



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, November 13, 2012

7:00 pm

Council Chambers

1. Call to Order

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

Pledge of Allegiance to the Flag

Mayor Tully invited Boy Scouts from Scout Troops from Highland, Puffer, Belle Aire, Miller and Indian Trail schools to help lead those present in the Pledge of Allegiance to the Flag.

2. Roll Call

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

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

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

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

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

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

3. Minutes of Council Meetings

Council Meeting - November 6, 2012

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

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

The Mayor declared the Motion carried by voice vote.

Proclamation

The Mayor read a proclamation declaring November as National American Indian Heritage Month.

The Mayor presented the proclamation to Virginia Gary of the Downers Grove Chapter of the Daughters of the American Revolution. Ms. Gary said that the Downers Grove Chapter of the DAR is striving to repay the debt owed to the early American Indians.

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

A resident asked about the stormwater fees and ways in which the fee can be reduced. Mayor Tully said there is extensive information on the website. There will be an opportunity to lower the fee if methods to reduce stormwater runoff are implemented. The resident then asked about the fees that are in place now. The Mayor responded that the Village has to maintain a stormwater infrastructure. It is expensive and the Village must comply with the unfunded mandates of the Clean Water Act. This is currently funded by property taxes. Through the website, residents can obtain the fee for individual parcels. The Mayor said the property tax levy will decrease and be shifted to the utility fee. It is more equitable and sustainable than using property tax. The value of one's home has nothing to do with the amount of stormwater runoff generated. The fee corresponds to the amount of runoff generated. Funds will be used solely for stormwater management and maintenance. He referred everyone to the Village website.

Sallie Lupesco, 1560 Snowberry Court, thanked the Mayor and Commissioner Neustadt for their efforts and those of staff to the benefit of the Scouts.

5. Public Hearings

6. Consent Agenda

BIL 00-05067 A. List of Bills Payable: No. 6012, November 13, 2012

Sponsors: Accounting

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

Indexes: N/A

MOT 00-05068 B. Motion: Award a Contract for \$43,408.00 to Sentinel Technologies, Inc., for Network Attached Storage Device

Sponsors: Information Services

Commissioner Waldack said he submitted questions regarding this item. He would prefer that matters of this nature be referred to the Technology Commission before coming to Council.

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

Indexes: Computers

RES 00-05069 C. Resolution: Authorize an Agreement with United Radio Communications, Inc.

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND UNITED RADIO COMMUNICATIONS, INC.

RESOLUTION 2012-83

Commissioner Rheintgen congratulated staff on using existing equipment to significantly reduce the cost of this project. She noted it is \$98,000 under budget.

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

Indexes: Telephone System

RES 00-05045 D. Resolution: Authorize a Second Extension to an Agreement with Thompson Elevator Inspection Service, Inc.

Sponsors: Community Development

Summary of Item: A RESOLUTION AUTHORIZING A SECOND EXTENSION TO AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THOMPSON ELEVATOR INSPECTION SERVICE, INC.

RESOLUTION 2012-84

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

Indexes: Elevator Inspections

MOT 00-05049 E. Motion: Award a Three-Year Contract for \$320,680.88 to Snow Systems, Wheeling, IL, for Specialty Winter Operations Services

Sponsors: Public Works

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

Indexes: Snow Equipment

MOT 00-05073 F. Motion: Note Receipt of Minutes of Boards and Commission

Summary of Item: Environmental Concerns Commission - October 11, 2012

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

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

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

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

7. Active Agenda

ORD 00-05025 A. Ordinance: Adopt the Fiscal Year 2013 Budget in Lieu of Passage of an Appropriation Ordinance

Sponsors: Manager's Office

Summary of Item: This adopts the fiscal year 2013 budget in lieu of an appropriation ordinance. As provided by law, proper notice has been given, the budget has been available for inspection for at least ten days, and a public hearing was held on November 6, 2012.

AN ORDINANCE ADOPTING THE FISCAL YEAR 2013 BUDGET IN LIEU OF PASSAGE OF AN APPROPRIATION ORDINANCE

ORDINANCE NO. 5286

Commissioner Waldack said a budget is not a reason to do anything; it is not an excuse. It is a

plan that reflects the intentions of Council majority at a particular time and can be changed at any Council meeting. He's voted against components of this budget twice - the stormwater utility and increasing debt. He referenced the items on this evening's Consent Agenda that could cost money or save money in the future. Commissioner Waldack also spoke of unexpected events that can affect the budget. He said that twice Dr. Goodman spoke regarding restoring funding to the Community Grants Commission. All it takes is a Council majority at any time to change the budget. Commissioner Waldack said he did not raise the issues of restoration of funding for senior transportation or Meals on Wheels. He noted that funding for schools includes meals for some students. We have seniors who may need meals paying taxes that are used to pay for meals for students. He did not ask for funding for these matters because it is clear that the majority of Council does not want to fund these programs; however, he has hope for the future. The budget increases revenues through property taxes and higher fees. The Village is spending more money. This budget increases debt and will continue to do so in the future. The most the budget will do is fund core services. He feels our community wants and deserves more. He believes the residents aspire to a full community. This budget will not offer that. He will strive to address the evolving budget challenges. He said he will vote for the budget and will continue to monitor it.

Commissioner Neustadt said the budget process may have seemed routine. He said it contains the key components to include stormwater utility, to reduce the property tax, to balance the General Fund, and to continue capital improvement projects. The Village operates on lean principles. This budget is an example of the work that goes on here. The information provided to the Council is accurate. The budget is what was initially presented. He supports this budget.

Mayor Tully said there have been discussions for many months regarding this budget. It reflects those discussions and agreements. We can be proud of this work. He recognized the outstanding staff work and on-going efforts to be lean.

A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:

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

Indexes: Budget - 2013

MOT 00-05050

B. Motion: Estimate 2012 Aggregate Tax Levy for the Village of Downers Grove

Sponsors: Finance

Summary of Item: This finds and determines that the aggregate levy for the Village of Downers Grove, as defined in the Illinois Truth and Taxation Law, estimated to be necessary to be raised by taxation for 2012 upon the taxable property in Downers Grove is \$24,853,250.76. This amount is based upon an estimated levy of \$3,968,669 for corporate and police; \$2,850,000 for fire; \$1,943,836 for police pension; \$2,244,196 for fire pension; \$4,306,580 for library operating; \$655,460 for the 2003 library debt service; \$1,180,950 for Central Business District 2005 Series debt service; and \$707,907.50 for Fire Station #2 2007 Series debt service; and \$1,151,012.50 for Stormwater 2008A Series debt service; \$154,575 for Central Business District 2008 B Series debt service; \$1,329,350 for Central Business District and Fairview Avenue 2009 Series debt service; \$493,700 for Central Business District 2010 Series debt service; \$397,800 for Central Business District 2010B Series debt service; and \$3,222,768.76 for Capital Projects 2012 Series debt service.

The estimated levy for Special Service Area #2, CBD Special Service Area, is \$246,446. A public hearing will be held on these proposed levies on December 4, 2012 at 7:00 p.m. in the Village Council Chambers. The adoption of the proposed levies will be held on December 11, 2012 at 7:00 p.m. in the Village Council Chambers. Staff is also directed to prepare ordinances to abate certain 2012 tax levies.

Mr. Fieldman said the vast majority of the levies for debt service will be abated based on other revenue sources. The total levy will be 15% lower than last year.

Mayor Tully said the wording of this motion is in compliance with Truth in Taxation requirements, which can be very confusing. Council and staff work very hard to explain this in a more comprehensible fashion.

A motion was made by Commissioner Durkin, seconded by Commissioner Barnett, to Authorize this file. Mayor declared the motion carried by the following vote:

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

Indexes: Tax Levy - 2012

8. First Reading

ORD 00-05064 A. Ordinance: Consider a Petition for a Special Use for a Multi-Family Senior Housing Facility at 5100 Forest Avenue

Sponsors: Community Development and Plan Commission

Community Development Director Tom Dabareiner made the presentation on the Special Use permit. This petition is for a multi-family residence supportive living facility in the downtown business zoning district. The Plan Commission recommended approval of this petition by a 5:2 vote; however, staff is recommending denial as it does not meet the Zoning Ordinance requirements and variations are not authorized by Sec. 28.1802 of the Zoning Ordinance. Specifically the lot area and parking requirements are not met.

Mr. Dabareiner showed the site location at the northwest corner of Gilbert and Forest Avenue. It presently holds a vacant bank building, and is zoned DB for Downtown Business. The propose building is oriented north/south on the site as shown on the site plan displayed. He explained there is an 18-car outside parking lot on the east side of the property. The building runs along the west property line. Mr. Dabareiner showed the uses including a 5-story building, a parking garage, administration, laundry and dining on the first floor. The remaining four floors would include 120 living units.

Mr. Dabareiner said staff believes this does not meet the Comprehensive Plan goals. The Comprehensive Plan recommends that this site develop as a mixed-use, transit-oriented development. This is not something that required interpretation. Further, it is identified as a catalyst site, which recognizes the strong potential of the site to support or advance the vitality of the downtown. Additionally, the proposed development does not provide an attractive vista that would draw pedestrians from Main Street to the site. The project also does not meet the requirements for parking or the lot area-density. Special use standards have not been met as well. Therefore staff recommends denial due to the inconsistencies.

Mayor Tully said that a Support Living Facility (SLF) is recommended by the State as being needed. This type of facility is contemplated but the problem he has with this is whether this proposed use fits at this particular site in the downtown business district. He has a problem with the fit. It requires a Special Use. He is not as convinced that it is a multi-family residence. It is clear that it is an SLF, which is not permitted under the Village's Code; therefore, it cannot be approved. The Mayor said they have to consider the criteria for a multi-family development for Special Uses under Sec. 28-1902 of the Municipal Code. He then read a portion of the Special Use requirements. The proposal does not meet the lot area or the parking requirements and they cannot grant a variance. He further explained that it is not in substantial compliance with the Comprehensive Plan. The Comprehensive Plan gives specific guidance. The Mayor referenced the catalyst sites, as this location is a catalyst site. This development does not meet the definition of a catalyst site. The Comprehensive Plan speaks clearly on this particular issue. The Mayor agrees that there is a need for this, but it does not fit in this area. The Plan Commission minutes are full of references to the fact that this does not fit. He does not think the Council has the authority to approve this.

Commissioner Schnell said that the petition is for a Special Use for multi-family senior housing supportive living facility. As she looked at the development and the supportive materials she realized her decision had to comply with the Municipal Code. The Code calls for a maximum of 60 units. The proposed site has 120 units. Another problem is parking. Public parking in the area is at a premium. She cannot vote for a petition that does not meet the Code. The site is identified as a catalyst site due to its importance. Commissioner Schnell noted, however, that the Council must adhere to the Comprehensive Plan. The SLF is not a mixed-use development. It has a single focus. She believes that careful decisions must be made on this site. Waiting for the right development is vital for the vibrancy of the downtown. After careful review, she feels that this does not meet the minimum requirements of the Municipal Code or the Comprehensive Plan.

Commissioner Neustadt stated that the Village Council cannot approve this petition, as it does not meet the Zoning Ordinance or Comprehensive Plan requirements.

Commissioner Barnett stated that this is not a question of a SLF or of need. It is a zoning question. The zoning rules are very clear. The Council cannot move forward.

Commissioner Durkin agreed that he cannot support this for the reasons already stated.

Commissioner Waldack commented that they have a wealth of information available to them. This petition passed the Plan Commission, but the vote was from the heart and not from the law. He has met with some of the principals involved and has reviewed the material. Based on the law and applying it to the facts, this does not meet the rules.

Commissioner Rheintgen said that she went through all of the materials and this does not meet the Zoning Ordinance for parking or density. It is not a permitted use for the Downtown Business District. The Comprehensive Plan recommends a mixed use, transit-oriented development. This does not meet the requirements of a catalyst site.

There being no further comments from the Council members, Mayor Tully called for comments from the public.

1. Kathy Pedigo, Manager of Immanuel Residences adjacent to the proposed property, said that she has spoken with the project team. The residents at Immanuel shop and dine in downtown Downers Grove, as do their families and friends. They are supportive of this project as it would be an exciting opportunity to support affordable housing for older adults. The project would combine housing and there would be an opportunity for businesses as well under the roof. She consistently has a waiting list at Immanuel Residence and there are often people who have to leave to supportive residences. It would be nice to tell those who need to leave that they could move next door. It is assisted living for those who need it. This project would be a significant economic opportunity and she supports the project. She asked the Council to vote in support of this petition. She then read comments of her associate who manages Peace Memorial Manor.

2. Rose Malcolm, Manager of Peace Memorial Manor, submitted her written comments to Kathy Pedigo to read into the record. Ms. Malcolm said that Peace Memorial is home to 182 men and women. People who choose to live at Peace have chosen an independent lifestyle. Those without financial means may consider a SLF. Downers Grove is an aging community and home to many residents. They do not want to leave the community, but without affordable housing they may have to do so.

3. Rosa Hudson, 5112 Forest Avenue, owns the hair salon next to the proposed site. She agrees with the staff recommendation saying that the site should be considered as a downtown use. She does not believe you should accommodate this just because of the economy. She suggested a parking study, as this is a very congested area.

4. Douglas Marks, 6830 Springside, said if there are 120 units, it could also accommodate couples and singles. The Village needs to be more open to parking requirements, as they may not need as many parking spots. People walk to his store and elsewhere. He serves seniors with direct delivery, and this would help his as well as other businesses in the downtown area.

5. Kerry Quirin, 1221 68th Street, spoke in support of the facility. She has worked in this field for 16 years and her motivation for speaking is not for her own benefit. She spoke about what is provided in an SLF and the qualifications necessary to live in an SLF. It is less expensive than placing people in Medicaid beds or nursing homes. The pros of the project are that it will fill the TIF cap, stimulate the economy in Downers Grove, staff will eat meals in restaurants, and it will create jobs. SLFs do not fail. They are always full with waiting lists. The need will only increase, as there may be a bed shortage in the next 20 years. There have been challenges to the project including parking requirements. She noted that there is ample parking as most seniors don't drive and staff would work in shifts. There will be underground parking available for the residents. They would be able to predict the needs. The developer agreed to all of the parking provisions.

With regard to the Comprehensive Plan, the developer contacted Allen Kracower, designer of Downers Grove's Midwestern University. Mr. Kracower found the project to be consistent with and in substantial compliance with the Zoning Ordinance and the Special Use, the Comprehensive Plan and the Land Use Plan. SLFs are still a new concept and therefore, there is no blueprint as to where they should go. This could be modified as other plans have been, such as Acadia on the Green. Wheaton and Naperville have approved SLFs. She does not think retail would work in this spot, as retail does not work well off Main Street in Downers Grove, as evidenced on Mochel Drive, which has numerous non-retail units. Lemon Tree has had to change its direction several times in order to be successful as a retail business. She asked that the Council meet with the developer, and asked that the Council support this petition for seniors, which Tom Brokaw called "the greatest generation." She presented a petition to the Council in support of the facility.

6. Tom LeCren, 545 Chicago Avenue, commented that the main entrance is at Forest and Burlington. Crossing at that location is dangerous. He hoped that the building could be reoriented.

7. Mr. Marks commented again that this could be handled by right turn only signage. It should be addressed.

8. Ms. Quirin said that this is a proposal for an assisted living facility. The residents would not be walking alone.

9. Tom Sisul, attorney for the petitioner, said he hears that the Council has run into a brick wall. This type of proposal was not in existence at the time the Ordinance was written, or the Comprehensive Plan was written. He has worked with staff for two years on this project. Up until a few days before the Plan Commission meeting the petitioner was told that staff supported this project. The recommendation to deny took the petitioners by surprise. Staff did not tell the petitioner that this was not appropriate. The project was first intended to go on 63rd Street, but staff told him that they could not support it on 63rd Street. The petitioner started to look elsewhere in July, went to staff, told them where they were going to go and what they were going to do. Four days before the hearing staff told the petitioner they were in favor of this at the proposed location. All of a sudden their approval was withdrawn and they recommended denial. SLFs were not contemplated at the time of the Ordinance and the Comprehensive Plan. There is a difference between a variance and a Special Use. Mr. Sisul indicated that the Council has the power to modify the Special Use. He indicated that they are willing to sit down with the staff and work on a modification to accommodate the people in need of this service.

Mr. Sisul noted that this proposal came out of the State, and it meets those State requirements. The units are 400 square feet in size. This is not a dwelling unit as defined, as there are no permanent kitchen facilities. This is for people who require assistance. It has a common eating area, and it is a mixed-use building, including commercial businesses. Mr. Sisul noted that if you consider this as a Special Use it meets the spirit of the Comprehensive Plan. He read a portion of the Comprehensive Plan into the record regarding senior housing. He said that people want to be able to stay in the Village, as no other place is as good. Retail in this area is a pipe dream. He agreed that people are not willing to go off Main Street to do their shopping. He noted that there is no foot traffic over the tracks.

Mr. Sisul said that the Comprehensive Plan says it is a "plan" - it is not concrete. The petitioner prepared a presentation. This is a Special Use and the Council has the right to modify a Special Use. The objections raised by the Council are not based upon the Special Use. This was a bank that has been vacant for six years and the area has suffered economic loss as a result. The developers have not been interested in the site. The Village now has the opportunity to generate tax income. This is a \$15 million project and the need is there. Residents will not be driving. He urged the Council to be open to the needs of the community. This creates a pedestrian-oriented traffic pattern and will not create traffic problems. These people already live in the community and just want to stay here.

Mr. Sisul said this is a serious proposition. They worked with staff. Staff was planning on going ahead with this until a few days before it went to the Plan Commission. He indicated that this is a real need that can be accommodated by modifying a Special Use to fit this proposition. This is a \$15 million project going into a TIF District.

Mayor Tully asked if Mr. Sisul was referring to Sec. 28-1903, and Mr. Sisul responded he was referring to Sec. 28-1802.

Mr. Sisul asked if the petitioner would be allowed to make the presentation. The Mayor said this is a Workshop, and he thought Mr. Sisul was making their presentation. Mr. Sisul said it was not clear to the petitioner, as he'd never been to a Workshop where Council members were giving opinions before hearing the petitioner. He thought the Council had already decided not to hear the petitioner.

Mayor Tully interrupted saying he had to comment on a number of statements made which were very objectionable. He said many of the Council members have met with the petitioners, have read information from the petitioners, staff reports, the Illinois Chicago Heights case, the Plan Commission packet, etc. To suggest the Council has not received information from the petitioner is misconstrued. He disagrees that the Council doesn't know anything about this project. Mr. Sisul said that was not his suggestion. Mayor Tully said that no one is suggesting that an SLF is a bad thing.

Mr. Sisul stated that each Commissioner gave their position, followed by public comments, before the petitioner even discussed the proposition. He always thought the petitioner would have the opportunity to make its presentation then followed by Council and public comments. That confused him.

Mayor Tully said if the petitioner would like to make the presentation with new information he would love to hear it.

Mr. Sisul responded that the public has not heard their presentation and he thought they would like to hear it.

The Mayor said there are questions in terms of the zoning. He then recommended a five-minute break with the meeting to resume at 8:55 p.m.

Mayor Tully reconvened the meeting, to continue with Mr. Sisul's presentation.

Mr. Sisul clarified that he was referencing Sec. 1901(c). He said that all of their witnesses will make their presentation in consideration of the Council's previous statements.

Wayne Smallwood, Executive Director of the Affordable Assisted Living Coalition, said his coalition is a small trade association headquartered in Springfield and representing 138 operating supportive living facilities in the State of Illinois. Supportive living is in its 13th year, becoming operational in 1999. It offers seniors and those with disabilities the ability to live in apartments without being in institutional care. Illinois' supportive living program is called the best in the country. Once people spend down their own private assets they can remain in the facility. There are two types of facilities: 1) people aged 65 and over, and 2) 22-63 year olds with physical disabilities. He said that each applicant has to undergo an extensive application process. He was one of the authors of the supportive living program that was created to offer seniors and disabled a living situation that was not previously available. The history of this particular site began in 2005 when 140 applications came to the State of Illinois and Downers Grove was one of 74 sites approved at that time. Originally it was relative to the Saratoga Grove site, and then the 63rd Street site. It has been moved to the existing site. This site and application have been extended for an operational deadline of February 2013. The petitioner must show the State progress to move forward as further extensions will not be granted.

Mayor Tully said that the sense of urgency is not lost on the Council. That was part of the reason that the Council prepared itself in advance.

Mr. Smallwood continued that there is a need for this project. Regarding parking requirements for seniors, in other locations in the State about 5% of residents continue to drive. The facility will purchase a bus for resident use. It is a permanent program and he hopes that the Council will find a way to allow this to develop.

Commissioner Waldack commented that SLFs are rather new. Mr. Smallwood replied that they have been in place for 13 years. Commissioner Waldack asked if they are all Medicaid funded. Mr. Smallwood replied that they are about 60% Medicaid, 40% private. This particular site is anticipated to be a 50/50 split.

Commissioner Waldack said that individuals would probably have about \$90 of spending money per month, out of which they would have to pay for their transportation. He doesn't think there will be sufficient transportation to cover medical visits, etc. He doesn't see much spendable income going into the downtown area. Mr. Smallwood replied that under the Medicaid program, family supplementation is allowed. Residents throughout the State love this model, as it is a wellness model where people are encouraged to keep active.

Commissioner Waldack noted that Immanuel Residences is a Sec. 8 HUD type housing.

Commissioner Barnett asked about the number of SLFs in DuPage County. Mr. Smallwood said that the Wheaton facility is not an SLF facility.

Tom Trovato, Director of Housing Operations, Presence Health, has 16 years of experience working with seniors and has opened four SLFs. He is very excited about this petition and considers it an extreme pleasure and honor to serve seniors. Mr. Trovato said he is with Presence Health. In terms of the facility, the residents receive three meals, a wellness program, housekeeping, safety, etc. He said that 85% of the seniors come from the primary area. He spoke of life enrichment based on the ABLE concept - active, balanced, life, enrichment.

The Mayor commented that no one is disputing that this would be a well-run facility. This is a land use issue. There is no debate that it would be well run.

Mr. Trovato then spoke about the staffing, parking and mobility of the residents. Their quality of life can remain intact.

Chris Lavoie, C.M. Lavoie & Associates, addressed the parking issue, saying that parking is not identified in the Code for this type of a facility. The proposed facility is unique. Many SLFs are combined with nursing homes on the same site. He found three sites that closely resemble this site. They range from 102 to 148 residents with no more than 15 residents owning their own cars. He counted no more than 27 cars on these sites at any one time. Mr. Lavoie said that one of the common components of SLFs is a vacant parking lot. This use will not impact the parking downtown. The developer has agreed to limit the spaces to 12, which is a .35 ratio. Staff said they had two concerns in their report that were addressed in his report. People come and go over a 1-1/2 hour period. They will not need 25 parking spots. This facility will not fail. He suggested that the Village reconsider parking.

Commissioner Barnett said he heard that the petitioner agreed to the parking requirements, but the proposal is 25% of the requirement. Mr. Lavoie replied that in the initial staff report to the Plan Commission there were eight criteria one of which was to limit parking spots to 10% of the people living there. Staff's request was significantly higher, and modifications could be made.

Commissioner Barnett asked whether the cited locations were in a downtown area. Mr. Lavoie responded that one was in Batavia. He has been on the project since 2009. He has worked with staff on multiple designs as well as components of the Comprehensive Plan. They thought they were in compliance, and will continue to work with the staff and the Council.

Commissioner Durkin asked the location of the 63rd Street proposal. Mr. Sisul responded it was at 63rd and Fairmount. Commissioner Durkin noted that area was zoned residential. Mr. Sisul explained it was an aggregate of single-family residential lots, but it didn't work out.

Gregg Stec, Delta Development, commented that staff said the petitioner has to work with the community. He referenced people he spoke to about the project. They are local vendors and businesses within the Village, and Mr. Stec said he met with numerous businesses in the downtown area to obtain their support for the project. They expressed enthusiasm for the project. They also reached out to Downers Grove South and Downers Grove North for job opportunities for students.

Mayor Tully said that the Council understands that they would work with the community. He asked for more information regarding the land use issue. The Mayor said the decision regarding this request rests with the Council. Council is trying to make a decision based on the information presented to them. Council was asked to do this on an expedited basis and came prepared. It has been suggested now that Council has pre-judged this issue. Council is listening to this issue, and comments made by the Council were to help focus the analysis on the very technical land use issue. Council fully appreciates the good will and well-run operation being proposed.

Mike Fiandaco, Delta Development, said he was not prepared to go forward on the Zoning Ordinance based on staff comments. There is a minimum lot area of 800 square feet per dwelling unit. A dwelling unit has a kitchen, however, these units do not have kitchens. Staff tells the petitioner they are limited to 60 units while they are proposing 120 people on a one-acre site. They can do this because they are not dwelling units. Mr. Fiandaco said if the Council likes the project the developer could find a way to make it work to meet the requirements. The Village has zoned for this already, and they are requiring a Special Use. He explained that this should not be a zoning issue because the developer can provide the mechanism that will meet the requirements. One of the areas they differ in is the definition of dwelling units since these do not have kitchens. Mr. Fiandaco said he believes they are consistent with the Comprehensive Plan, and the area is zoned for this purpose. They merely have to find the mechanism to do it. He said the Village could limit it to a SLF. He disagrees

that there is no way to approve this. It has been done in other communities. They have an operating budget of \$2 million. The objective is to keep downtown vibrant by packing it with people. He explained how the units could be configured. The building will look like a medical office building, and everything they propose has been done before. They want to see this go through. The Comprehensive Plan is a guide and not a law. He encouraged the Council to look at Wheaton's facility. He believes the petition is being made more complicated than it actually is and that the focus should not be zoning.

Commissioner Schnell noted that in a studio there is one person, and in a one-bedroom you could have a couple. She asked what the capacity number of residents is. Mr. Fiandaco said that the license is for 120 beds.

Commissioner Neustadt asked about SLFs and Assisted Living Facilities. The Council is the decision maker in this matter. He said there is a difference between SLFs and assisted living facilities. Mr. Fiandaco replied that the real difference is that SLF has a Medicaid component and assisted living is private. Commissioner Neustadt said they have to be absolutely sure about the terms used and define the specifics.

Mr. Smallwood replied that different codes have different requirements. There are more differences than just Medicaid components.

Mr. Fiandaco pointed out that the site they are discussing in Wheaton as a comparison has not been built yet, although it has been approved.

Commissioner Waldack commented that some of the arguments presented had to do with money to be spent in Downers Grove and that is why he looked at this. He said businesses support this but not the Downtown Management Corporation. Mr. Fiandaco replied that he met with the Downtown Management Corporation. Their concern was whether this has been done in a downtown area before. There are similar facilities in Hinsdale, DesPlaines and other places.

Commissioner Schnell said they still haven't answered her question regarding a condition of a Special Use. This does not comply with the Zoning Ordinance. She would appreciate information as to their interpretation. The facility is a great idea but it doesn't fit in this location nor in the confines of the Village's Zoning Ordinance. She would like that information made available before next week. She must have that information to understand why they feel it will work, and what she is missing.

Commissioner Barnett said that the Council seems to be struggling with the location, yet all the letters of support don't specify what they are supporting - is it the location they are supporting, or are they supporting the concept. There are places in the Village where this could go by fact. When he hears there will be offices on the first floor, that is nice, but it is not retail. He wants specifics as to whether the concept is supported and the Village should change its Zoning Ordinance. Now it's a square peg in a round hole. He wants to know how zoning and application relate to the project.

Mr. Stec responded that petitioners knew the location of the proposed facility when they signed the petition as it specified 5100 Forest Avenue. He pointed out the State license is site-mandated.

Mayor Tully noted that the State does not mandate the site. The State did not pick the site. The point is that the proposed use does not fit the site.

Donna Adler, 1224 Gilbert Avenue, commented that they have a failed use at the corner for seven years. The project could be a tremendous use on an empty building. She worries about that building, and thinks this is a terrific use of that site. The downtown in Downers Grove is Main Street. There is empty property with no use right now on Forest Avenue. The bigger

picture is getting lost. That spot is not a hot commercial spot. She asked the Council to be open-minded.

Mayor Tully replied that the community developed the Comprehensive Plan. The Council is being respectful of the community when it is respectful of the Comprehensive Plan.

John Bradich said he supports the project as he considers the people who will be living there and their families.

Mr. Sisul said he has listened to the Council and understands what is bothering the Council. He referenced the Comprehensive Plan, saying it is not a development plan.

Mayor Tully said that they have to review Sec. 28.1902 of the Zoning Ordinance because the Comprehensive Plan is part of the Zoning Ordinance. He cannot completely disregard it. No one is quoting the preamble to Sec. 28.1902, and he cannot ignore that preamble. It is mandatory that the Comprehensive Plan be considered in terms of whether the project is consistent with the Plan. That is not disputable. Mr. Sisul said they do need to consider it, but they have to consider that the Plan is flexible and not mandatory. Their proposal is a new concept and is not in the Code. If the project is dealt with as a Special Use they can modify it. If the Council wants to do it, it can be done.

Mr. Fieldman said this item will be on the Active Agenda next week for a vote. He asked that any additional information be made available to the Council as soon as possible.

Commissioner Rheintgen noted that the petitioner is asking for exceptions for density and parking. She said it is important to consider that supportive living facilities and other senior housing developments are not permitted or special uses in the downtown business district.

Indexes: Supportive Living Facility, 5100 Forest Avenue

MOT 00-05063

B. Motion: Issuance of Private Activity Bond for a Multi-Family Senior Housing Facility at 5100 Forest Avenue

Sponsors: Manager's Office

The Manager said this is a request by the petitioner that the Village issue private activity bonds to finance the construction of a supportive living facility at 5100 Forest Avenue. Staff recommends denial of the request to issue private activity bonds.

Commissioner Waldack asked if there is a time limit on issuing the bonds. The Manager said approval of this motion would start the process.

Commissioner Schnell noted that the Village does not have bonding authority for 2012. Mr. Fieldman said that was correct. Other municipalities would have to cede their bonding authority to the Village.

Indexes: Industrial Revenue Bond - Delta Development, Supportive Living Facility, 5100 Forest Avenue

ORD 00-05070

C. Ordinance: Proposing Establishment of Special Service Area Number 5 - Atwood Subdivision

Sponsors: Community Development

Mr. Fieldman said this is proposing establishment of Special Service Area #5 for the Atwood Subdivision. This will serve as a safeguard in the event that the homeowners association cannot, or does not, maintain the subdivision's stormwater detention areas. The SSA will allow the Village to levy a special tax on the property owners for the maintenance of the facility. The tax would only be levied if the association defaults and the Village is required to maintain the

common areas.

Commissioner Schnell said this would only go into effect if the homeowners association did not maintain the stormwater detention areas. This would provide for the maintenance at no cost to the Village. The Manager said that was correct.

Indexes: Special Service Area 5 - Atwood Subdivision

9. Mayor's Report

Materials to be Placed on File

10. Manager's Report

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting two (2) items to Council: An ordinance proposing the establishment of Special Service Area Number 5 in the Village of Downers Grove, Illinois and providing for a public hearing and other procedures in connection therewith; and 2) A petition seeking approval of a special use to permit a multi-family senior housing development at 5100 Forest Avenue.

Future Active Agenda

12. Council Member Reports and New Business

New Business

INF 00-05090 Information: Prescription Drug Disposal

Commissioner Neustadt said a drug disposal program would give people the ability to drop off old or unwanted prescription drugs. It was an idea discussed at the heroin forum. The service, RxBox, is an IEPA program. There is no funding for expansion of this program; however, there are several collection locations close to Downers Grove. Staff will request to be placed on the waiting list for a box, at the direction of the Council.

The Manager said this would be placed on a future agenda should a box become available.

The Mayor noted that Council members have indicated their support for this.

Indexes: Prescription Drug Disposal

Reports

Commissioner Neustadt said the Downtown Management Corporation is hosting the Gingerbread Festival from November 23 through December 31. The Holiday Tree Lighting ceremony will be at 4:45 p.m. on November 23.

Mayor Tully said the next Coffee With The Council is Saturday, November 17 at 9:00 a.m. at Bank Financial at the corner of Main and Curtiss Streets.

The Mayor congratulated Downers Grove North and Benet High School on their football game.

13. Adjournment

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

Mayor Tully declared the motion carried by voice vote, and the meeting adjourned at 10:45 p.m.