. In his opinion, the changes are substantial, such as the real estate market report, and the lack of a traffic study. He then asked for a

Council opinion, and Commissioners Neustadt, Beckman, Durkin and Tully supported remanding it.

Commissioner Tully said he was fully in support of remanding this. Staff recommends it. He is cognizant that the Plan Commission recommended approval. This is a request to rezone the parcel and it is taken seriously. Though it may not be a typical multifamily project, it is still a multifamily project.

Commissioner Waldack said that he also favored remanding the petition and thanked Fairview Village for meeting with the neighbors. Questions remain and the Plan Commission is in a better position to review the proposal.

Mayor Sandack agreed that a record has to be established by the Plan Commission. The concept has been refined and readjusted with materials being added to the request.

Commissioner Schnell said if residents want comments on the record, they need to go before the Plan Commission.

Mr. Fieldman said new notices will be sent out with regard to the date and time for the Plan Commission meeting.

June 3, 2008 Meeting

MOT00 -03361 C. Motion: Remand to the Plan Commission Petition PC-35-07 – Preliminary Planned Development Amendment to Planned Development #32 (Fairview Village) **Sponsors:** Village Attorney **Summary of Item:** This remands Petition PC-35-07 concerning a preliminary planned development amendment to Planned Development #32 (Fairview Village) to the Plan Commission for further discussion. Commissioner Schnell asked if there will be a traffic study before this is remanded, and the Manager said there would be.

Commissioner Waldack said he hopes that when this is remanded to the Plan Commission the staff conveys the interest expressed by Council in covering the traffic study, home value study, and that they will discuss all aspects of this project.

The Mayor said the Plan Commission has a legal responsibility to review the matter before them and he believes they will be thorough. **A motion was made by Commissioner Beckman, seconded by Commissioner Schnell, to Authorize this file. Mayor Sandack declared the motion carried by the following vote: Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack Indexes: Planned Development #32 – Fairview Baptist Home**

ORD00 -03346 D. Ordinance: Annex 5416-5418 Belmont Road to the Village of Downers Grove, Illinois **Sponsors:** Community Development and Plan Commission **Summary of Item:** This authorizes the annexation of the property located at 5416-5418 Belmont Road.

Excerpt of Meeting Minutes

November 04, 2008

7. Active Agenda

ORD00 -03344 A. Ordinance: Rezone Property Located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue from R-3, Single Family Residential, to R-5A, Townhouse Residence District **Sponsors:** Community Development and Plan Commission **Summary of Item:** This rezones the property located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue from Village R-3 Single Family Residential to Village R-5A, Townhouse Residence District.

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 401 -406 LYNN GREMER COURT AND 6568 FAIRVIEW AVENUE
Commissioner Tully moved to deny the request to rezone property located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue from R-3 Single Family Residential to R-5A Townhouse Residence District. Commissioner Beckman seconded the Motion.

Commissioner Schnell said she concurs with the Motion, and does not believe the standards for rezoning were met.

Commissioner Beckman said he has not changed his opinion and has not received information that would change his mind. The standards have not been met.

Commissioner Waldack said he would also vote to deny the request. It is a very good project, but not in an R-3 setting. It is an argument for the need for a Comprehensive Plan. He hoped emotions raised in this process will settle down. Fairview Baptist Home is a good project and a good neighbor.

Commissioner Neustadt said he would also vote to deny the request. The process was lengthened and allowed the Council additional time, but the zoning requested does not fit in that area. He added that Fairview Ministries is a wonderful corporate neighbor.

Commissioner Durkin said he would vote in favor of the project. He believes the current proposal is a good transitional project for single-family residential, and looks forward to a discussion of the Future Land Use Map.

The Mayor said that this was a difficult process. It is a quality project, but they must abide by the Future Land Use Map. He wanted to see good development and redevelopment projects laid out within the parameters of the Future Land Use Map. He said the Village needs to find money to update the Comprehensive Plan, or a way to work within the existing Future Land Use Map. He cannot support this at this time. **A motion was made by Commissioner Tully, seconded by Commissioner Beckman, to Deny this file. Mayor Sandack declared the motion carried by**

the following vote: Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack Nay: Commissioner Durkin **Indexes:** Rezone 401-406 Lynn Gremer Court – R-3 to R-5A, Rezone 6568 Fairview – R-3 to R-5A, Planned Development #32 – Fairview Baptist Home

ORD00 -03345 B. Ordinance: Approve a Preliminary Planned Development Amendment to Planned Development #32, to Permit Construction of Four (4), Two-Story Senior Citizen Apartment Buildings for the Property Located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue **Sponsors:** Community Development and Plan Commission **Summary of Item:** At their meeting of September 8, 2008, the Plan Commission recommended to approve a preliminary planned development amendment to Planned Development #32.

AN ORDINANCE APPROVING A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #32, TO PERMIT CONSTRUCTION OF FOUR (4) TWO -STORY SENIOR CITIZEN APARTMENT BUILDINGS FOR THE PROPERTY LOCATED AT 401 -406 LYNN GREMER COURT AND 6568 FAIRVIEW AVENUE Based on the vote to deny the rezoning of this property, the Village Attorney said this item becomes moot. No vote was taken. **Indexes:** Planned Development #32 – Fairview Baptist Home



CHRISTOPHER B. BURKE ENGINEERING, LTD.
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November 13, 2006

Village of Downers Grove
Public Works Department
5101 Walnut Avenue
Downers Grove, IL 60515

Attn: David Barber

Subject: Rosol Construction Site, Request of Fee in Lieu Fund Payment Refund
CBBEL project no. 01-528 B220

Dear Mr. Barber,

This letter is intended to provide documentation to support my previous letter dated April 28, 2006 concerning the possible wetland area on Lots 1 and 2 of the Green Acres Subdivision.

As stated in my previous letter:

"While in the field we noted that the 'wetland' does still possess some wetland vegetation. We identified a predominance of *Carex stricta*, a wetland plant, in an area covering about 200 square feet. Within the *Carex stricta* (the lowest point in the "wetland") a hole was dug to evaluate the soil and hydrologic conditions. The soils were noted to be hydric, as would be expected because those characteristics would not disappear quickly. We evaluated the soil to determine if it was moist or saturated. It was not, and we found no evidence, throughout the whole 'wetland' area, of surface ponding, in spite of several recent rainfalls."

As noted above, a hole was dug in the lowest point of the questionable area. This hole was dug greater than 30" deep. This hole was left open for approximately 15 minutes to see if water collected in the hole or if moisture appeared on the soil-ped faces. After 15 minutes no wetness, saturation or water was noted. It was my opinion, knowing what had occurred to the surrounding area, that the hydrology of the area had been significantly altered and the area no longer met the required hydrology criterion. It was my opinion that the *Carex* present was remnant vegetation and would likely cease to persist given time.

The changes in hydrology which I considered consisted of the following. If you recall, it was agreed at a meeting with the County that a ditch that was supposed to have been constructed on the adjoining property to the west, could be installed as part of the Green

Acres Subdivision because it was part of the western subdivision's approved plan. This ditch, if installed, would collect all rear yard drainage from the homes located to the west of the Rosol property. At the time of this meeting with the County, all rear yard drainage, sump pump discharge, rear house roof top runoff, and pool discharge drained directly to the property being developed. At the time of my original visit to the property, it was clearly evident from the surface ponding along this common property line that this was a major source of hydrology for the area. It was agreed at that meeting that the developer would be allowed to install the ditch as permitted and then be allowed to re-evaluate the area later to see if the wetland hydrology still existed.

The developer met with the adjoining homeowners to discuss installation of the ditch. They were opposed to the construction because many of the owners had encroached into the drainage easement with sheds, a pool, fencing, etc. The Village agreed in lieu of the difficulty in working with the homeowners, to instead allow the developer to install a pipe to collect their rear yard drainage and sump pump discharge. The pipe would be installed on the developer's property. The ditch would have been on the adjoining resident's property. A pipe was installed and following inspection by the Village, it was determined that the developer had installed a perforated pipe. Following a meeting with me, the village and the developer, the developer was directed to replace the pipe with a solid pipe so as to not affect the ground water infiltration characteristics. The pipe was replaced.

Follow up visits to the site to verify construction, clearly showed that the ponding that had occurred along the west property line no longer existed. The tributary runoff from west of the property line was no longer tributary to the area.

Additionally, it was agreed at that meeting with the County, and following review of the application package, that the developer would be allowed/required to install the remaining half of 65th Street. to the north. Recall that originally only the north half of the road had been constructed. The south side of the road had no curb and gutter and much of the road runoff drained to the wetland area. At the time of my April 2006 visit, 65th Street had been constructed as permitted with curb and gutter and all stormwater that drains from the road is now collected in storm sewer and directed away from the wetland. Again, at the time of my original site visit, it was clear to me that road side runoff was an important component of this area's hydrology. The road construction eliminated that input.

Likewise, as part of the project, the developer was required, to connect the stub roads to the north and south of the site with a through road immediately to the east side of the wetland. This road was likewise constructed with curb and gutter. This road's top of curb was set flush/below the surrounding natural grade. Runoff that may have previously drained to the area in question no longer did so. Again, this runoff is collected by the storm sewer system and taken away from the wetland.

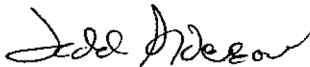
The area in question is located within two platted lots within the subdivision. The area's total watershed following installation of the pipe and roads had been effectively reduced to rainfall that falls directly on these two lots and the adjoining lot to the south.

It was my professional judgment that the cumulative effects on hydrology had significantly impacted the area's hydrology, especially since I was visiting the site within

days of rain and no surface ponding or evidence of hydrology existed on site as would be expected. It was my judgment that the *Carex* represented remnant conditions, and that it was early in the growing season, and the effect on vegetation had not fully occurred. It is common knowledge among wetland practitioners that changes in hydric soil characteristic and vegetation can take years to fully occur. But it was agreed previously among all stakeholders, including the County that the developer would be allowed to have the area re-evaluated once the approved elements were installed. It was my judgment based on my knowledge of the site history (and numerous site visits) that the site hydrology had clearly been significantly altered. During my original site visits, small pools of water routinely occurred within the area in question. Following the previously mentioned improvements, those pools, or other evidence of hydrology, were not present at a time I would have expected them to occur, and the hole dug was completely dry. Therefore, I concluded that the area in question no longer met the hydrology criterion and failed to meet the definition of a wetland.

If you have any questions, comments or concerns, please do not hesitate to call.

Sincerely,



Jedd Anderson
Vice President
Head, Environmental Resources Department

Cc: Anthony Charlton – DuPage
Jon Hall – Downers Grove

NOTICE

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MINUTES

STORMWATER MANAGEMENT COMMITTEE

August 7, 2007

County Board Room

7:30 am

Jack T. Knuepfer Administration Building

421 N. County Farm Road, Wheaton

Chairman Zay called the meeting to order with the following Members present: Connelly, Dzierzanowski, Fichtner, Gilgis, Marcucci, Mazaika, McBride, Pretzer,

Members Absent: Gilgis, Johnson

Late arrivals: Sheahan

Staff: Director Charlton, Assistant State's Attorney Hayman, EDP Regulatory Program Manager Heffter, Transportation Director Kos, Public Works Deputy Director Kottmeyer, County Board Member Olson, County Board Member Reddick, Treasurer Gwen Henry, Chief Financial Officer Backfield, Principal Engineer Vonnahme, Civil Engineer Winklebleck, Bill Faedtke/Information Technology

Visitors: Erskine Klyce/Naperville, Joan Morange/Procurement Division, Tyrone Tipitino/Procurement Division, Phyllis Zimmer/Willowbrook, Erik Gil/CBBEL, Kay Whitlock/CBBEL, Tom Sutton, Jeff Moline/Woodridge, Brian Brown/AMEC, Doug Noel/AMEC, Tom Thomas/Treasurer's Office, Nancy Hill/DuPage Mayors and Managers, Phil Luetkehans/Schriott & Leutkehans, Dan Milinko/Imbrium Systems, Kay McKeen/SCARCE,

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1. Roll Call

Roll call: Connelly-here, Dzierzanowski- here, Fichtner-here, Gilgis-absent, Johnson-absent, Krause-here, Marcucci-here, Mazaika-here, McBride-here, Pretzer-here, Sheahan-not present at time of call, Zay-here.

2. Public Comment

Phyllis Zimmer, 6446 Tennessee, Willowbrook, addressed the Committee with concerns regarding the report that was presented at the last meeting having some discrepancies.

3. Minutes – July 10, 2007

A motion was made by Member Connelly, seconded by Member Krause to approve the July 10, 2007 Minutes as amended. On voice vote, motion carried.

4. Claims Report

A motion was made by Member Krause, seconded by Member Mazaika to approve the Stormwater Division and Stormwater Permitting Claims Reports as submitted. On voice vote, motion carried.

5. Budget Transfer

A motion was made by Member Krause, seconded by Member Mazaika to approve the Budget Transfers as submitted. On voice vote, motion carried.

6. Fee-in-Lieu Wetland Banking Refund – Rosol Construction

A motion was mad by Member McBride, seconded by Member Connelly to approve the fee-in-lieu of refund to Rosol Construction in the amount of \$93,142.91, due to the fact that a portion of this fee was no longer applicable as a result of a previously approved grading plan. On voice vote, motion carried.

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A motion was made by Member Krause, seconded by Member Connelly to combine Agenda items #7 through #11. On voice vote, motion carried.

7. Contract Close Out – SM-001A-05 – RESOLUTION – First Amendment to Purchase Order S12509, issued to Bollinger, Lach & Associates, Inc. for on call surveying services for a decrease to the contract in the amount \$2,188.11, necessary to closeout the contract resulting in a new contract total amount of \$67,811.89 a decrease of 0.03%.

8. Contract Close Out – SM-004A-03 – RESOLUTION – First Amendment to Purchase Order 730095, issued to Christopher B. Burke Engineering, Ltd. for floodplain mapping updating in the Lower Salt Creek Watershed for a decrease to the contract in the amount \$38.44, necessary to closeout the contract resulting in a new contract total amount of \$191,095.56 a decrease of 0%.

9. Contract Close Out – SM-045A-03 – RESOLUTION – First Amendment to Purchase Order S11094, issued to Patrick Engineering, Inc. for professional engineering and land surveying services for a decrease to the contract in the amount \$9,543.82, necessary to closeout the contract resulting in a new contract total amount of \$67,456.18 a decrease of 0.12%.

10. Contract Close Out – SM-030A-01 – RESOLUTION – First Amendment to Purchase Order 630331, issued to Consoer Townsend Envirodyne Engineers, Inc. for stormwater bond fund project engineering assistance for a decrease to the contract in the amount \$13,173.26, necessary to closeout the contract resulting in a new contract total amount of \$36,826.74 a decrease of 0.26%.

11. Contract Close Out – SM-021C-03 – RESOLUTION – Third Amendment to Purchase Order 730292, issued to Camp Dresser & McKee, Inc. for professional engineering services to complete the Spring Brook Watershed Plan for a decrease to the contract in the amount \$3.41, necessary to closeout the contract resulting in a new contract total amount of \$93,472.59 a decrease of 0.10%.

A motion was made by Member Krause, seconded by Member Marcucci to approve Agenda items #7 through #11. On voice vote, motion carried.

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12. Agreement – SMP-015-07 – RESOLUTION - Agreement between the County of DuPage, Illinois and Engineering Resource Associates, Inc. for Professional Environmental Services, Stormwater Permit Wetland Review Services for an amount not to exceed \$ 30,000.00

A motion was made by Member Krause, seconded by Member McBride to approve the above Agreement as presented. On voice vote, motion carried.

13. Agreement – SMP-016-07 – RESOLUTION - Agreement between the County of DuPage, Illinois and Encap, Inc. for Professional Wetland Maintenance Services for an amount not to exceed \$20,137.38

This item has been pulled from the Agenda until the September meeting.

14. Agreement – SMP-017-07 – RESOLUTION - Agreement between the County of DuPage, Illinois and Williams Architects for Professional Architectural and Engineering Design Services for the Urban Stream Research Center for an amount not to exceed \$170,000.00

A motion was made by Member Connelly, seconded by Member Mazaika to approve the above Agreement as presented, pending final State's Attorney's approval. On voice vote, motion carried.

15. Agreement – SMP-018-07 – RESOLUTION - Agreement between the County of DuPage, Illinois and Planning Resources, Inc. for Monitoring Services for Fawell Dam Riparian Restoration Project for an amount not to exceed \$27,814.93.

A motion was made by Member Mazaika, seconded by Member Connelly to approve the above Agreement as presented. On voice vote, motion carried.

16. Bid Award - – SMP-019-07 - RESOLUTION – Requisition #14349, issued to Earthwerks, Inc., for the creation of Vernal Pools in the Blackwell Forest Preserve, for the Stormwater Management Division, for a contract total amount of \$136,890, per lowest responsive, responsible bid #07-086.

A motion was made by Member Dzierzanowski, seconded by Member Mazaika to approve the above Bid Award as presented. On voice vote, motion carried.

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19. New Business

Member Dzierzanowski requested information from staff as to whether a FEN was present in his District off of Klein Road and what constitutes a FEN. Director Charlton stated that a FEN is a type of wetland that has a unique plant and water chemistry which makes it a rare, highly protected wetland. Staff will look into this and report back.

Member Sheahan arrives at 7:45 am.

17. Presentation - Stormwater Phase I Feasibility Study-AMEC Earth & Environmental

Doug Noel from AMEC addressed the Committee regarding the Phase I Feasibility Study for the stormwater utility fee. A copy of the study will be available on the County website in the near future.

There being no further business, a motion was made by Member Connelly, seconded by Member Krause to adjourn the meeting at 9:10 am.

Respectfully submitted,

Angela M. Bendinelli
Secretary

