

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL BLUE ROOM
801 BURLINGTON AVENUE**

Thursday, November 1, 2012

I. CALL TO ORDER

Ms. Kuchynka stated that there was a room scheduling conflict and the meeting had been relocated to the Blue Room within Village Hall.

Chairman Strelau called the November 1, 2012 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mr. Austin, Mr. Clary, Ms. Fregeau, Mr. Jacobson, Chairman Strelau

ABSENT: Ms. King, Mr. Krusenoski

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

OTHERS: Telly Adrianopoulos, Nick Christopoulos, George Andrews, Jim Christopoulos, Dawn Rhodes, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes October 4, 2012 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the October 4, 2012 minutes of the Liquor Commission meeting were approved as written.

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

IV. APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

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

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

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

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

1300 Restaurant Corp. d/b/a Omega Restaurant

Chairman Strelau stated that the next order of business was an application hearing for 1300 Restaurant Corp. d/b/a Omega Restaurant located at 1300 Ogden Avenue. She stated that the applicant was seeking a Class "R-2", beer and wine, on-premise consumption liquor license.

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

Mr. Telly Adrianopoulos and Mr. Nick Christopoulos were sworn in by the court reporter. Mr. Adrianopoulos introduced himself as the accountant for 1300 Restaurant Corp. and Mr. Christopoulos introduced himself as part owner of 1300 Restaurant Corp.

Chairman Strelau asked the applicant to present its case.

Mr. Adrianopoulos that stated that they are re-opening the Omega Restaurant and were seeking a beer and wine license to compliment their menu and accommodate patrons.

Chairman Strelau asked staff if there were any additional factors affecting the finding or recommendation concerning this liquor license. Ms. Kuchynka advised that issuance of the license remains contingent upon receipt of the annual fee, dram shop insurance, satisfactory background checks and a certificate of occupancy.

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

Mr. Clary asked about the beer and wine cooler area and asked if it was a wait station. Mr. Adrianopoulos replied yes and noted it will be accessible only by employees.

Mr. Clary asked who will be the liquor manager. Mr. Adrianopoulos replied George, Andrews who is also the president of the corporation.

Mr. Austin asked if the staff will be new or if some of the former staff would be brought back. Mr. Adrianopoulos replied both. He stated that they are looking to hire servers who are familiar with Downers Grove laws and who are 21 and over. He stated that staff will be trained upon hire according to their policies and noted that they will hold quarterly refresher meetings.

Mr. Austin commented on the manual and referred to the section about adults sharing drinks with minors. He felt that policy should be more strict and mentioned that should not be permitted. Mr. Adrianopoulos replied that they will not tolerate adults sharing drinks with minors. Mr. Christopoulos added that they will instruct employees to tell patrons that is not allowed. He noted that they can revise the policy to make it more strict.

Mr. Jacobson was pleased that they will re-occupy the vacant building. He asked when they plan to re-open. Mr. Adrianopoulos replied by the end of November.

Mr. Jacobson asked if they had owned the establishment in the past. Mr. Adrianopoulos replied that George previously owned the restaurant and held a liquor license from 2007-2009.

Mr. Jacobson mentioned the declaration page of the application where they anticipate 90% in food sales and 10% in liquor sales. He asked about non-alcoholic drink sales. Mr. Adrianopoulos replied he would update the figures accordingly and include non-alcoholic beverage sales projections.

Mr. Jacobson asked about the locked basement storage area and asked if alcohol would be stored there. Mr. Christopoulos replied yes and noted that only managers and owners would have access.

Ms. Fregeau asked how they will serve the beer and wine. Mr. Adrianopoulos replied bottles.

Ms. Fregeau asked Mr. Andrews if he has certified training. Mr. George Andrews was sworn in by the court reporter. Mr. Andrews replied no. Mr. Adrianopoulos replied that he and Nick are certified. He stated that all employees will receive certified training. Ms. Fregeau noted that staff can provide them with information on getting a group trained accordingly.

Ms. Fregeau was pleased with their manual, that they had a designated driver program and that they would call a cab for intoxicated patrons, if necessary. She asked that they address the consequences of serving a minor with employees and add information on their termination policy.

Chairman Strelau was pleased to have the applicant back. She asked how many employees they anticipate. Mr. Adrianopoulos replied 40-50. He added that roughly 25 would be servers, they would be over 21 and would receive certified training.

Ms. Fregeau noted that they have carry out. She advised that beer and wine would not be available with such orders. Mr. Adrianopoulos and Mr. Christopoulos were aware of that.

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

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their liquor license application.

MR. CLARY MOVED TO FIND 1300 RESTAURANT CORP. D/B/A OMEGA RESTAURANT, LOCATED AT 1300 OGDEN AVENUE, QUALIFIED FOR A CLASS "R-2", BEER AND WINE, ON-PREMISE LIQUOR LICENSE. MR. AUSTIN SECONDED.

VOTE: **Aye:** Mr. Clary, Mr. Austin, Ms. Fregeau, Mr. Jacobson, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Motion carried.

VI. OLD BUSINESS

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

Ms. Kuchynka stated that licenses have been issued to Taste Indian Chinese Cuisine and Jay's Convenient since last month's meeting. She stated that Stop & Save plans to open after the first of the year.

Mr. Clary asked if Angelo's obtained their license. Ms. Kuchynka replied yes and stated that the license was issued awhile ago, but have just recently begun beer and wine service.

Ms. Kuchynka advised that there have not been many DUI Notifications. Ms. Kuchynka stated that Kane County did a story on no-refusal DUIs which was a good article contained in their packet. The group discussed road blocks and that they are typically published in the local newspaper. Ms. Fregeau was pleased that there were no DUIs in August and only one September. Ms. Kuchynka would provide yearly statistics and an overview of DUIs for the past two years.

Ms. Fregeau stated that she was concerned about what happens at licensed establishments during late night hours. She was interested that Naperville had firefighters looking into things during those times. Ms. Kuchynka advised that Fire Department did spot checks on licensees years ago, but advised that is now a union issue. She stated that there is some concern about liability and safety, as they do not have protection as do police officers.

Chairman Strelau asked about social host law. She recalled that parents were not liable if they claimed they were unaware that underage kids were drinking in their home. Ms. Kuchynka replied that social host laws have changed in that parents are now held accountable whether they know drinking is going on or not. Ms. Kuchynka advised that the minors are held liable for drinking under the zero tolerance laws.

Mr. Clary noticed mentioned that public intoxication has become an issue. Ms. Kuchynka acknowledged that there has been an increase in the number of people drinking in public. She noted that namely the homeless in the community are being ticketed for drinking in public. Ms. Kuchynka believed that was stemming from a number of complaints received by the Police Department.

VII. NEW BUSINESS

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

Ms. Kuchynka stated that she anticipated a December meeting. She noted that the meeting will be held in the Committee Room to accommodate the Park District budget public hearing.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

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

Ms. Fregeau moved to adjourn the November 1, 2012 meeting. The meeting was adjourned by acclimation at 7:28 p.m.

APPROVED 12/3/12

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

OCTOBER 1, 2012, 7:00 P.M.

Chairman Hose called the October 1, 2012 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Hose, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Mr. Quirk, Mrs. Urban

STAFF PRESENT: Community Development Director Tom Dabareiner; Planning Manager Jeff O'Brien; Planners Damir Latinovic and Stan Popovich

VISITORS: Mr. Robert Vogel, 335 Otis Ave., Downer Grove; Mr. Pat Furey, 381 E. Quincy, Downers Grove; Mr. John Phifer, 6540 Powell, Downers Grove; Mr. David Welher, 4808 Wallbank, Downer Grove; Ms. Marilyn Welher and Ms. Linda Kunze with Downtown Management Corp., 933 Curtiss St., Downers Grove; Mr. Dan McCormick, 5205 S. Washington St., Downers Grove; Mr. Tom Le Cren, 545 Chicago Ave., Downers Grove; Ms. Rosa Hudson, 5112 Forest Ave., Downers Grove; Ms. Alice Dornan, 5125 Blodgett, #31, Downers Grove; Mr. Steve and Mrs. Sue Kovanko, 428 Davis, Downers Grove; Mr. Greg Kolinski, Ledcor Construction; Mr. Tom Trovato, Presence Health, 3582 Ronald Road; Mr. Keith Neumann, Greenscape Homes, 4355 Weaver Parkway; Messrs. Tim Hejny and Chris Lavoie with C.M Lavoie & Associates, 978 Wellington Place, Downers Grove; Mr. Keith Hoffman, 1410 Golden Bell Ct., Downers Grove; Ms. Barbara Webster, 5223 Carpenter St., Downers Grove; Ms. Donna Adler, 1224 Gilbert Ave., Downers Grove; Mr. Charles Freeburg, 222 W. Adams, Chicago; Mr. Michael Fiandaco, Delta Development, LLC, 6756 N. Harlem Ave., Chicago; Atty. Tom Sisul, 5120 Main St., Downers Grove; Mr. Chris Dasse, Studio D Architecture, 200 W. Fulton, Chicago; Mr. Gregg Stec, with Delta Development; Mr. Tom Powers, Cardinal Fitness, 6248 Blodgett Ave., Downers Grove; Mr. David Merkle, Chicago Panel & Truss, 85 Hanks Ave., Aurora; Mr. Mike Keogh, Ledwon Construction, 18W140 Butterfield Rd., Oak Brook Terrace; Mr. Steven McCloskey, 1470 Concord Ct., Downers Grove; Mr. John Mahoney, 1038 Carol St., Downers Grove; Mr. Frank Hagerty, 1301 Gilbert Ave., Downers Grove; and Mr. Joe Byczek, 5100 Forest, Downers Grove

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

APPROVAL OF THE SEPTEMBER 10, 2012 MINUTES

THE MINUTES OF THE SEPTEMBER 10, 2012 MEETING, WERE APPROVED ON MOTION BY MR WAECHTLER, SECONDED BY MR. MATEJCZYK.

APPROVED 12/3/12

MOTION CARRIED BY VOICE VOTE OF 7-0.

Planning Director, Tom Dabareiner, announced that the Village was recently awarded the Daniel Burnham Award for best Comprehensive Plan in the State of Illinois. He thanked the Plan Commission, Village staff, residents and citizens' groups for their involvement in making the best plan in the State of Illinois. Mr. Beggs commented that in the 1950s, the Jaycees conducted a Village-wide survey, called *Operation Inside*, which was very similar to the Village's Comprehensive Plan. It won the national Jaycees Award for best community development project in the country.

Chairman Hose reviewed the protocol for the public hearing process and said there will be a change in the agenda order. The Commission will first hear the lot consolidation cases and then the Special Use for the Senior Living Facility at 5100 Forest Ave. The last item will still be the proposed amendment to Chapter 20 of the Municipal Code.

PC-32-12 A petition seeking approval of a Final Plat of Subdivision to consolidate two existing parcels into one lot. The property is located on the south side of Davis Street approximately 325 feet west of Fairview Avenue, commonly known as 425 Davis Street, Downers Grove, IL (PIN 09-05-418-007); Keith Neumann, Greenscape Homes, LLC, Petitioner/Owner.

Chairman Hose swore in those individuals who would be speaking on the above petition.

Stan Popovich reviewed the lot consolidation before the commissioners, noting the parcel was R-4 Single Family Residential. Currently, the site consisted of two lots (30 feet x 142 feet wide) with a single-family home and detached garage. The owner was proposing to raze the two structures and construct a new home with attached garage in its place but without the consolidation, the new construction could not be permitted. The Village's Comprehensive Plan noted the lots in the area were anywhere from 60 feet to 90 feet wide and staff believed the proposal was consistent with the Village's Comprehensive Plan, the Subdivision Ordinance and Zoning Ordinance. Utility easements were pointed out on the overhead. Notification was published in the newspaper, a sign was posted on the property, and residents within 250 feet were notified.

Staff recommended that the Plan Commission forward a positive recommendation to the Village Council with its one condition stated in the staff report. It was also brought to Mr. Popovich's attention that in staff's report, the proposal listed three existing parcels when it was actually two existing parcels being consolidated into one parcel.

No comments from the Plan Commission. Chairman Hose invited the petitioner to speak.

Mr. Keith Neumann, Greenscape Homes, 4355 Weaver Parkway, Warrenville, Illinois, stated he was seeking approval for the two lot consolidation located on Davis Street, which lot measured 60 feet wide by 132 feet deep. He intended to construct a single-family home and needed the lots to be consolidated in order to construct the home.

Chairman Hose invited the public to speak. No comments received. Public comment was closed. Mr. Neumann waived his right to his closing statement.

APPROVED 12/3/12

Mr. Cozzo had nothing but positive comments about the proposal. Mr. Beggs commented, in general, that the approval did not change any level of use of the property. Others concurred.

WITH RESPECT TO FILE PC-32-12, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITION:

- 1. THE FINAL PLAT SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION OF BENDIEN'S SUBDIVISION PREPARED BY HARRINGTON LAND SURVEYING, LTD., DATED SEPTEMBER 10, 2012 AND ATTACHED TO THE STAFF REPORT, EXCEPT AS SUCH PLAT MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

SECONDED BY MRS. RABATAH.

ROLL CALL:

**AYE: MR. WAECHTLER, MRS. RABATAH, MR. BEGGS, MR. COZZO,
MR. MATEJCZYK, MR. WEBSTER, CHAIRMAN HOSE**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC-33-12 A petition seeking approval of a Final Plat of Subdivision to consolidate three existing parcels into one lot. The property is located on the north side of Lincoln Avenue approximately 260 feet east of Fairview Avenue, commonly known as 322 Lincoln Avenue, Downers Grove, IL (PIN 09-04-302-017); Keith Neumann, Greenscape Homes, LLC, Petitioner/Owner.

Chairman Hose swore in those individuals who would be speaking on the above petition.

Mr. Popovich, reviewed the lot consolidation before the commissioners, noting the petition was for the consolidation of three lots into a single lot of record. The parcel was zoned R-4 Single Family Residential. Currently, the site consisted of two lots (25 feet x 142 feet wide) and one adjacent lot (11 feet x 142 feet) with a single-family home and detached garage. The owner was proposing to raze the structures and construct a new home over the two common lot lines. Without the consolidation, the new construction could not be permitted. The Village's Comprehensive Plan reflected that the lot was in a single-family traditional grid area with a 61-foot wide lot. Other lot widths in the area ranged from 50 to 65. Staff believed the proposal was consistent with the Village's Comprehensive Plan and the Subdivision and Zoning Ordinance. Lot dimensions and utility easements were referenced in staff's report. Notification was published appropriately via signage, newspaper, and mailings to residents within 250 feet.

Staff did speak to a neighbor to the rear of the subject property who was concerned about stormwater drainage. At that time, staff explained the proposal would have to undergo administrative review for a building permit and would have to comply with the Village's Stormwater Ordinance. Staff recommended that the Plan Commission forward a positive recommendation to the Village Council with its one condition stated in staff's report.

APPROVED 12/3/12

A question was asked how an 11-foot wide lot came about, wherein staff explained the 11-foot lot was part of the 25-foot lot to the east.

The Chairman invited the petitioner to speak.

Mr. Keith Neumann, Greenscape Homes, 4355 Weaver Parkway, Warrenville, Illinois, stated he was seeking approval for the lot consolidation located at 322 Lincoln Street, which lot measured 61 feet by 142 feet deep (2-1/2 lots). He intended to construct a single-family home and needed the lots to be consolidated in order to construct the home. No questions followed.

Chairman Hose invited the public to speak.

Mr. Robert Vogel, 335 Otis Avenue, said he resides west of where the new home will be constructed. He shared his concerns of the home's size and water run-off. He commented on the waters problems at 318 Lincoln Street and mentioned a private water line the petitioner could hook into. Mr. Vogel discussed some of the personal water issues he experienced on his property.

In response, Chairman Hose explained that the Plan Commission's charge tonight was to review lot lines and any concerns about a home's size or compliance with the Stormwater Ordinance would have to go through the permitting process. He encouraged Mr. Vogel to track the petition and building permit process.

A Commission question was asked if more stringent storm water requirements were adopted in the last five years as compared to the past 15 years, wherein Jeff O'Brien, responded that the Village follows the DuPage County Stormwater Ordinance which was amended in August 2012. He explained the modifications focused on water quality and many projects are required to implement Best Management Practices to accommodate the new requirements.

Hearing no further comments, Chairman Hose closed public comment. Mr. Neumann waived his right to a closing statement. Mr. Beggs reiterated his earlier comment about removing lot lines. Mrs. Rabatah added that the petition was compatible with its zoning and land use classifications.

WITH RESPECT TO FILE PC-33-12, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITION:

- 1. THE FINAL PLAT SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION OF BURKHARDT SUBDIVISION PREPARED BY HARRINGTON LAND SURVEYING, INC., DATED SEPTEMBER 17, 2012 AND ATTACHED TO THE STAFF REPORT, EXCEPT AS SUCH PLAT MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

SECONDED BY MR. COZZO.

ROLL CALL:

APPROVED 12/3/12

**AYE: MR. MATEJCZYK, MR. COZZO, MR. BEGGS, MRS. RABATAH,
MR. WAECHTLER, MR. WEBSTER, CHAIRMAN HOSE**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC-34-12 A petition seeking approval of a Final Plat of Subdivision to consolidate three existing parcels into one lot. The property is located at the southeast corner of Indianapolis Avenue and Douglas Road, commonly known as 505 Indianapolis Avenue, Downers Grove, IL (PIN 09-05-422-001); Keith Neumann, Greenscape Homes, LLC, Petitioner/Owner.

Chairman Hose swore in those individuals who would be speaking on the above petition.

Damir Latinovic, reviewed the lot consolidation before the commissioners, noting the petition was for the consolidation of three lots into a single lot of record. The parcel was zoned R-4 Single Family Residential and currently had a single-family home with an attached garage on the lot. The site consists of three lots of record (one lot 25 feet x 132 feet; the other two lots, 30 feet wide x 132 feet). The owner was proposing to demolish the structure and construct a new single-family home. Per the Subdivision Ordinance, the petitioner would provide new easements along the lot lines and no public improvements are required. The consolidation would allow the petitioner to construct a new home consistent with the size of the surrounding homes. Staff believes the proposal is consistent with the Village's Comprehensive Plan and the Subdivision and Zoning Ordinances. Notification was published appropriately via signage, newspaper, and mailings to residents within 250 feet. Mr. Latinovic noted a few general inquiries about the proposal were received.

Staff recommended that the Plan Commission forward a positive recommendation to the Village Council subject to the one condition stated in staff's report.

Per a clarification question regarding the minimum lot area and lot depth requirement, Mr. Latinovic explained that the minimum lot dimensions listed are for new lots (new subdivisions) and because the petitioner is not creating any new lots and not changing anything, the dimensions of the property remained.

Mr. Keith Neumann, Greenscape Homes, 4355 Weaver Parkway, Warrenville, Illinois, stated he was seeking approval for the lot consolidation located at 505 Indianapolis Street, which lot measured 85 feet wide by 132 feet deep (3 lots). He planned to construct a single-family home and needed the lots to be consolidated in order to construct. No questions followed.

Chairman Hose invited the public to speak. No comments received. Public comment was closed. Mr. Neumann waived his right to a closing statement. No commissioner comments followed.

WITH RESPECT TO FILE PC-34-12, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITION:

- 1. THE FINAL PLAT SHALL SUBSTANTIALLY CONFORM TO THE NEWQUIST SUBDIVISION PLAT PREPARED BY HARRINGTON LAND**

APPROVED 12/3/12

**SURVEYING LTD. DATED SEPTEMBER 17, 2012 EXCEPT AS SUCH PLAT
MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND
ORDINANCES.**

SECONDED BY MR. WAECHTLER.

ROLL CALL:

**AYE: MRS. RABATAH, MR. WAECHTLER, MR. BEGGS, MR. COZZO,
MR. MATEJCZYK, MR. WEBSTER, CHAIRMAN HOSE**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC-31-12 A petition seeking approval of a Special Use for a multi-family senior housing development. The property is located at the northwest corner of Forest Avenue and Gilbert Avenue, commonly known as 5100 Forest Avenue, Downers Grove, IL (PIN 09-08-126-005); C.M. Lavoie & Associates, Inc, Petitioner; WB Pad Holdings IV, LLC, Owner.

Chairman Hose swore in those individuals who would be speaking on the above petition.

Mr. Popovich, highlighted and discussed the proposal before the commissioners, providing a history of the property located at the northwest corner of Forest Avenue and Gilbert Avenue. The petitioner was seeking a special use for the property, which was zoned Downtown Business, for a Supportive Living Facility (“SLF”). SLF is a long-term residence option for seniors regulated by the State of Illinois. Details of the program followed. Notice for the petition was published in the *Downers Grove Reporter*, mailed to property owners within 250 feet and appropriate signage was placed on the property.

Phone calls were received as to what type of residential use was proposed for the site, how construction would affect the area and the amount of parking provided. A neighborhood meeting was held by the petitioner on September 25, 2012.

A review of the site plan followed, including a review of the public improvements on the property and those proposed, i.e., replacement sidewalks on Gilbert Avenue and on the southern portion of Forest Avenue. Per staff, the petitioner was required to meet the stormwater management ordinance, but, as noted, the petitioner would be reducing impervious space and increasing green space. Additionally, there was no required run-off storage on the site, based on the stormwater ordinance, but if the special use was approved, Best Management Practices will be required of the petitioner.

The Fire Prevention Division reviewed the proposal and had no issues for the site. Mr. Popovich provided the ingress/egress access the trucks would travel on three sides of the building. The west side of the building is accessible via Commuter Lot D. The parking lot is owned by Immanuel Residences but the Village holds a lease agreement for the lot and the access drive, so there is access to the west side of the building, should an emergency arise. The building also included a fire alarm and sprinkler system.

Mr. Popovich stated the first-floor plan for the five-story building would include the parking garage, administrative offices, dining hall, kitchen, gazebo and patio. The top four floors would include 30 residential units to each floor (15 studio units and 15 one-bedroom units), with a common room, laundry, storage and attendants station. Details of units followed, along with building elevations. Building materials would include autoclaved aerated concrete panels, fiber cement board and concrete precast panels with stone and brick finishes. Some EIFS would be located on the parapet of the building. Metal screens would be used to screen in the ventilation openings of the parking garage to give it some appeal. Due to the grade changes, the building would measure 63 feet tall on the south elevation and 56 feet tall on the east elevation. A short video followed depicting the proposed building in the context of the surrounding properties.

Mr. Popovich stated the proposal did not meet the goals and intent of the Comprehensive Plan. Specifically, staff's four concerns included: 1) the proposed site was identified as a Catalyst Property #8 in the Downtown Key Focus Area Plan; 2) the terminating vista; 3) the mixed-use development; and 4) SLF state approval timelines. Mr. Popovich explained that the Comprehensive Plan identified the property as a catalyst site in the downtown and appropriate for mixed-use, transit-oriented development that could draw activity and foot traffic to the area. Staff did not believe the proposed SLF was a catalytic use and did not believe senior housing at the location would provide such an activity. Regarding the terminating vista, he reported the development should be oriented toward the downtown and provide a terminating vista on Burlington Avenue. Staff believed the building provided a physical terminating vista but it was not the effect considered by the Comprehensive Plan, as the development did not strive to move pedestrians down toward it. The Comprehensive Plan also called for the site to be reinforced with a mixed-use character and include services such as commercial and retail services, usually found on the ground floor of the building. Mr. Popovich noted that the SLF was a single residential use without the vibrancy a mixed-use development provided.

Continuing, Mr. Popovich reported the west side of the site was the dividing line between the Downtown Business Area and the Downtown Transition Area and while there was the opportunity for the site to become a good commercial redevelopment, he said the transition area should really begin on the west side of the property where Immanuel Residences existed. Staff was concerned that if the transitional space continued to weave its way into the Downtown Business District, it would dilute available commercial land in the downtown area. Staff believed the site should remain a mixed-use commercial use and keep the transition area west of the property. Lastly, staff was concerned about tying up a catalytic site while waiting for state approval of the proposal's location. Staff spoke to a SLF representative who conveyed there was a SLF certificate but it was for a different site in the Village and the certificate had not been transferred to this site. Staff did not feel it was necessary to approve a site if there was the possibility that the State may not support a site change. Staff also was concerned that if the Village Council approved the proposal without a certificate, the site could change to a partially completed or partially occupied development.

Mr. Popovich discussed that the Comprehensive Plan identifies a need for senior housing in the Village and cited the Residential Policy recommendations. However, he stated senior housing was not an appropriate use in the Downtown Business district at this specific location when the Comprehensive Plan identified the site as a catalytic site specifically listed in one of the Key Focus Areas.

Turning to the Zoning Ordinance of his report, Mr. Popovich referenced the requirements the proposal had to meet, noting that two of those requirements were not met: the lot area requirement and the parking requirement. The proposed development requests double the density allowed on the site by the Zoning Ordinance. The proposed parking also does not meet the requirements, which is especially troubling given the existing shortage of parking in the area. Mr. Popovich explained staff was concerned the SLF could one day covert to an apartment complex where additional parking needs could not be accommodated by the site or the public parking system. While the proposed building met some of the Downtown Pattern Books recommendations, Mr. Popovich stated it fell short in that the building set back on the property and the parking was located in the front of the building.

Mr. Popovich reviewed each of staff's Findings of Fact under the Standards for Approval of Special Use and recommended that the Plan Commission forward a recommendation to deny the proposal to the Village Council. However, if the Plan Commission found the proposal consistent with the Comprehensive Plan and surrounding zoning and land use classification, then it could forward a positive recommendation, subject to the conditions listed in staff's report.

Commissioners questions followed: Mr. Matejczyk inquired that if the proposed building were to be converted over to multi-family use, would the new owner/operator not have to provide more than 42 parking spaces? Also, should a conversation take place wherein the units become apartment units, would the Village approve units of 400 square feet? Mr. Popovich responded that 400 square feet per unit for lot area was not allowed in the Zoning Ordinance and that current density requirements were one unit per 800 square feet. Also, if a conversion to other uses were to take place, changes to the building would be required via either a text amendment to create additional lot area requirements to allow the specific number of units and a text amendment would have to be created to change the amount of parking required. Furthermore, Mr. Popovich clarified that as to the unit's square footage, there were certain building requirements in the building code that identified the various square footage for studios and one -bedroom units.

Asked if Acadia on the Green and Station Crossing were catalytic sites with terminating vistas, Mr. Popovich stated Acadia on the Green was a catalytic site in that it was a mixed-use development with commercial uses and which brought residents to the downtown. Station Crossing was an earlier example of a catalytic site with retail on the first floor, residential on the higher floors and internal parking. Both met parking requirements and both had terminating vistas.

Per Mr. Webster's question, Mr. Popovich explained that staff had concerns about the transfer of the SLF certificate and tying up a catalytic site while waiting for the State to approve the certificate for the specific site. Additionally, while the petitioner completed parking studies and stated the 42 spaces would be enough for the building, staff noted that if the building were considered multi-family, 168 spaces would be needed by zoning ordinance and if the building were considered assisted living, 48 spaces would be required by zoning ordinance. Staff's concern was where would visitors park since parking was already at capacity. The term "dwelling units" was looked at from the perspective of the zoning code definition.

On the topic of the SLF certificate, asked if the Village Council does not grant the approval, would it stop the ability to transfer the certificate? Wherein, Mr. Popovich stated staff did not want to put the Village in the position where the SLF is approved but suddenly the use become an assisted living use or a senior apartment use. He wanted to ensure that if the use was approved that the

state's certificate was in hand before the Village granted approval. He could not speak on behalf of the State's requirements. Mr. Webster also agreed that it did not make sense to approve something that the Village did not even know was allowed to be built, based on a funding source.

Mr. Waechtler asked the commissioners if they recalled ever moving ahead with a prior project without knowing if the site was approved by some type of regulatory body. Mr. Popovich stated the larger picture was looking at what the Village's award-winning Comprehensive Plan called for, i.e., a catalytic site, regardless of the SLF certificate or not. Staff did not believe the SLF was the type of use that was necessary or desirable at the proposed location. Mr. Waechtler voiced concern that the petitioner was going to make a presentation to the Plan Commission without knowing whether a certificate was approved by the State or not. Chairman Hose reminded him that the commission could always continue the hearing if more information was needed from the petitioner.

Mrs. Rabatah asked staff to expand upon the "hard line" that was drawn on the zoning map for the site, wherein Mr. Popovich explained the hard line was drawn because the site was a former bank site and to the west was located the Immanuel Residences which was considered a transitional site from a commercial site to a larger multi-family use location. He emphasized it was the last, edge-of-downtown site and it was necessary to keep it established as commercial. The townhomes to the south were also a transition. Per the Chairman's question, if the site was Downtown Transitional Zoning, the argument would be different with different variables. Examples followed. Asked whether a change to the Downtown Transition area, if proposed, alleviated any of the issues raised regarding the density of parking or the density of units, staff felt it did not because special use requirements existed. While the parking requirements would remain the same, he believed a number of other issues could be raised by the number of available units.

On behalf of the Petitioner, Mr. Thomas, Sisul, Attorney, 5120 Main Street, Downers Grove, introduced himself and welcomed the new chairman. He recognized former Chairman Jirik for his many years of service to the Village of Downers Grove.

With regard to staff's presentation of the proposal, Mr. Sisul stated he disagreed with staff. Initially, he explained the petitioner started over two years ago with a location on 63rd Street, but Village staff did not feel the location was right for the proposal. The current location was then chosen this past summer and the State was notified of the new location. Staff was also made aware of the nature of the project. Mr. Sisul corrected staff stating the petitioner's correct request was for "the construction of a five-story supportive living facility" and not "a multi-family senior housing development." Continuing, Mr. Sisul discussed that the project was the result of a State license and the State determined the size of the units and what the project could be used for. Referring to staff's eight conditions if the proposal was approved, Mr. Sisul, stated the petitioner agreed to all eight and suggested that because the process of changing from the 63rd Street site to the current site was underway, he suggested that the commissioners make the project contingent upon receiving the SLF certificate for the new site. Details followed on why the 63rd location did not work out. Mr. Sisul said he was disappointed in hearing that people did not want a senior living facility at the proposed location.

Commissioners questions/comments followed. Referring to page 104 of the Comprehensive Plan, Mr. Beggs shared that he was trying to decide what it was about the proposal that was more important than what was stated in the first paragraph on that page.

In response, Mr. Sisul read the paragraph noting that staff characterized the project as an automobile-oriented facility but the paragraph statement was non-automobile-oriented. Furthermore, Mr. Sisul stated that the seniors within the facility would be patronizing the beauty parlor, the barber, etc, because those services would not be on the premises. As to the site being redeveloped into a more transit-oriented development, Mr. Sisul stated the residents of the building would be utilizing the bus due to the limited amount of vehicles on the site and also, visitors would be arriving and leaving by train. As to fronting new developments towards Forest Avenue, Mr. Sisul stated the prior project's footprint was very similar to the proposed project. Regarding terminating vistas, he stated the proposed building was much more pleasing than having an empty building on the site since 1995. He believed the site was catalytic in that it would provide a positive impact on the neighboring area and create value to the area.

Asked if assisted-living seniors would walk or be somewhat active, Mr. Sisul explained they would access the library, visit Main Street, etc., but would need assistance -- not nursing assistance or medical assistance.

Mr. Michael Fiandaca, President with Delta Development of Downers Grove, LLC ("Delta"), 6756 N. Harlem Avenue, Chicago, Illinois, introduced himself. He explained that "Delta" would be partnering with a tax equity purchase investor, with Delta retaining two percent and the tax equity purchase investor retaining 98%. Mr. Fiandaca reported he had very good experience in the senior housing area, noting he was present with Delavan Active Senior Corporation and First Active Senior Corporation, both non-profit, 501c3 corporations. He had licenses in Chicago Heights and in Blue Island, Illinois. A further history followed.

Mr. Fiandaca walked through the lengthy process on how to obtain a state license for an SLF and how they were awarded. In 2010 he was awarded two licenses. Back in 2005, however, he stated the Village of Downers Grove was issued a license for the Providence and Saratoga Grove development. Nothing was done with those projects until 2009, when his company decided to partner with them and took over the developments. Due to the lack of activity on the developments, the State rescinded the Village's license and his company had to reapply for the license and repeat the state's interviewing process, etc. In summary, he stated it was the demonstrated need for this type of facility that resurrected the license.

Mr. Fiandaca continued and explained that the facility will be a \$24MM project. The project was first attempted at 63rd Street, near First Christian Church; however, Village staff notified him that there were zoning issues with the site and after researching further, staff found it could not support the proposal at the site. Following that, Mr. Fiandaca's company said they found the 5100 Forest Avenue location and talked with staff first to ensure that they could support the location, wherein staff conveyed to him that it was a better site. As of September 10, 2012, a contract was signed, the company now had site control, and the State had the required documentation. Mr. Fiandaca reported the State representative emailed him stating they should have a "positive answer probably by next week."

Returning to the site's location, Mr. Fiandaca stated the location was determined due to: 1) the near proximity of an independent living facility which had a two-year waiting list; 2) loved ones who were independent but needed some assistance and were not ready for a nursing home; and 3) the three other similar facilities in DuPage County all had waiting lists. Based on market studies, Mr. Fiandaca stated that within five months, the facility would probably reach capacity due to the

demand in the area. Adding to his statements, he pointed out the operating budget for this project will be \$4MM and the facility will be a consumer of local goods. Jobs will be created and visitors will be visiting their family and purchasing goods and services.

Per Mr. Waechtler's question regarding other SLFs Mr. Fiandaca was involved (partnered) in, included Downers Grove, downtown Chicago Heights, and Blue Island (overlooking a lake).

Mr. Tom Trovato, Director of Housing Operations, Presence Health, 3582 Ronald Road, introduced himself and walked through a PowerPoint presentation discussing his professional background with Presence Health, some of the facilities the company manages, and the three types of supportive living that currently exist: 1) traditional senior service supportive living; 2) disability supportive living; and 3) memory/dementia living. He explained that supportive living facilities are regulated through the Department of Health Care and Family Services and most are paid privately (but with some Medicaid component), wherein assisted living and skilled nursing were regulated through the Illinois Department of Public Health. A history of the 2005 Downers Grove SLF followed again. As to why the site was attractive, Mr. Trovato stated it was the downtown location, the amenities, and the complementary arrangement to nearby independent living facilities. As to how many seniors were to a unit, Mr. Trovato stated it was one individual per unit, unless married or family-related.

Asked if he could foresee any lack of financing support in the future, Mr. Trovato, explained that the inception of the SLF program was created to slow down the burden on the State's system and other states were looking to similar programs. As he explained, the Department of Family Services was more concerned with housing versus the Illinois Public Health Department., which was more focused on specific health care, skilled nursing, etc. Regarding the parking issue, Mr. Trovato explained the proposed project was not automobile-oriented, citing the various working shifts of CNA staff, dining staff, and administrative personnel, noting there was a 15 to 30 minute stagger time for each.

Mr. Chris Lavoie, principal engineer with C.M. Lavoie & Associates, Plainfield, Illinois, also stated he was involved initially with the 63rd Street project and worked closely with Illinois Representative Bellock. He publicly thanked her for her assistance on this proposal. Mr. Lavoie discussed he had to make some changes to the site as it related to the Village's Comprehensive Plan. He said he worked closely with Village staff but had a different perspective than staff, i.e., not concerning himself whether the project was going to fail and convert over to a different housing use. Mr. Lavoie shared the challenges of the project and how he approached it in a positive way through research, contacting appropriate individuals, and conducting parking studies of other facilities. Like Mr. Trovato's comments on employee parking, he found that there was a staggered time also and that additional parking was not necessary, as recommended by Village staff. Parking requirements for the facility ranged anywhere from a .3 to a .35 ratio and all three facilities he studied prior were less than that, i.e., .23 to .25 ratio. Mr. Lavoie commented that it was very difficult for staff to analyze something when they had nothing to work from. He believed the project matched the Comprehensive Plan because it was pedestrian-friendly.

Mr. LaVoie confirmed a site plan review was completed by staff and the fire department, and he felt the project was a great solution. He called attention to the fact that the previous project had a building setback and was previously approved. Asked if Mr. LaVoie did a comparison parking with Oak Tree Towers, Mr. Lavoie stated he did not as it was a different type of facility and not an SLF.

Mr. Fiandaca, with Delta, returned and reminded the commissioners that staff did note that should the commission approve the proposal with its conditions, to limit the parking to 10% of the residents. He stated there was no objection to that condition.

Next, Mr. Chris Dasse, with Studio D Architecture, 200 Fulton, Chicago, Illinois, summarized his involvement in the project since the 63rd location. He explained current building design was the result of many intense workshops with staff. Building details followed: 5 stories, 120 units, partial parking structure, central and private dining hall, physical therapy, on-site doctor's office, Internet, reading library, multi-purpose rooms, and laundry rooms. However, he stated the residents would not be limited to those amenities and could walk to the downtown services. Building materials included an EIFS cornice at top, Hardi Board cement panel system below, followed under with brick and stone. All building codes would be met. Regarding the setback from the Forest Avenue property line, part of the requirement was that there would be a parking lot; however, it would have to be heavily screened with landscaping or fencing so that pedestrians could not see the parked vehicles. Mechanical units would be within their individual residential units. However, for the central areas, the mechanicals would be located on the rooftop screened by a parapet and fencing.

Mr. Matejczyk voiced concern about the building being so specific to the SLF use and the future conversion of it, if it were necessary, wherein Mr. Dasse explained that the units would have to be combined and the sanitary stacks would have to be entirely removed (all the way down), assuming the entire building was vacant. Because the structure of the building was steel, Mr. Dasse stated the building could be adaptive with building and zoning codes to be addressed at that time.

Mr. Fiandaca returned to state that the financing was predicated on keeping the building as a SLF for a minimum of 30 years; currently it was set for 40 years. Additionally, he stated that within the building itself, there would be services for the seniors, such as a possible beauty shop. Also steps were being taken to use the nearby high school students for employment.

Mr. Greg Stec, also with Delta Development, 5630 S. Kensington, LaGrange, Illinois, summarized that his company reached out to the District 99 superintendent to discuss student employment at the proposed facility, ranging anywhere from culinary arts, activities programming, CNAs, etc. Details follow on how the high schools would be involved.

Mr. Chuck Freeburg, with William Blair, 222 W. Adams, Chicago, reported that he specialized in financing SLFs. A quick review of his professional background followed. He explained that the project's capital was approximately \$24MM of which \$18MM was in tax exempt bonds, with \$6MM in equity -- the equity coming from Warren Buffett's firm, Berkshire Hathaway and other major banks. Reserves were also in the equation, since the bond buyers and equity investors required it. Mr. Freeburg pointed out that within Illinois there were 137 active SLFs. None have failed and they generally ran a 2% to 4% vacancy, with suburban locations at 2% vacancy. Per Mr. Freeburg, the federal government, along with the State of Illinois, was promoting the program to other states. As to the future of the building, Mr. Freeburg stated the bonds would be paid off by then and the Village can revamp the building or raze it. From reading the Village's zoning code, Mr. Freeburg stated that the current code allowed for multi-family on the upper floors and also allowed service businesses on the first floor, which was what the project had, i.e., food, physical therapy, laundry, etc. He reminded the commissioners that assisted living was a business and not necessarily housing. Lastly, Mr. Freeburg asked the commissioners to consider the retail sales

generated for this location: \$24,000 as opposed to the revenue side of this business: \$4MM, of which a good portion would be sales tax.

Mr. Sisul closed by stating that the zoning was addressed in the report, but the question was whether the proposal met the Comprehensive Plan, given the various considerations, and the fact that if retail was brought in, where would the vehicles park? On the other hand, Mr. Sisul stated that the proposal was bringing in 120 individuals (or more) to use the downtown services. Mr. Sisul reviewed parts of the Comprehensive Plan to support the proposal (pgs. 3, 4), noting that comprehensive plans are used as “documents that guide future developments of communities. They are not themselves development plans.” “They are not a mandate.” Turning to Page 40 of the Comprehensive Plan, he addressed the provisions on Residential Policy Recommendations, again, supporting his proposal. Turning to page 50 of the Comprehensive Plan and addressing “Vacant Lands”, he, again, pointed out the verbiage supporting the need for “the Village to promote the redevelopment of under-utilized properties.” Mr. Sisul emphasized that staff started off discussing zoning but ended up stating that it was concerned about the Comprehensive Plan and its influence. Mr. Sisul believed the project fit the Comprehensive Plan and it fit within the “heart” of the properties that were completely compatible with it, without putting additional parking demands across the street, etc. He reminded the commissioners that his team had no objection to staff’s conditions if a positive recommendation was made.

Chairman Hose referenced the “Downers Grove Supportive Living Facility Project Summary” and the petitioner’s response to the dwelling unit discussion as well as a discussion about the International Building Code. For clarification purposes, Chairman Hose asked if it was the petitioner’s contention that the project not be considered a residential development, which was why the dwelling unit limitations did not apply. In response, Mr. Chris Dasse, architect, explained that the International Building Code was specific about supportive living and stated that if the building had more than 16 occupants outside of its staff, it was considered Institutional use, which had higher standards for building codes. This building was being defined as an Institutional building, and, from a zoning code perspective, Mr. Dasse stated it was one business, as mentioned earlier. To add to the response, Mr. Sisul interjected and explained that a SLF did not appear in the Village’s zoning code and no provisions applied to it. It was for that reason that staff was veering toward the Comprehensive Plan rather than the zoning issues -- the proposal did not meet the definition of a multi-family senior housing development, nor did it meet the definition of an assisted living facility. As a result, it was a gray area.

Chairman Hose voiced concern that it may be the Village Council’s purview to change the zoning code, but that change would have to be reviewed by the Plan Commission. He noted a text amendment was not before this commission, and the commission was limited by the provisions of the zoning code and the Comprehensive Plan. Again, Mr. Sisul brought up staff’s conditions, one of them referring to a text change. He confirmed the overall zoning was Downtown Business and a project involving multi-family senior housing was listed as a Special Use for seniors living in the downtown area. However, he stated times change and zoning codes have to be updated.

Mrs. Rabatah inquired about the neighborhood meeting that took place, wherein Mr. Sisul stated he spoke to the one resident that attended it at the Lincoln Center. Notices were sent out prior. The resident who attended was from Georgian Courts and she voiced concern about the funding of the project and conveyed to him she preferred that the project have government support.

Chairman Hose opened up the meeting to public comment.

Ms. Donna Adler, 1224 Gilbert Avenue, Downers Grove, thanked staff and the commissioners for coming up with a great plan for the Village but it also needed to be flexible. She stated the proposed corner was vacant for many years and it needed something. Realistically, she stated the property was “not really a hot commercial spot.” In her many years of residence, she stated the traffic flows toward the train station and it is the focus; Forest Avenue is not. If such a proposed facility were to be constructed, she said family members would visit their loved ones and take them out to the downtown for lunch/dinner and shop. Parking was not an issue with Immanuel Residences nor has it ever been. She supported the project as it was a community project and she loved the idea that the Village was on the cutting edge of having a new kind of supportive living facility.

Mr. Keith Hoffman, 1410 Golden Bell Court, Downers Grove, discussed the many years he resided in the community. He was a participant on the Village’s Ad hoc Housing Committee a few years back which discussed the need for diversified and reasonable housing. His own parents were aging and this facility would be perfect for them. Mr. Hoffman noted that when discussing catalyst sites, he was not sure the proposed location would receive retail sales. Also, local jobs were important and the proposal would support them.

Mr. Tom Powers, 6248 Blodgett, Downers Grove, resident, stated he has an aging mother and mother-in-law and he wanted to see what the project was about. After listening to everyone, he supported the proposal.

Ms. Rosa Hudson, 5112 Forest Avenue, Downers Grove, said she owns the hair salon next to the property and stated she did not receive notification for the neighborhood meeting nor did another person from the management company – she only received the Village’s hearing notice. She expressed concern that there was no parking on that side of town and the economy turning bad. She believed if there were laws required for building and parking then they should be followed. She believed if visitors were to come to the building, the parking would be insufficient. She asked that this part of town be considered for more viable businesses. She supported the facility in its location but questioned whether it was the best idea for the area. Ms. Hudson did not believe the project would help her business any more and the building would stop the growth heading west. She asked to be notified about future meetings.

Mr. Dan McCormick, 5205 S. Washington St, Downers Grove, stated he is currently the chairman for the Downtown Management Corporation, but was speaking as a resident. He stated he “really likes senior citizens” and seeks their advice. He believed the proposal was a great project but in the wrong location. He spoke to the importance of the Comprehensive Plan and the commissioners’ work involved in it and to ignore it went against the plan that was adopted. Personally, he did not believe the project would contribute anything to the vibrancy of the downtown.

Mr. Joe Byczek, for the property owner, Win Trust Financial, 5100 Forest Avenue, Downers Grove, commented that having a mixed-development at the site would not occur for many years because the property was on the market well before Win Trust took ownership of the property. The previous owners looked at mixed-development plans and straight business plans, with no success. For over the past year he tried to sell or lease the property, with no interest except for one business that decided it did not fit its needs.

Hearing no further comments, the chairman closed public comment. Mr. Sisul had no cross examination to the public.

Mr. Cozzo inquired of staff about prior testimony stating the proposal was “Institutional” and “not residential.” And if it was Institutional, was it considered a business or commercial, wherein Mr. O’Brien responded that the petitioner’s explanation, included in the packet, was referring to something that was found in the International Building Code that an architect uses to design a building, its construction for building, and occupancy. Whether the use was an institutional use, residential, or business use, Mr. O’Brien clarified that the Village’s zoning ordinance for the Downtown Business District listed one use that could fall under it, which was the Multi-Family Residential. However, listed throughout the ordinance were other names that could be used to describe the proposed use in a different district, such as senior living facility or sheltered care facility. However, he stated that use was not available either as a permitted or special use in the Downtown Business District. Staff evaluated the use, using the only classification it could mirror, which was Multi-Family Residential.

To clarify further, Mr. O’Brien explained that staff’s analysis was based, in large part, on the Comprehensive Plan’s recommendation, which has a specific recommendation for the subject property. Staff also reviewed the Zoning Ordinance, which supports the Comprehensive Plan’s goals in the Downtown. Further clarification followed that the Village’s zoning ordinance, in particular, the Downtown Business and Downtown Transitional Districts, were rezoned and revised in 2004 and 2005, so the plan was well-aligned with those districts. Given the better economic conditions during that time, Mr. O’Brien explained that there was a plan for a mixed-use development on the site. Additionally, he reminded the commissioners that the Comprehensive Plan was looking as far as twenty years out, not just short-term benefit. He agreed the Zoning Ordinance and the Comprehensive Plan supported a senior housing development in the Village but the location was questionable.

To confirm Mr. Beggs’s statement, Mr. O’Brien agreed that the Village’s zoning code did not support the density of the proposed development. Regarding staff’s condition No. 4 in its report, Mr. Popovich explained it was to ensure that no more than ten percent of the SLF residents owned a vehicle that was primarily parked at the facility, in order to assist in the number of available parking spaces. However, if the petition was approved and moved to Village Council, he stated there would have to be a text amendment to allow the proposed density and parking and it would have to be stated as one of staff’s conditions. Mr. Popovich pointed out, more precisely, the text amendment would apply District-wide or even Village-wide and not just for this particular project.

Mr. Lavoie added that he would support staff adding the text amendment to the list of staff’s conditions.

Mr. Sisul closed by thanking the commissioners for listening to all of the statements made and believed the proposal was reviewed thoroughly by all parties.

Mr. Waechtler asked if there were any leads to the property and was there a need for additional parking at the site, wherein Mr. Popovich explained that the Zoning Ordinance did not require commercial properties in the downtown district to provide on-site parking unless the business was a medical or dental office over a certain size. Therefore, the previously approved development met the parking requirements for the entire development and it met the requirement for the number of

residential apartments that were proposed. He stated that proposal came prior to the downtown pattern book and the Comprehensive Plan being in place. As to leads for the site, he stated there was approval for a development just prior to the economy's downturn but stated the comprehensive plan was a long-term plan looking twenty years into the future for the area.

Adding to the dialog, Mr. Webster believed the proposal was an amazing project and it was difficult to object to a \$4MM business operation, but the project appeared not to belong at that location. He believed the downtown would expand but the question was when. In the years he was here, he did not see much change. In the meantime, he believed the proposal would provide some short-term benefits for many people and, therefore, supported the proposal simply because there had been no interest in the site for a long time. He recommended that the Village Council determine whether it wanted the revenue or not. Again, he reminded commissioners that the Comprehensive Plan was to be flexible.

Mr. Beggs summarized two points why he could not support the proposal: First, if the zoning ordinance by which he was governed stated the facility could not be placed there due to density, then he had no jurisdiction to change it, and he was not here to decide whether the text change was in place. Second, he questioned why he should set aside the principles stated in the Comprehensive Plan (as he mentioned earlier). To him, what was being asked of the Commission was to set aside the Comprehensive Plan and zoning ordinance because of the need for senior housing and enhanced revenue. He reminded the commissioners that they vetted the Comprehensive Plan extensively and he was not prepared to go along with the proposal just because it was a good development and enhanced Village revenues.

Mr. Cozzo believed the proposal conflicted many commissioners for obvious reasons but his determination was based on testimony and if any "compelling reasons" stood out as to why the first paragraph of the Comprehensive Plan should be used as a guide and not necessarily as a mandate. He believed the Village's downtown was based around Main Street and while he preferred the site to be a mixed-use development, he did not believe it was going to occur because "it was not a hot commercial property." He agreed, mostly because of the way Main Street and Washington Street were configured and the flow of the natural pedestrian traffic in the downtown area. Looking to the first Standard for Approval he stated that it asks whether there is a "need". While some individuals stated there was no need, testimony he heard tonight indicated that the Village was an aging community and that there was a need for the proposal. He believed the proposal was right for the location even though it might not be the most ideal. However, he stated the focus was to find the best fit under the circumstances given. He supported the project.

Mr. Matejczyk agreed with many of Mr. Cozzo's comments and agreed the Village's population was aging and many of its residents wanted to remain in the community. He even questioned whether the location was right for the expansion of the Village to the west. He supported the project and saw the need.

Looking to the standards, Mrs. Rabatah also added that the facility provided a service and it was desirable. It was an improvement to the area but, again, location was the question. The third standard she had difficulty with in that she did not know how to place the facility, i.e., was it residential or not? She expressed her conflicts with the zoning code and how to interpret the project. Yet, she stated the site had been vacant, a very nice project was presented, and there was a

need in the community. The Comprehensive Plan was supposed to be flexible but yet it also addressed the need for senior living. She leaned toward supporting the project.

Mr. Waechtler was not sure if the site lent itself to commercial even though it was part of the Downtown Business District. As mentioned earlier, he said much traffic went by the site to go home. He also called attention to Condition No. 7 in staff's report regarding that if the proposal did not get approved by the State, it received denial, which basically was a "safety valve" for the Village Council. He believed the parking ratio needed to be resolved. While he initially believed the project was great but did not belong in the downtown, after considering the site again, he realized there was a need for seniors and the project would be good for the Village. Contrary to Commissioner Webster's comments, he stated that there had been improvement in the downtown.

Lastly, Chairman Hose, said he agreed with Mr. Beggs in that the commission was being asked to take a project that did not fit within the zoning code and make it fit within the location. He did not believe the project fit with the density requirement or the parking requirement and it did not fit into any other category. In reading the petitioner's documentation and hearing testimony, the term "resident" kept coming up and, as Chairman Hose stated, if the term kept arising, then it must be concluded that the proposal was a residential development. And if so, then it had to be subject to the density requirements in terms of space and parking requirements. He noted there was no text amendment before the commission and if there was, it would be a very different question. While he agreed the Comprehensive Plan was flexible, he did not see how the zoning code, applied to this situation, should deviate from it. He encouraged the petitioner to find another location should the Village Council vote the petition down, because there was a need for seniors. He did not support the proposal.

Mr. Webster commented that while the project did not comply with the parking nor the density, he stated that Mr. Lavoie did an exceptional job at showing the commissioners that the Village's zoning code did not address this particular project type very well. It was a new project type and fit no where. Personally, he felt an SLF was assisted living without the nursing aspect. To the point, he stated 120 individuals would not be driving cars here and the commission should recommend the project because the technicalities that prevented it from moving forward, and the zoning ordinance, were items that could be solved. Another fact Mr. Webster asserted was that SLFs were not even known when the Comprehensive Plan was being discussed and there was no way to foresee how to fit it into the plan when there was no category for it. The commission had to be flexible not only in the interpretation of its Comprehensive Plan but also in the application of its documents. He indicated it was up to the Village Council to decide if they wanted to amend the zoning ordinance to allow this development.

Mr. Waechtler also agreed the proposal should move forward to the Village Council in order for them to refine it, if necessary. He thanked staff and the petitioner for their hard work on this project.

Lastly, Chairman Hose added that he did not think it was proper for the Plan Commission to put aside the zoning code or the Comprehensive Plan but, instead, stated a petitioner could make that argument with a text amendment. He did not believe it should be forwarded to the Village Council for them to sort it out.

APPROVED 12/3/12

Again, Mr. Waechtler thanked staff and pointed out that staff did provide two alternatives: to deny the petition or to approve it with eight conditions.

WITH RESPECT TO FILE PC 31-12, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, ENGINEERING AND LANDSCAPE PLANS PREPARED BY C.M. LAVOIE & ASSOCIATES, INC. DATED AUGUST 2, 2012 AND LAST REVISED ON SEPTEMBER 11, 2012 AND ARCHITECTURAL PLANS PREPARED BY STUDIO D ARCHITECTURE, LLC DATED JULY 2, 2012, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE BUILDING SHALL HAVE FIRE SUPPRESSION AND DETECTION SYSTEMS IN A MANNER SUITABLE TO THE FIRE PREVENTION BUREAU CHIEF.**
- 3. THE PETITIONER SHALL INCORPORATE BEST STORMWATER MANAGEMENT PRACTICES INTO THE DEVELOPMENT INCLUDING BUT NOT LIMITED TO NATIVE LANDSCAPE PLANTINGS.**
- 4. THE OPERATOR OF THE SLIF SHALL ENSURE THAT NO MORE THAN 10% OF THE SLIF RESIDENTS OWN A VEHICLE THAT IS PRIMARILY PARKED AT THE SLIF.**
- 5. THE PARKING LOT SHALL BE SCREENED IN ACCORDANCE WITH THE VILLAGE'S PARKING LOT LANDSCAPING REQUIREMENTS.**
- 6. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE PETITIONER SHALL SUBMIT MATERIAL SAMPLES OF THE PROPOSED EXTERIOR BUILDING MATERIALS AND RETAINING WALLS FOR REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**
- 7. PRIOR TO VILLAGE COUNCIL CONSIDERATION, DELTA DEVELOPMENT SHALL PROVIDE THE VILLAGE WITH A STATE OF ILLINOIS CERTIFICATE NOTING THE STATE'S APPROVAL OF THE SUBJECT SITE. IF DELTA DEVELOPMENT DOES NOT PROVIDE THE STATE CERTIFICATE WITHIN 90 DAYS, THE PETITION WILL BE CONSIDERED TO BE DENIED.**
- 8. AT NO TIME SHALL THIS SITE BE CONVERTED FROM A SLIF TO ANY OTHER RESIDENTIAL USE WITHOUT PROVIDING THE REQUIRED NUMBER OF PARKING SPACES AS DETAILED IN THE VILLAGE'S ZONING ORDINANCE.**

SECONDED BY MR. WEBSTER.

ROLL CALL:

**AYE: MR. COZZO, MR. WEBSTER, MR. MATEJCZYK, MRS. RABATAH,
MR. WAECHTLER**

NAY: MR. BEGGS, CHAIRMAN HOSE

APPROVED 12/3/12

MOTION CARRIED. VOTE: 5-2

Mr. Beggs and Chairman Hose stated they gave their reasons previously as to why they voted Nay.

PC-35-12 A petition seeking a text amendment to Chapter 20 of the Municipal Code. The purpose of the request is to amend regulations regarding for plats of consolidation. Village of Downers Grove, Petitioner.

Mr. O'Brien summarized that, to date, 36 applications for consolidations had been before the commission and all 36 had been recommended for approval. The Village would like to make an amendment to the Subdivision Code to make lot consolidations, where there are no creations of new non-conformities and where the lots meet the standards, allowed under an administrative review process and thereby allowing the director of Community Development to sign the plat of subdivision. If exceptions were requested or the director denied the subdivision, the appeal body would be the Plan Commission followed by the Village Council. Mr. O'Brien stated that the reason for this process was because more consolidations were anticipated due to the adoption of the stormwater utility and the increase in construction of single family homes. He noted the stormwater utility included a charge for vacant lots, which could lead to more requests to consolidate lots to reduce the monthly costs. The request was consistent with the Village's Comprehensive Plan. Mr. O'Brien explained that in the commercial areas there was the need to combine the lots in order to make room for the more modern type of developments. Staff was recommending approval of the amendment.

Turning to page 3, Mr. Beggs noted a typographical error. He asked staff to expand upon the term "through lots," wherein Mr. O'Brien explained the term was defined in the Zoning Ordinance and was a new provision to eliminate new through lots in established neighborhoods. Turning to the bottom of page 2, Mr. Beggs asked to remove extra verbiage. Other general questions followed regarding the processing fees for lot consolidations.

Chairman Hose opened up public comment. No comments received. Public comment was closed.

WITH RESPECT TO FILE PC 35-12, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL APPROVING THE TEXT AMENDMENT TO CHAPTER 20 OF THE MUNICIPAL CODE WITH NOTED CORRECTIONS.

SECONDED BY MR. WAECHTLER.

ROLL CALL:

**AYE: MR. BEGGS, MR. WAECHTLER, MR. COZZO, MR. MATEJCZYK,
MRS. RABATAH, MR. WEBSTER, CHAIRMAN HOSE**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

APPROVED 12/3/12

Mr. O'Brien reported there was nothing on the November agenda, but he would confirm by the end of the week. Updates followed on the 75th and Lemont Road application for a special use.

Chairman Hose thanked the commissioners for "bearing with him" as the new chairman the first night and said he was open to meeting suggestions. He hoped the commissioners were fine with taking turns sharing their thoughts and getting them into the record.

THE MEETING WAS ADJOURNED AT 11:49 P.M. ON MOTION BY MR. WAECHTLER, SECONDED BY MR. WEBSTER. MOTION CARRIED BY VOICE VOTE OF 7-0.

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
OCTOBER 24, 2012 MINUTES

Call to Order

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

Roll Call

Present: Ms. Earl, Mr. Enochs, Ms. Majauskas, Mr. McCann,
Ms. Souter, Chairman White

Absent: Mr. Domijan

A quorum was established.

Staff: Jeff O'Brien
Damir Latinovic

Also Present: Dominic Pugliani and Michael Mizwicki, both of Pugi Hyundai
of 1866 Ogden Avenue

Minutes of September 26, 2012 meeting

Ms. Earl moved to approve the minutes of the July 2012 meeting as presented. Ms. Souter seconded the Motion.

AYES: Ms. Earl, Ms. Souter, Mr. McCann, Ms. Majauskas, Ch. White

NAYS: None

ABSTAIN: Mr. Enochs

The Motion passed.

Meeting Procedures

Chairman White explained the function of the Zoning Board of Appeals, and reviewed the procedures to be followed during the public hearing, verifying with Staff that all proper notices have been published with regard to the case ZBA-09-12. He called upon anyone intending to speak before the Board on the agenda item to rise and be sworn in, as the public information portion of the meeting is an evidentiary hearing. Chairman White explained that members of the Zoning Board of Appeals all have had the opportunity to review the petition documents prior to the meeting. In order for a requested variation to be approved there must be four votes in favor of approval. Chairman White added that the Zoning Board of Appeals has authority to grant petitions without further recommendations being made to the Village Council.

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ZBA-09-12 A petition seeking a sign variation for a Tollway sign. The subject property is zoned M-1, Light Manufacturing. The property is located on the north side of Ogden Avenue between Stonewall and Woodward Avenues, commonly known as 1866 Ogden Avenue, Downers Grove, IL (PINs 09-06-102-019, 09-06-102-012, 9-06-102-011, 09-06-102-010, 09-06-300-002); Michael Mizwicki, Petitioner; 1866 Ogden LLC, Owner.

Petitioner's Presentation

Mr. Michael Mizwicki, General Manager and part owner of Pugi Hyundai located at 1866 Ogden Avenue, stated they are present to request a variance for their Tollway sign. They recently acquired the subject property, remodeled the front of the property, and are now seeking to put up a Tollway sign similar in design to that put on Ogden Avenue and which is required by Hyundai. The Tollway sign is affected by topographical issues. There are a series of signs along the Tollway, and the topography goes down 16 feet from Wannamaker's property to the west to their property. In addition, on the other side of their property, there is a 20-foot retaining wall. Therefore they are requesting a height variance of 14.5 additional feet to give them better visibility from the Tollway. This would put them on a par with the Wannamaker's sign and would be the same height as the Ford sign, which is also 34.5 feet tall. Their goal is to attract customers to Hyundai by making their location more clearly visible from the Tollway.

Mr. McCann asked if there is a sign there now. Mr. Mizwicki said there was a sign there. An old Hyundai sign from old location at 2020 Ogden Ave was moved temporarily to the back to identify the new Hyundai property.

Ms. Earl asked about the two existing Tollway signs at 2020 Ogden Avenue, and Mr. Mizwicki said they would take down the larger Pugi of Chicagoland sign, as it is old and non-functional. They will change the current Pugi-Hyundai sign to read Pugi-Volkswagen and make it conforming.

There were no further questions from the Board.

Staff's Presentation

Mr. Damir Latinovic, Planner for the Village of Downers Grove explained that the petitioner is seeking a sign variation to install a new 34.5-foot tall tollway monument sign where a 20-foot tall sign is permitted by code. The property is currently improved with two one-story commercial buildings, which are occupied by an automobile dealership. The property has frontage along Ogden Avenue as well as the Tollway I-88 with an allowable signage of 300 square feet, however because it fronts on the Tollway, one additional sign is allowed above the 300 square feet allowance along the I-88 frontage. The Code allows a 20-foot tall, 225 square foot sign along the Tollway; however, the petitioner is requesting a 34.5-foot tall sign at 165 square feet. The petitioner's current sign would be replaced with the new sign in the exact same location. He said the proposed sign would meet the setback requirements as required by Code.

APPROVED 11/28/12

The petitioner proposes no further changes to the property's signage and the property would remain code compliant.

Mr. Latinovic then displayed an exhibit located in the Board's packet to show the topography difference in the area, which is the reason for the variance. He noted the signs on adjoining properties to the west that also have Tollway frontage. The petitioner's proposed 34.5-foot sign would bring it to the same height as the Wannamaker's sign. Mr. Latinovic also displayed photographs of signage as seen from the eastbound lanes of I-88, noting that the Hyundai sign is somewhat hidden because of both the change in topography and the tree line on the property. He explained that aside from the topography, there is also the unique condition caused by the sound barrier wall, which is 20 feet in height, and is about 65 feet from the proposed location of the requested sign. The sound barrier wall does not affect any other properties to the west, but does affect the subject property and further obstructs the visibility of the sign.

Mr. Latinovic said during the review process a question was raised as to whether the sign could be pushed further south toward the building; however, that area is used for the display vehicles and would also cause the sign to be even more blocked by the sound barrier wall.

Staff finds that there are physical hardships, in the form of the topography and the sound barrier wall. Staff believes all standards to approve the request have been satisfied, as noted in staff's report dated October 24, 2012, pages 2-4; therefore, staff recommends approval of the petition subject to the two conditions listed in the aforementioned Staff report, page 5.

Mr. McCann asked for clarification regarding the Ford sign at 34.5 feet. Mr. Latinovic said that sign was installed in May of 2012 after receiving a variation based on similar conditions of topographical changes, and the location of the Finley Road bridge. Mr. McCann asked if there were other roadways in Downers Grove with sound barriers that might prompt similar petitions. Mr. Latinovic said other properties with a sound barrier wall south of I-88 are all residential and not commercial so they would not have a Tollway sign.

Mr. O'Brien added that there is a sound barrier wall between the Maple Avenue exit and the Ogden Avenue exit on I-355. The industrial properties in that area of Downers Grove are not affected by the sound barrier, however the Ogden Ave and Walnut Ave parcel, which is currently vacant, could be affected by the sound barrier.

Ms. Earl said it appears that there is a Lacey Road property that also fronts along the sound barrier, and she cannot tell if it is residential. Mr. Latinovic responded that those properties are zoned residential R-2.

There being no further questions from the Board at this time, Chairman White called upon members of the public who wished to speak either in favor of, or in opposition to the requested variations.

There being no comments from the public or the Board, Chairman White closed the opportunity for further public comment. The Petitioner had no further comments.

Board’s Deliberation

Ms. Earl said one significant point is that the Hyundai sign is significantly closer to the road.

Ms. Majauskas said that everyone should be placed in the same position, and giving the Ford sign a variance based on the same conditions and not this one does not put everyone on a level playing field. She is in favor of granting the request.

Mr. Enochs agreed with Ms. Majauskas and noted that the variation meets all the standards.

Mr. McCann said he agrees with staff’s recommendation and he is in favor of the request.

There were no further comments.

MOTION:

Ms. Majauskas made a motion the Zoning Board of Appeals grant the requested variation associated with Case ZBA 09-12 to increase the height of the proposed Tollway sign with the following conditions:

- 1. The proposed Tollway monument sign shall substantially conform to the Signage Plan and supporting documents prepared by Architectural Graphics, Inc. dated June, 28 2011 attached to Staff’ report dated October 24, 2012 except as such plans may be changed to conform to Village codes, ordinances, and policies.**
- 2. The petitioner must obtain a sign permit from the Illinois Department of Transportation prior to issuance of the Sign permit by the Village of Downers Grove.**

Ms. Souter seconded the Motion.

AYES: Ms. Majauskas, Ms. Souter, Mr. Enochs, Ms. Earl, Mr. McCann, Ch. White

NAYS: None

The Motion passed unanimously.

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Mr. O’Brien said the November meeting will be held on the Wednesday following Thanksgiving, November 28. If a December meeting is necessary, it will be held on December 19th, the week before Christmas. He expects at least one petition for the November meeting. He also provided the Board with the meeting schedule for 2013.

There being no further discussion, Chairman White adjourned the meeting by voice vote at 7:27 PM.

APPROVED 11/28/12

Respectfully submitted,

Tonie Harrington
Recording Secretary