

**REGULAR MEETING OF THE BOARD OF TRUSTEES
DOWNERS GROVE PUBLIC LIBRARY
JANUARY 23, 2013**

MINUTES

1. ROLL CALL

President DiCola called the meeting to order in the Library Conference Room at 7:30 p.m.
Trustees Present: Eblen, Greene, Humphreys, Loftus, Read, DiCola.

Also Present: Library Director Rick Ashton, Assistant Director for Support Services Sue O'Brien, Assistant Director for Public Services Bonnie Reid, and Friends of the Library President Joann Hansen, Andrew Oliver, Cordogan Clark and Associates.

2. WELCOME TO VISITORS

President DiCola welcomed the visitors to the meeting and thanked them for their interest in the Board.

3. APPROVAL OF MINUTES OF REGULAR MEETING OF DECEMBER 12, 2012

Trustees reviewed the Minutes of the Regular Meeting of December 12, 2012. It was moved by Greene and seconded by Eblen THAT the Minutes of the Regular Meeting of December 12, 2012 be approved. Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: None. Nays: none. Motion carried.

4. APPROVAL OF PAYMENT OF INVOICES AND RELATED FINANCIAL REPORTS

The Board reviewed the list of invoices submitted for payment. It was moved by Greene and seconded by Eblen TO APPROVE payment of invoices for Calendar Year 2012 totaling \$81,819.88 and credit memos of \$677.21, invoices for calendar year 2013 totaling \$33,189.81, and to RECOGNIZE December 2012 payrolls of \$177,714.03. Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

5. OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

6. OPPORTUNITY FOR PUBLIC COMMENT ON OTHER BUSINESS

None.

7. UNFINISHED BUSINESS

a. Year-end Financial Report for 2012

Ashton presented the Year-End Results, Cash Flow Analysis, and Fund Balance, Reserves, and Renovation Project Budget (attached).

8. NEW BUSINESS

a. Preliminary discussion of architectural firm proposals

The Board discussed the proposals received by the January 18 deadline. The discussion centered on an appropriate method for completing the review and selection in a timely fashion. The Board agreed to forward their individual evaluations, using an A-B-C scale, to Ashton by February 6. Ashton, conferring with President DiCola and Trustee Loftus, will compile the results and communicate them to the Board for their use in selecting three firms for a short list firms at a special meeting, February 13, 7:30 p.m., Library Meeting Room.

b. Review of Architect selection timetable.

The Board discussed and informally confirmed the timetable (attached).

c. Approval of architect selection interview process.

The Board discussed the possible questions that members would like to ask of the three finalist firms. Ashton agreed to circulate a list of proposed questions.

d. Approval of Library closing dates for Rotary GroveFest.

It was moved by Loftus and seconded by Read TO APPROVE the proposed Library Closing dates for Rotary GroveFest (attached). Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

e. Approval of change to Circulation Policy regarding Reserves for cardholders at other SWAN libraries. (attached)

It was moved by Read and seconded by Greene TO APPROVE the propose policy change. Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

9. REPORT OF THE DIRECTOR

Ashton summarized the written report (attached).

10. BOARD MEMBER COMMENTS AND REQUESTS FOR INFORMATION

None.

11. ADJOURNMENT

President DiCola adjourned the meeting at 8:37 p.m.

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
JANUARY 23, 2013
AGENDA ITEM 7A
2012 YEAR-END FINANCIAL REPORT AND ANALYSIS**

- 1. 2012 YEAR-END RESULTS**
- 2. 2010-2012 CASH FLOW ANALYSIS**
- 3. FUND BALANCE, RESERVES, AND RENOVATION PROJECT BUDGET**

2012 YEAR-END RESULTS

	Budget	Actual
Revenue	\$4,430,497	\$4,477,305
Expense	4,620,395	4,186,167
Net	(189,898)	291,138
Net Change in Fund Balance		\$481,036

Line-by-line details of revenue and expenditure will be available after final processing of 2012 invoices. This will be reported to the Board in February 2013.

2010-2012 CASH FLOW ANALYSIS

An important component of the Downers Grove Public Library's financial strategy is the development of reserve funds to cover a variety of needs, plans, and contingencies. Chief among the needs is the requirement that the Library have sufficient cash on hand to pay its expenses throughout the year, while most of its income (86% in recent years) is received in June and September. In order to determine the extent of this need, the Library's monthly cash flows throughout 2010-2012 have been analyzed, with the following findings:

The Library was in a deficit position, with year-to-date expenses exceeding year-to-date revenues, at the end of January, February, March, April, May, and August each year. The largest cumulative deficit was at the end of May each year, amounting to about 30% of the budget. June property tax collections were sufficient to eliminate the deficit and keep the Library in a positive position through July, with a small deficit occurring in August. September tax collections placed the Library in a positive position for the remainder of the year.

	Revenue	Expense	Largest deficit	% of Budget
2010	\$4,295,340	\$3,826,727	\$1,347,405	31.4
2011	\$4,326,496	\$3,862,197	\$1,288,510	29.9
2012	\$4,477,305	\$4,186,167	\$1,327,464	28.7

FUND BALANCE, RESERVES, AND RENOVATION PROJECT BUDGET

	Budget 2012	Actual 2012	Budget 2013
Beginning Fund Balance	\$3,710,361	\$3,710,361	\$4,001,499
Revenue	4,430,497	4,477,305	4,553,380
Expense	4,620,396	4,186,167	4,903,900
Ending Fund Balance	3,520,462	4,001,499	3,650,979
*Cash Flow Need	2,079,178	1,524,730	1,618,287
Available Reserve	1,441,284	2,476,769	2,032,692

***Note on Cash Flow Need: This is estimated at 45% of Expense for 2012 Budget and at 33% of Expense for 2012 Actual and 2013 Budget.**

Renovation Project Budget Estimate \$1,800,000

Available from Construction Fund 244,000

Available Reserve Contribution 1,556,000

Available Reserve Balance \$476,000

After further review, policy discussion, and careful management of 2013 operational spending, the Library Board may be able to increase the Renovation Project Budget by a modest amount.

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
JANUARY 23, 2013
AGENDA ITEM 8B**

ARCHITECT SELECTION TIMETABLE

1. January 18, 5:00 p.m., Proposal Deadline
2. January 19, 10:00 a.m., Distribution of Proposals to Board
3. January 19-23, Individual Board Member review of proposals
4. January 23, 7:30 p.m., Monthly Board Meeting, discussion of proposals
5. January 24-February 13, Further individual Board Member review of proposals
6. February 13, 7:30 p.m., Special Board Meeting to choose short list of 3 finalists
7. February 16, 9 a.m., Special Board Meeting to interview finalists
8. February 18-27, Reference calls
9. February 27, 7:30 p.m., Monthly Board Meeting, Ranking of 3 finalists
10. February 28-March 26, Contract negotiations
11. March 27, 7:30 p.m., Approval of Contract and Notice to Proceed
12. April 1, Project Kickoff

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
JANUARY 23, 2013
AGENDA ITEM 8D**

APPROVAL OF LIBRARY CLOSING DATES FOR ROTARY GROVEFEST

The Downers Grove Public Library has customarily reduced its schedule during the weekend of GroveFest. Dates for the 2013 event have been confirmed by agreement between the Village of Downers Grove and the Downers Grove Rotary Club. Accordingly, the following schedule adjustments are proposed:

Thursday June 20, Library open but no Meeting Room bookings

Friday June 21, Library closes at 7:00 p.m.

Saturday June 22, Library closes at 1:00 p.m.

Sunday June 23, Library closed

6.2.4 Loan of Materials to Teachers

No special circulation provisions are made for the use of materials by teachers. Teachers are subject to the same loan periods and limits on material from a single subject that apply to all other patrons.

6.2.5 Interlibrary Loan

Interlibrary loan service is available only to Downers Grove Public Library cardholders. Interlibrary loans of material are subject to all restrictions and fees required by the agency lending the material to Downers Grove.

6.2.6 Reserves

~~A Downers Grove Library cardholder may request an item that is not available in Downers Grove from another SWAN library by placing a reserve on it. Staff will place reserves only for Downers Grove Library card holders. Only Downers Grove cardholders may have a reserve delivered to Downers Grove for pickup.~~

Cardholders from any SWAN member library may request any circulating item owned by any SWAN library by placing a reserve through the SWAN automated system. The reserve may be placed by the cardholder directly or by a staff member. Downers Grove Public Library cardholders may have the reserved items delivered to the Downers Grove Public Library for pickup. Cardholders from other SWAN member libraries must have the reserved items delivered to their home libraries.

Revised 01/23/2013

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
JANUARY 23, 2013
AGENDA ITEM 9**

REPORT OF THE DIRECTOR

- a. **Coffee with the Council, January 19. Details available after January 19.**
- b. **Recent press coverage. Three pages are attached.**
- c. **RFID project update. Tagging of all Children's books has been completed. As of January 16, remaining items to be tagged included half of Adult Mystery books, all magazines, most DVDs, a portion of the CD collection. Excellent progress continues.**

Vendor selection for the self-checkout equipment and automated material handling equipment will be completed by January 31. Purchasing activity will begin immediately.
- d. **E-books pricing information. A recent report with price comparisons from the Douglas County Libraries is attached. This information illustrates some of the present problems libraries are facing in the e-books marketplace.**
- e. **Mini Golf sponsorship progress report. As of January 16, commitments for seven golf course hole sponsorships have been secured. Discussions with other prospective sponsors are in progress. Board members needing additional information or materials for the sponsorship development effort can request assistance from Public Relations staff.**
- f. **Library bonds refunding project. This undertaking is moving forward, as earlier reported to the Board. The first property tax impact of the reduced interest rates will be felt in the 2013 tax bills payable in 2014.**
- g. **Other items.**

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES**

**SPECIAL CALLED BOARD MEETING
WEDNESDAY, FEBRUARY 13, 2013, 7:30 P.M.
LIBRARY MEETING ROOM**

MINUTES

1. Call to order. President Kathleen DiCola called the meeting to order at 7:30 p.m.
2. Roll call. Present: Trustee Susan Eblen, Trustee Wendee Greene, Trustee David Humphreys, Trustee Daniel Loftus, Trustee Thomas Read, President Kathleen DiCola. Absent: None. Also present: Director Rick Ashton, Assistant Director for Support Services Susan O'Brien, Assistant Director for Public Services Bonnie Reid, Downers Grove Public Library Foundation Board Member John Mochel, Cordogan and Clark Associates Representative Anthony Oliver.
3. Welcome to guests. President DiCola welcomed the staff members and guests and thanked them for attending.
4. Public comment period.

None.
5. Architect Selection Process for Library Renovation Project: Selection of no more than three firms, from among 19 firms submitting proposals, to be interviewed by the Board on February 16, 2013.

The Board discussed the various proposals.

Upon motion of Loftus, seconded by Read, the Board selected the following firms for interview:

1. Dewberry, Elgin, IL
2. Engberg Anderson, Milwaukee, WI
3. Product Architecture and Design, Chicago, IL

Roll call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None.

The Board directed the staff to inform all the firms submitting proposals of the Board's decisions and to make arrangements for interviews to be held Saturday, February 16,

2012, 9 a.m. to 12 noon. The Board requested that Ashton draft and circulate a few interview questions for their consideration and use.

6. Board announcements and requests for information.

None.

7. Adjournment. President DiCola adjourned the meeting at 8:50 p.m.

**DOWNERS GROVE PUBLIC LIBRARY
SPECIAL CALLED BOARD MEETING
SATURDAY, FEBRUARY 16, 2013, 9:00 A.M.
LIBRARY MEETING ROOM**

MINUTES

1. Call to order.
2. Roll Call. Present: Trustee Susan Eblen, Trustee Wendee Greene, Trustee David Humphreys, Trustee Daniel Loftus, Trustee Thomas Read, President Kathleen DiCola. Absent: None. Also present: Director Rick Ashton, Assistant Director for Support Services Susan O'Brien.
3. Welcome to guests. President DiCola welcomed the staff members and guests from the architectural firms and thanked them for attending.
4. Public comment period.

None.

5. Architect Selection Process for Library Renovation Project: Interviews
 - a. 9:00-9:50 a.m. Product Architecture and Design, Chicago, IL
 - b. 10:00-10:50 a.m. Engberg Anderson, Milwaukee, WI
 - c. 11:00-11:50 a.m. Dewberry, Elgin, IL

The Board conducted the three interviews as scheduled. It took no action concerning any of the firms interviewed.

6. Board announcements and requests for information.

The Board requested that Ashton report to them on professional references for the three firms by February 25.

7. Adjournment. President DiCola adjourned the meeting at 12:05 p.m.

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

Thursday, December 6, 2012

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Mr. Austin, Mr. Clary, Mr. Jacobson, Ms. King, Mr. Krusenoski, Chairman Strelau

ABSENT: Ms. Fregeau

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

OTHERS: Joseph Bounavolanto, John Iovinelli, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes November 1, 2012 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the November 1, 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."

International Restaurant Concepts, LLC d/b/a Xtapa

Chairman Strelau stated that the first order of business was an application hearing for International Restaurant Concepts, LLC d/b/a Xtapa located at 1341 Butterfield Road. She stated that the applicant was seeking a Class "R-1", full alcohol, on-premise consumption liquor license and a Class "O" outdoor 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. Joseph Bounavolanto and Mr. John Iovinelli were sworn in by the court reporter. Mr. Iovinelli introduced himself as the project manager and Mr. Bounavolanto introduced himself as part owner and liquor manager of Xtapa.

Chairman Strelau asked the applicant to present its case.

Mr. Bounavolanto that stated that they have operated the Buona Beef at the Downers Grove location for the past 12 years. He noted it was voluntarily shut down and they plan to re-open as a tapas-style restaurant which features a small plate, Latino concept variety of foods. He stated that they plan to cater to an adult crowd of 30+, but will have a children's menu. He stated that they were seeking a full alcohol license to compliment their menu and accommodate patrons.

Mr. Bounavolanto noted their experience with serving liquor and explained that they have a number of restaurants with both beer and wine licenses, five full service liquor licenses, and three catering licenses.

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

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, a certificate of occupancy, finalized menu and executed lease.

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

Ms. King commented on the good control buy record of Buona Beef and asked what they attributed their success to. Mr. Bounavolanto replied that they take serving alcohol very seriously. He stated that they care anyone under the age of 30 and they have a zero tolerance policy for staff.

Ms. King asked about their standard training policy. Mr. Bounavolanto noted that only management staff is allowed to serve alcohol at Buona Beef and they receive TIPS training and extensive management training. He stated that they plan to train all bartenders and servers of Xtapa with these same standards. He stated that employees will be TIPS Certified.

Ms. King asked if they will retain the Buona Beef staff members. Mr. Bounavolanto replied that all Downers Grove employees have been relocated to the four other Buona Beef restaurants. He stated that the Xtapa staff will be new.

Ms. King asked Mr. Bounavolanto if he will serve as liquor manager for the location. Mr. Bounavolanto replied yes. Ms. King asked how long he will spend at the Downers Grove location. Mr. Bounavolanto replied he will spend the first six months daily with a management team taking over the reigns after that.

Ms. King was pleased with the concept and that a Latino tapas style establishment would be put in that location.

Mr. Austin was pleased to see a new concept and establishment going into the location.

Mr. Austin asked about the other locations with full alcohol service license that they referenced in the application. Mr. Bounavolanto replied that the steakhouse is in Milwaukee, WI, and the Gino's East in Chicago and in Lake Geneva, WI all have full alcohol.

Mr. Austin noted that the bar area itself is a significant aspect of the establishment. He asked about the approach taken for this location. Mr. Bounavolanto replied that the location in Wisconsin is a block and a half from Lambo Field. He noted that every game weekend they have a lot of activity. He noted that they have experience with high volume alcohol sales. Mr. Bounavolanto stated that the bar area would have a separate menu, however, patrons may sit at the bar to eat. He stated that menu has a variety of small plate meal options. He stated they do not envision customers only drinking in the bar area and will encourage meal service.

Mr. Austin recalled Mr. Bounavolanto mentioning that management was responsible for serving at the Buona locations, but believed it would be different for Xtapa and how employees would be trained. Mr. Bounavolanto replied that all servers and bartenders would be provided the same training as managers.

Mr. Jacobson was pleased with the Latino menu.

Mr. Jacobson asked about the dining area with the columns on the outdoor dining floor plan and asked Mr. Bounavolanto to explain the area. Mr. Bounavolanto replied that they build a foundation to the area and will be able to enclose the area, similar to a three-season room. He noted that the area will have a low wall with windows that open.

Mr. Jacobson asked about the other outdoor dining area perimeter. Mr. Bounavolanto replied that it will be surrounded by planters, metal railing and flowers.

Mr. Clary noted the size of the establishment and asked how many managers they plan to hire. Mr. Bounavolanto replied 7 full time management staff, including himself, who will work seven days a week, with 14 shifts. He noted that 3 managers will be on duty at all times, one monitoring the front and two monitoring the kitchen.

Mr. Krusenoski asked when they plan to open. Mr. Bounavolanto replied March/April of 2013.

Mr. Krusenoski asked about the size of their other facilities. Mr. Bounavolanto replied his largest is Gino's East in Chicago which is in excess of 20,000 square feet. He stated that the Milwaukee location is 18,000 square feet which has three bars.

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 shed included a letter from the Mayor about his intent to issue the liquor license for Omega Restaurant. Ms. Kuchynka was unsure of the status of the progression of the work being done in the building.

Ms. Kuchynka provided DUIs reports for the past three years based upon a request from the Commission at last month's meeting. She stated that the number of DUIs each year are roughly the same.

Ms. Kuchynka noted their last discussion in which the Commission noticed that there have not been DUI notification letters sent to licensees in the past few months.

Mr. Jacobson noted that one officer had a number of DUI arrests. Ms. Kuchynka believed that could be attributed to the shift that officer may be on. She stated midnight and weekend shifts are the shifts that typically generate DUIs as more people are out drinking. Chairman Strelau asked if staff was certain that was due to shift work. Ms. Kuchynka would check with the Police Department. Ms. Kuchynka stated there are officers that do not get DUIs as they are on day shift which generally do not see any intoxicated motorists. Mr. Austin noted that not only one officer is on a particular shift. Ms. Kuchynka noted that the territory they patrol could also be a factor.

Mr. Austin asked if the DUI information were simply arrests or if they resulted in convictions. Ms. Kuchynka replied arrests. Ms. Didier noted that from these statistical reports, staff does not know if the arrestee pled guilty or not guilty or went to trial or not. Ms. Kuchynka noted some cases can take over a year to settle.

Mr. Jacobson noticed that the number of DUIs does not correspond with the number of DUI notifications. Ms. Kuchynka replied that the arrestee is asked where they have been drinking prior to the arrest during the booking process. She stated that not all divulge where they have been drinking and/or indicate they have not come from a Downers Grove licensed establishment. She noted that they may also have been drinking at an establishment outside of Downers Grove, however, the Village does not acknowledge those establishments or provide surrounding communities with that information.

Chairman Strelau asked what year the Village received grant money to do saturation patrols. Ms. Kuchynka was unsure and would check with the Grants Coordinator for that information.

Ms. Kuchynka advised that there were no liquor related incidents on black Wednesday, the evening prior to Thanksgiving. She noted that liquor may be served an extra hour on that evening. Chairman Strelau asked that when the Commission increased liquor serving hours that they took away the ability for licensees to request extensions. Ms. Kuchynka replied that they increased liquor serving hours on New Years Eve, St. Patrick's Day and the eve before Thanksgiving, if those fell on a weeknight. She stated that licensees may request an extension up to four times per year, but liquor service would not be granted after 2 am.

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 did not anticipate a January meeting.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

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

Mr. Adank moved to adjourn the December 6, 2012 meeting. The meeting was adjourned by acclamation at 7:00 p.m.

APPROVED 3/4/13

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

JANUARY 28, 2013, 7:00 P.M.

Chairman Hose called the January 28, 2013 meeting of the Plan Commission to order at 7:00 p.m. and asked the public to join the Plan Commission in reciting the Pledge of Allegiance.

Roll call followed:

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

ABSENT: Mr. Quirk

STAFF PRESENT: Tom Dabareiner, Community Development Director; Jeff O'Brien, Planning Manager

VISITORS: Michael Fiandaca, Delta Development of Downers Grove, LLC, 6756 N. Harlem Avenue, Chicago; Dana Wilson, 19065 Hickory Creek Drive, Mokena, Illinois, Director of Housing Operations Presence-Provena Life Connections; Chris Lavoie, CM Lavoie and Associates, 1050 W. Route 126, Plainfield, IL; Lynn Means, Senior Transportation, Sam Schwartz Engineering, 3100 Higgins, Hoffman Estates, Illinois; Chris Dasse, Studio D Architects, 2010 W. Fulton, Chicago, IL; Greg Stec, 5630 S. Kensington, Chicago, IL; John Carey, Arrow Adjustment Appraisal, 3 Grant Square, Hinsdale, Illinois; Doug Adams, 1300 Turvey Road; Don Clary, 818 Bonnie Brae Dr; Ellen & Michael Rice, 6328 Fairmount Ave; Charles & Cheryl Diana, 901 Weatherbee; Ron & Lori Lutha, 913 Weatherbee; Robert Nolan 922 Meadowlawn; Alice Dornan, First Christian Church, 5125 Blodgett Ave; Carol Nowak, 633 Crescent Dr; Mary Alice Lane, 6527 Briargate; Mike & Claudia Feeney, 672 62nd Ct; Linda Cameron Svitak, 6321 Washington; Barry W Howard, 6130 Lyman; John & Cheryl Alice, 927 63rd St; Bill & Marla Hurwitz, 825 Bonnie Brae; Jane & Alan Becker, 905 Weatherbee; Tony Bolton, 812 Bonnie Brae; Carolyn & Frank Pycik, 725 65th St; Dixie L Franklin, 6701 Audubon, Woodridge, IL; Susan Palmer, 837 62nd St; Kenneth Horonzy, 624 63rd St; Kathy Leach, 6200 Washington St; Kelly & Bob Justus, 6300 Fairmount Ave; Judy & Roger Kern, Meadowlawn; Marge Earl, 4720 Florence Ave; Rex Howard, 800 63rd St; Susan M Huizinga, First Christian Church, 6542 Midhurst Rd; Jackie & Tim Wiese 6200 Fairmount Ave; Jon Wienard, 6244 Park Ave; Lynn Bica, Representative Sandack, 633 Rogers St Ste 103; Gerald Walsh, 6238 Park Ave; Roman Swierczynski, 645 63rd St; Daniel Danko; 6200 Lyman Ave; Richard Weinholtz, 6349 Fairmount Ave; Liz Chaplin, 5623 Pershing; Henry Gentile, 713 65th St; Joy & Jim Claffey, First Christian Church; 7201 Powell; D'Anne S Gordon, 6237 Pershing; Michele Schele, 6213 Pershing; Sue Walsh, 6219 Lyman; Paul Packer, 941 Meadowlawn Ave; Inez Berman, 6317 Washington St; Lety Von Kerens, 824 63rd St; William Miotek, 6512 Lyman Ave; Kevin Lyons, 6148 Blodgett; Alex & Roseanne Nelli, 6525 Lyman; Mary Kusmirek, 821 63rd St;

Luann Parks, 660 62nd Ct; Rita Bair, 6273 Fairmount Ave; Suzanne Lestina, 6220 Fairmount Ave; Tom & Beth Wasilowski, 6238 Fairmount Ave; Eric & Joyce Nelson, 6129 Washington St; Jim & Lisa Festle, 929 Lancaster Dr; Jim McNamara, First Christian Church, 801 63rd St; Joe Domijan, 911 63rd St; Dan O'Toole, 6530 Briargate; Michael & Margaret Colucci, 6319 Fairmount Ave; Sue Craig; Elmer Schulz, 6219 Park Ave; Mary Wienard, 6244 Park Ave; Frank Pacejka, 931 Meadowlawn Ave; Dan & Karen Johns, First Christian Church, 2287 University Drive, Naperville, IL; Barb Bates, First Christian Church, 801 63rd St; Lynne Rinker, 919 Meadowlawn Ave; Joe & Sue Farley, 820 63rd St; Andrew Plantz, 6346 Fairmount Ave; Karen Dietschweiler, 6323 Washington St; Louise Weber, 6343 Fairmount Ave; Cindy Weber, 6343 Fairmount Ave; Rhonda Kohs, 810 63rd St; Becky Daigle, First Christian Church, 801 63rd St; John & Cathy Rechner, 6232 Park Ave; Ed Cervenka, 6336 Fairmount Ave; Anthony Cervenka, 6340 Fairmount Ave; Gilda Krynski, 940 Weatherbee; Elaine Milner, 944 Lancaster Pl; Nancy Janis, 948 Weatherbee; Richard & Rose Pomerantz, 712 65th St; David Olsen, 5601 Dunham Rd; Lawrence Baltazar, 715 63rd St; Alice Burnett, 715 63rd St; Mark Gilbert, 6205 Lyman Ave; Ronald Chmelina, 6512 Fairmount Ave; Phyllis Cohen, 6536 Fairmount Ave; Anthony DiSalvo, 6339 Davane Ct; Vicky Devo, 959 Jamison Way, Westmont, IL; Mark Brennan, 6318 Fairmont Ave; Tim Hopkins, 829 62nd Street;

APPROVAL OF THE JANUARY 7, 2013 MINUTES

MR. MATEJCZYK MADE A MOTION TO APPROVE THE MINUTES OF JANUARY 7, 2013, AS PRESENTED, SECONDED BY MR. COZZO.

THE MOTION CARRIED BY VOICE OF 8-0.

Chairman Hose reviewed the protocol and procedures for the meeting.

PC 42-12 A petition seeking approval of a Planned Development, Special Uses, a Final Plat of Subdivision and vacation of certain portions of the unimproved Lyman Avenue right-of-way for construction of a proposed sheltered care facility. The properties are zoned R-1, Single Family Residence and R-3, Single Family Residence. The property is located on the south side of 63rd Street, approximately 215 feet west of Fairmount Avenue in Downers Grove, IL commonly known as 715, 721, 801 and 817 63rd Street, Downers Grove, IL (PINs 09-20-118-003, 09-20-118-006, 09-20-200-001, 09-20-200-003, 09-20-203-001, 09-20-203-002 and 09-20-203-005). C.M. Lavoie & Associates, Petitioner; Edward A. and Margaret M. Fitzgerald, Lawrence Baltazar, First Christian Church of Downers Grove, Owners.

Chairman Hose swore in those who would be speaking on this matter.

Planning Manager, Mr. Jeff O'Brien, explained the applicant is requesting five (5) actions on this proposal: 1) the vacation of certain portions of Lyman Avenue right-of-way (ROW); 2) a final plat of subdivision; 3) allow for two principle buildings on a lot; 4) a special use for a sheltered care facility; and 5) a planned development for a shared parking/access and detention pond. He referenced the location of the site on 63rd Street and noted it was currently zoned R1 and R3 with the bulk of the property being zoned R1. The site, in total, was 7.25 acres and included two single-

APPROVED 3/4/13

family homes on the eastern portion of the site (715 and 721), the Lyman Avenue ROW; the church building at 801 63rd Street; and the church office at 817 63rd Street.

Proposed was a 120 unit, three to four-story building, for a sheltered care facility for senior citizens. The shared parking included 97 parking spaces, along with the existing church. The parking lot access driveway would be widened slightly to accommodate one in-bound lane and two-outbound lanes. The church's detention pond would be modified.

The Future Land Use Map was reviewed on the overhead with Mr. O'Brien pointing out the various non-residential land uses near the proposal. The zoning on the property was R-1 and R-3 Single Family Residential and was consistent with the land use. It was pointed out that churches and sheltered care facilities were allowable special uses in all Single-Family Residential districts. However, he stated there were higher standards that a sheltered care facility had to meet in a R1 zoning district. Examples would be listed in Section 28.1013 of the Zoning Ordinance. Mr. O'Brien noted the bulk regulations were met for the proposed facility. He referred the Plan Commission and public to the table on page four of staff's report for details.

Mr. O'Brien explained how the applicant would be combining the seven existing lots into two lots, thereby placing the sheltered care facility on five acres of the property while the church and office building would remain on the other portion (approx. 2.25 acres), thereby meeting the minimum lot requirements for churches and sheltered care facilities. All public improvements existed and any storm water would be retained in the existing basin through a shared agreement.

Next, Mr. O'Brien walked the commissioners through the Lyman ROW, which strip of land ran from 63rd Street to 65th Street. A history of the ROW followed. The northern 610 feet would be vacated. Notices were sent to property owners within 250 feet of the property and staff did receive numerous phone calls from residents about the property. Concerns centered on the scale of the project, traffic, and drainage issues. However, Mr. O'Brien relayed that the developer held a neighborhood meeting on January 16, 2013 and details would follow from the applicant.

Mr. O'Brien stated staff reviewed using the standards in the Zoning and Subdivision Ordinances. He noted that based on the Standards for Planned Development and Special Use Approval of the zoning ordinance, all standards were met. A summary could be found on Pages 7 through 10 of staff's report. He reviewed staff's key findings, which were: 1) Sheltered Care Facilities and Churches are allowable special uses in the R-1 and R-3 zoning districts; 2) the proposed sheltered care building meets all zoning requirements, including special requirements for lot size (5 acres), lot coverage and setbacks; 3) by the nature of listing sheltered care facilities and churches as special uses in the R-1 and R-3 zoning districts, it is assumed that they are compatible with other permitted and special uses in those districts; and 4) the Comprehensive Plan recognizes need for additional senior living facilities.

Mr. O'Brien stated staff was recommending approval of the proposal based on its analysis of the project and the zoning ordinance's standards. Staff was recommending the conditions listed on Page 11 of staff's report.

Mr. O'Brien offered to answer questions related to the standards and the zoning requirements. Commissioner Beggs asked staff to review Page 34 of the Comprehensive Plan and noted that along 63rd Street there appeared to be "a regular definition along the east side." He wanted to

APPROVED 3/4/13

confirm that the projection on the east side of the proposal was within the gray area, wherein Mr. O'Brien stated it was not and that the gray area represented on the map was the church property and Spring Park. He noted the eastern half of the property was designated as Estate Residential.

Ms. Urban inquired what the underlying zoning would be after approval, wherein Mr. O'Brien explained it would remain R1 and R3 with a Planned Development overlaying it.

Per the Chairman's questions, Mr. O'Brien explained the definition of "Institutional Uses". Asked if the ROW vacation would affect any neighboring properties to the east, which fronted on Fairmont, Mr. O'Brien stated it would not. Again, details followed on the initial right of way.

Chairman Hose invited the petitioner to speak.

Mr. Michael Fiandaca, with Delta Development of Downers Grove, LLC, 6756 N. Harlem Avenue, Chicago, stated he was part of the development team for the project and thanked staff for their hard work on the project. Mr. Fiandaca confirmed a neighborhood meeting was held on January 16, 2013 with very good attendance and many issues raised and which he hoped to address tonight. A major concern raised was property values. Mr. Fiandaca explained how Delta Development initially became involved in the project as a joint venture with Delta Life Services (holds the license). Details followed on how the joint venture was set up.

Mr. Fiandaca explained that the proposal is going forward as a sheltered care facility with a license from the Illinois Department of Health and Family Services ("HFS"). The proposal meets the definition of a sheltered care facility, which he explained as a facility that provides care, meals, laundry service, etc. for senior citizens. A history followed on how the license from HFS was obtained, rescinded, and then reissued by the State of Illinois after the State saw the need for the facility in Downers Grove. Mr. Fiandaca reviewed the previous locations that were considered but explained they had issues due to assembling the land needed for the location.

Mr. Fiandaca discussed the need for the proposed facility and the fact that there were two-plus years waiting lists for Oak Tree, Emanuel, and Peace senior living facilities in Downers Grove and there were waiting lists in other communities. Mr. Fiandaca talked about the proposed facility as being the missing link between an independent living facility and a nursing home. While a senior care facility was very similar to the services provided in an assisted living facility, it differed in that the State of Illinois would subsidize it. Further discussion by Mr. Fiandaca included the fact that the license was site specific, an operational deadline existed, financial commitments were on the table and the State wanted to see progress being made. Lastly, he stated that once the funding source for the project was identified, Delta Development would step back and the manager, Provena-Resurrection would manage the facility.

Ms. Dana Wilson, 19065 Hickory Creek Drive, Mokena, Illinois introduced herself as the Director of Housing Operations for Presence-Provena Life Connections and talked about the former merger of Provena Health Systems and Resurrection Health Systems into Presence Health. Details followed of her involvement in the retirement housing industry for the past 14 years. Ms. Wilson discussed the services that would be available to the residents of the proposed facility, noting the facility would be staffed 24/7 with surveillance for security purposes. Staff would arrive in staggered hours to avoid a rush of staff arriving/leaving at one time.

Mr. Chris Lavoie, CM Lavoie and Associates, 1050 W. Route 126, Plainfield, IL, engineer for the project, also spoke about obtaining the state license for 63rd Street and the fact that the Plan Commission did not see the proposal at that time. After discussing the proposal with staff, he and his team decided to look at another location -- Forest Avenue -- that was when the proposal was first brought to this commission. Mr. Lavoie discussed his involvement with the new site, staff's involvement in getting the site to work, and getting the church to participate in the project. After working through the details of how he planned to get the project to work, i.e., a campus approach, Mr. Lavoie stated he was able to create a site design that utilized the church's detention pond, utilized the existing parking lot, and utilized the existing entrance.

Mr. Lavoie also discussed how he addressed the parking for the proposal by visiting other facilities in other communities and observing the traffic and internal parking at senior care facilities, since the State had no clear definition of the parking requirements for such facilities. Based on a parking study done by the consultant for three different facilities, it was determined that a 0.35 parking ratio existed as compared to the Village's required 0.4 parking ratio. After combining that parking with the parking requirement for the church, it was found that the parking requirement for both facilities would work.

A review of the detention pond then followed, noting it would be reshaped somewhat and mitigation of some of the wetlands would take place. Details were explained; noting that best manages practices would be used, as required. Addressing construction, Mr. Lavoie explained that the site would be secured for safety purposes and construction access would be off 63rd Avenue, possibly using the north parking lot as a staging area. Details had to be finalized, however.

Ms. Lynn Means, Senior Transportation engineer with Sam Schwartz Engineering, 3100 Higgins, Hoffman Estates, Illinois, stated her firm was retained to perform traffic engineering studies for the proposal in order to assess the impact of the development on the current roadway system and to make appropriate recommendations for the proposed site and surrounding road network. Details of the assessments followed. Ms. Means stated the proposed facility was different from a typical residential subdivision since it did not generate much traffic during the am/pm hours as a subdivision would, and many of its residents would not drive. She stated a development of this type would expect to generate a total of 17 trips during the AM peak hours and 26 trips during the PM peak hours. During a Sunday AM peak time, 20 trips entering and 26 trips exiting were estimated. Ms. Means closed by acknowledging that she received emails from residents expressing concern about traffic speeds and safety concerns and she would continue to work with Village staff and county to address all safety-related concerns.

Project architect, Mr. Chris Dasse, Studio D Architects, 2010 W. Fulton, Chicago, IL, reconfirmed that the process has evolved and has come to its final form. He was pleased with the design from a functional and aesthetical perspective. A review of the building's elevations followed, noting the building will be steel- constructed, three stories in height with a walkout basement, and include exterior materials of brick and river stone. The actual units (60 units of 1-bedrooms and 60 units of studios), nurses' stations, therapy rooms, workout rooms etc. will be located within the top three floors while the basement area will be reserved for trash removal at one end and dining room services and common areas at the other end. The entrance and lobby will be located within the core of the building. The building will be fully sprinklered, include fire alarms, and have an emergency backup system with generator.

Mr. Dasse indicated that the building was a fixed use in that its use would have to remain. To change the use would require substantial renovations. Examples followed.

Due to some mechanical concerns raised by the residents, Mr. Dasse explained that the roof has been designed to look like a pitched roof, but the mechanicals were actually sunken down and hidden. The generator, trash area, and service dock would be located at the southwest corner of the building and would be screened with additional vegetation. The generator would also be screened and include sound-muffling equipment. Trash would be kept inside the building since there was an internal recycling system and pick up would occur three to four times per week.

Screening for the east and south elevations were increased, as requested by staff, and would now grow on both sides of the property in order to provide dimensionality to the landscaping. As to staff's conditions 2 and 3, Mr. Dasse said there were no issues with these conditions and he would work with staff to meet them as he worked further into the design.

Mr. Dasse explained how each studio unit would incorporate a thru-wall air and heating unit mounted horizontally, similar to a hotel. In the one-bedroom units, the heat/air conditioning units would be vertically mounted and placed in their own closet and include a condenser. Outside noise would be minimal. However, the central, commercial spaces in the building would have centralized packaged units that would be "ducted down" and located in the roof area. Addressing the lighting, Mr. Dasse confirmed that photometrics would meet code.

Mr. Greg Stec, 5630 S. Kensington, Chicago, IL, stated he worked all aspects of the development but said the main concern from the residents was the devaluation of property. After listening to them, he stated he hired two independent appraisers -- John Carey and Pete Poulis. However, because Mr. Poulis could not be present, Mr. Stec summarized his report. In summary, Mr. Poulis' report stated that the proposed development would be compatible and conform to the character of the neighborhood. Under Mr. Poulis' analysis of properties, Mr. Stec went on to say that properties values around the Sunrise of Willowbrook facility (Willowbrook, Illinois), which facility opened in 2003, had not decreased. In fact, there was a steady increase in housing prices. In Mr. Poulis' opinion, the proposed facility would not have any adverse affect on the properties in the neighborhood.

For the record, Mr. Stec added that a Ms. Kerry Quirin, who could not be at this meeting, wanted her statement made at this meeting, which summarized her 16 years of experience in the sales capacity of assisted living communities and locates senior living options in the Chicagoland area for seniors and their families. She stated "SLFs do not fail" and that the facility "will never be turned into apartments." Furthermore, she explained that a facility in Bolingbrook had a 12-week waiting list. With the baby boomers coming up, she commented that the need would be that much more in 20 years. Ms. Quirin went on to discuss the changing of staff every 8 hours and the fact that staff will not be interfering with the students getting out of school. She addressed the financial aspects of the SLFs versus Medicaid skilled nursing homes and that the community in which she lived (Downers Grove) needed seniors to feel their lives were purposeful. Ms. Quirin discussed in her statement that the various activities benefitted not only seniors but also the student groups that volunteer and provide community services to them.

Mr. Stec then provided demographic statistics for the growing 65 and older population and reminded the attending public that they, too, would someday turn 85 years old.

Asked why the facility example at 63rd and Clarendon Hills Road was used, Mr. Stec said it was the example that Mr. Poulis used.

Mr. Lavoie, in closing up the presentation, mentioned that the 11 accidents that occurred on Lyman Avenue were over a three-year period and had no fatalities. The access driveway was reviewed for turning and rotation overlay to generate radiuses for emergency service vehicles. The building, when looking at it, would blend into the residential neighborhood, as it was constructed of brick and was attractive.

In an email Mr. Lavoie received from Mr. Rex Howard (resides at 800 63rd Street), Mr. Howard expressed concern about traffic and the volume of traffic. He believed the information provided earlier in the presentation addressed some of his concerns. However, he wanted the commission and the public to know that he took Mr. Howard's concerns to the DuPage County Dept. of Transportation and asked them to do a speed limit count or place additional signage to address Mr. Howard's concerns.

As to the residents' concern about senior residents getting lost outside, Mr. Lavoie believes those issues were already addressed prior in the presentation regarding security. Another concern raised was that children were known to be crossing from north to south at the development's location, wherein Mr. Lavoie stated that there would be no pedestrians allowed through the construction site and that sidewalk crossings would be discussed with the DuPage County Dept. of Transportation to see if they was a viable option, since it was their ROW. Mr. Lavoie reiterated that he would take the residents' concerns seriously, address them, and take additional measures if necessary.

Regarding the storm water questions, the water would be filtered and retained, would meet the county's requirements, meet the 100 year event, and be released into the wetland area at a controlled rate. Construction site fencing would not extend onto the neighbors' properties.

Lastly, Mr. John Carey, Arrow Adjustment Appraisal, 3 Grant Square, Hinsdale, Illinois, conveyed that he has been appraising properties since 1974. In addressing property values as they related to the proposal, Mr. Carey discussed the attractiveness of the building and the screening that would take place around the building. However, he pointed out that the congregation of the church was been diminishing over the years and, at some point, the church would become less viable. Mr. Carey called attention to the fact both the church and the new facility would benefit each other: the church would look forward to expanding its ministry while the members of the sheltered care facility would take advantage of the church. Mr. Carey felt the new facility would be a stabilizing factor for the neighborhood and would not decrease property values.

Mr. Doug Adams, Denburn Woods, 1300 Turvey Road, discussed the mixed use of his own neighborhood, which included senior housing. He believed the proposal was a good candidate for the area, and, after seeing the renderings, agreed the building was not going to be an eyesore.

Mrs. Rabatah asked if Mr. Carey included his professional findings within his report or was planning to place the information in his report. Mr. Carey stated he was asked to address the concerns about property values and did not do a formal report.

Mr. Michael Fiandaca returned and called attention to the fact that the proposal was for a senior development and not a nightclub. It would be a quiet development. He stated that the one home that was located 50 feet from the Sunrise development was close to a million dollars. Asked if he would live near a similar development, Mr. Fiandaca stated initially he did not know, but after hearing what the appraisers said, he would not have an issue living next to it and believed it would bring much to the community, including jobs and services to the area. He asked for a positive recommendation.

Regarding the parking lot lighting, the consultant reported that the lighting was determined to be “underlit” and the parking lighting would be redone to meet the Village’s requirement with the neighbors in mind. Some lighting would be located on the building according to the photometric plan. Mr. Lavoie stated a photometric plan was submitted to staff for their review. Asked if the lighting was intended to be on all night on the north side, Mr. Lavoie indicated that it would be on due to the employees parking there.

Per Mrs. Rabatah’s question, an explanation followed on how the detention pond was going to be modified to function optimally, i.e., graded, added landscaping, and incorporating a controlled rate of water release. The existing, identified wetlands would require a wetlands permit issued by the county.

Per the Chairman’s question, Mr. Lavoie confirmed that the water from the north parking lot would flow into a pipe to collect the water and discharge into a vegetative bio-swale, followed by a catching system that would contain a mechanical system to discharge the water to the detention pond. As to the changes being made to the pond and whether they had a negative or positive affect, the Mr. Lavoie believed the changes would be a “great improvement” for the neighboring properties.

Addressing the buffering along the south property and whether the trees would remain, Mr. Lavoie explained that there would be vegetation there, including a retaining wall back to grade and as many trees that could be saved. For the east side buffering, he explained the landscaping was a mixture of plant material and trees and the incorporation of the fence, which would be offset from the property line, would allow the vegetation to grow on both sides of the fence. Based on staff’s comments, the fence would be buffered significantly but the clustering of trees, species of trees, tree height, etc. would have be considered for the buffering.

Asked why the traffic report did not cover Fairmont or Washington Streets, traffic engineer, Ms. Lynn Means, stated that based on the projected volume of traffic that was anticipated from the site, it was an insignificant increase in traffic for those intersections and, based on the distribution, there was no expectation of any negligible impact at all of those intersections. Asked if there was a reason why she expected 1 or 2 more cars to travel north on Lyman but none to go south, Ms. Means stated that Park was originally considered as part of the study because the development was initially looking to align a driveway opposite Park Avenue, and originally, Park and Lyman were included because there was a cross connection to Lyman. Originally, she was projecting that traffic to come out of two site driveways, but since her study was initially performed, the study was updated to evaluate the current site as proposed, which allowed for one access off Lyman with the expectation of a negligible amount of traffic to travel north on Lyman and Park Avenue.

APPROVED 3/4/13

Asked about a count of children crossing the street, Ms. Means stated that surveyed hours included 7:00 to 9:00 AM and 4:00 to 6:00 PM during the week and then 10:00 AM to 12:00 PM on Sunday. During those times, not a single pedestrian was counted as crossing 63rd Street. She presumed that pedestrians were using the existing crosswalks to the parks and nearby school.

(The commission took a five-minute recess at 9:04 p.m. and then reconvened at 9:10 p.m.)

Chairman Hose opened up the meeting to public comment.

Mr. Ken Horonzy 624 63rd Street, Downers Grove, stated he was the executive director of engineering for Trump Tower. He stated the building was a three-story building that did not belong in the neighborhood. While he did not doubt its need, he believed the developer should find another site and construct the building twice the size. He stated that ambulances will be coming down 63rd, garbage trucks will be increased, and that the loud generators run on diesel, polluting the air.

Ms. Kelly Justus, 6300 Fairmont, Downers Grove, asked if there was a time limit for comments. Chairman Hose indicated there was not. Ms. Justus stated she had a signed petition by 250 residents who did not support the proposal. She agreed Delta Development had a meeting on January 16, 2013 but many of the concerns raised were not addressed. She felt more time was necessary to read the 119-page document. She stated that while the development has been in the works for over two years, the residents had less than two weeks to digest the information. She asked the commission to delay any decision made on the project until the residents' concerns were addressed completely. She asked why the Village's public notice used the term "sheltered care facility" while Delta Development used the term "supportive living facility." Chairman Hose explained the difference between the terminology.

Asked why the special use was not granted for the Forest Avenue site when other senior facilities were located nearby, wherein it was explained by Community Development Director, Mr. Dabareiner that the applicant withdrew its application before there was any vote by Village Council. However, Ms. Justus recalled from the October 1, 2012 minutes that the project was attempted at the 63rd Street location next to First Christian Church, but zoning issues existed, as cited by staff, that the site could not support the development. Asked what those zoning issues were, Village Planning Manager, Mr. O'Brien, explained that the facility was initially proposed on the single-family residential zoning but the land lacked the required five acres. Sheltered care facilities required five acres with a special use in a residential district. He further explained that the developer returned to the site and acquired the additional land from the church to make the site five acres.

Continuing, Ms. Justus then discussed the residents' informational meeting where she said Mr. Fiandaca discussed that one senior resident would be assigned to one unit unless they were married or had family, which could result in 60 additional people staying at the facility. Ms. Justus asked if there were there any restrictions on the additional people living in the unit, such as age, amount of people living in it, criminal background, etc.

Responding, Ms. Dana Wilson (Presence Life Connections), explained that additional family members, such as a sister or a married couple, could be a possibility, but in her years of working in the field, it was seen occasionally. All residents had to be 65 years or older and all residents would have a criminal background check as part of the State's regulations. Asked if there was an

occupancy limit that the Village imposed upon the sheltered care facility, Mr. O'Brien stated the occupancy of the building was governed by the building and fire code. The size of the unit governed how many people can be in the unit.

Continuing, Ms. Justus voiced concerns about the operating license expiring after 30 years and whether the units could be turned into other types of housing; staff's possible contradiction of 63rd Street being defined as a four-lane arterial street when the Village's comprehensive plan (page 58) listed 63rd as a minor arterial street; and that the comprehensive plan was to be used in make evaluations of proposals for development in the community. As to the property values, Ms. Justus stated she spoke to an appraiser who stated that there was not much demand for a home located near a senior living center. She produced a study that discussed the "relationship between affordable housing and property values being more complex than originally thought." She believed the attending residents agreed the proposal was not characteristic of the single-family residential neighborhood and would tower over the existing homes.

Ms. Justus proceeded to talk about the differences between the proposed development versus the Sunrise development mentioned earlier. She questioned the value of the million-dollar property before the Sunset facility was constructed. Lastly, she suggested that if property values were going to be considered, that the commissioners look at other SLFs in DuPage County where many of them sat on larger lots with large buffer zones and did not have residential on all four sides. She invited the commissioners and the Village Council to visit the neighborhood on all sides of the proposed development to see what major impacts the facility would make.

Mr. Waechtler suggested to the Chairman to limit comments to five minutes and not repeat comments, for the sake of time. The Chairman concurred and stressed to the residents to limit their time to five minutes.

Ms. Alice Dornan, 5125 Blodgett Avenue, Downers Grove, stated she resided in the village for 23 years and was a member of First Christian Church. As a retired recording secretary for this Commission, she stated she had the opportunity to become familiar with Mr. Lavoie's work in the village, citing Acadia on the Green and the parking deck projects. However, since the publication of the public hearing notice in the *Downers Grove Reporter* and the posting of the public hearing signs on the church property and the property to the east, Ms. Dornan stated she was made aware of personal attacks against Mr. Lavoie as well as members of the village planning staff. She stated the accusations had no place in any discussion involving this project, which would benefit senior citizens in the village and county.

As for the topic of wildlife brought up at the residents' meeting, Ms. Dornan mentioned an article in the January 25, 2013 issue of the *Chicago Tribune* that reported on a coyote incident. She reminded residents that as coyotes become bolder in all neighborhoods, the residents must make them afraid of humans by not feeding them. The October 11, 2012 Patch also reported on coyote sightings in Downers Grove, specifically at Washington and 63rd and at Spring Park. She believed the issue of coyotes would not go away and would have to be addressed by wildlife experts now and in the future. However, she asked this commission for a positive recommendation for the sheltered care facility.

Mr. Rex Howard, a Downers Grove resident for 25 years, discussed a family accident, which occurred 40 years ago on Butterfield Road. He took issue with Ms. Quirin's letter regarding 68th

and Main and Ms. Means' report regarding the traffic study done during peak hour, citing that children are in school during peak hours but during the summer months, they are out with friends. Mr. Howard stated that he sees kids, adults, and seniors attempting to cross at 63rd because his lot is located at the corner of 63rd and Lyman. To the previous comment that the intersection was not a "high accident location," and as insurance agent, he stated that many people choose to self-insure their accidents, which go unreported, and are not on the county's records. He stated it was a high accident area as he has had vehicles in his front yard and he picks auto parts from his yard. He agreed there was a need for senior care but believed the project would increase the probability of more accidents. He asked if the safety of one child was worth the trade-off for this location; he thought not and stated the project was not right for the location.

Ms. Susan Palmer, 837 62nd Street, Downers Grove, voiced concern about cut through traffic on 62nd Street and for the safety of the young children. She asked when the traffic study was completed, commenting that her mother was in a sheltered care facility and most visitors were on a Sunday afternoon. She did not hear about a report on Sunday afternoon hours. She was also surprised at the low number of cars estimated for a facility of this size.

Mr. Jim McNamara, Vice Chairman of First Christian Church, discussed that the church's parking lot holds 100 cars and the paved area requires a stormwater retention pond, which was installed at the same time as when the parking lot was installed in compliance with the code back in the 1980's. Since there was no requirement or a perceived need for continued maintenance for a passive water control system, no work was done on the retention pond since. He explained that the agreement between the church and sheltered care facility would stand and enhance the flood mitigation of the retention pond without requiring any other dedicated water-retention zone. Mr. McNamara discussed the benefits of the new storm water process and the improved wetlands area. The path from the nearby park would remain. Mr. McNamara discussed the prior activity that occurred at the church: a former daycare facility, a former Head Start program and, during that time, a larger congregation with 150 families. While he agreed there were accidents at Lyman and 63rd, he was unaware of any serious accidents of a member. He did not believe the development would increase traffic beyond what was the historical norm for the site. He discussed the benefits of the project and said the congregation supported the project.

Mr. Dan O'Toole, 6530 Briargate, Downers Grove, asked to hear about the impact on fire and police and whether more staff was required to be on call and, if so, what was that cost over a five-year period. If the building was constructed, was the facility receiving any tax money from the village or the county? Lastly, he questioned whether there was another location to be considered other than on a main street, such as a warehouse area, which offered larger acreage for a development. He asked what happens when the State does not have enough to pay for the residents. He did not support the development. Village Planning Manager, Jeff O'Brien, responded that there would be no additional impact on the police and fire departments for another senior facility since the department can service a population of 100,000. From the Village's standpoint, there were no financial incentives being offered to the developer for this project.

Mr. Paul Packer, 941 Meadowlawn Avenue, Downers Grove, is an educator and is not in favor of the site. He voiced concern about a state-subsidized property, especially when the state was behind in paying nursing homes and other subsidized public entities. He voiced concern that there was no known investor, was concerned about the project's environmental impact on the nearby park, the lighting on the environment; the traffic study not including Fairmont and Washington Avenues;

concerned about the infrastructure; concerned about the site being in the middle of a block; and the fact that the property value would not change but, instead, people's desire to purchase a property near such a facility would change.

Ms. Beth Wasilowski, 6238 Fairmont Avenue, Downers Grove, noted page 35 of the Village's Comprehensive Plan stated that of the residential units in Downers Grove, nearly 80% were single-family and owner-occupied. Page 37 of the plan stated, "It is important that new development be sensitive to local context regardless of the location or housing type. Residential development or redevelopment should be carefully regulated to ensure compatibility with the scale and character of surrounding and adjacent residential neighborhoods." She was present to ensure that her neighborhood "wasn't ruined" by this facility. She believed that the developer was trying to flatter the neighbors and, until about three weeks ago, she never heard the term "supportive living facility" or "Delta Development" and so she researched both and attended the January 16, 2013 residents meeting. At the meeting, she discussed the beautiful renderings presented and the fact the applicant informed the residents that they would have "first choice when it came to living there." Upon hearing that, she called and spoke to the State's Illinois Supportive Living Facility coordinator who indicated that there was no guaranty that a resident could get into the facility just because they lived in Downers Grove. She also called a Naperville facility whose coordinator explained there was an application process. Details followed.

Ms. Wasilowski also called attention to the fact that the other facilities were not located in the middle of a residential block. Examples followed. She believed granting the special use would set precedence for other, similar projects down 63rd Street. She stated there was no mention of biohazard material that must be moved out of the facility, housekeeping services that must be provided, or the recreational outings that must be provided. Lastly, she said the facility must provide transportation of the residents to/from their medical appointments. She voiced concerns about the safety of the high school cross-country team as they run down 63rd Street and the traffic issues with that. She noted that the development company would develop the site and then leave, pointing out that it will not even manage the facility. To her, it was not about the developer and petitioner enhancing the neighborhood but, instead, was about their own personal financial gain. She asked the commission not to recommend the special use permit.

Ms. Dixie Franklin, 6701 Audubon, Woodridge, IL stated she has been a member of the First Christian Church for 31 years and was asked to read a letter to the Planning Commission. The letter, written by Theresa Owens, Senior Minister of First Christian Church in Downers Grove, whom was absent, discussed in her letter that from the first time Chris and Mike came to the church, the church board and congregation felt it was an opportunity for the church to live out its calling and listen through the presence of Christ in the community. She shared the various ministries that the church offered through the past, noting the church's commitment to the community was well established and the church was part of the Village for almost 50 years. The church was well aware that there was a need for affordable senior living and supported the effort because "it was the right thing to do." Ms. Owens, in her letter, stated that she has counseled several members about a life choice to enter a senior living facility but the concerns were usually to get to church, being close to family and friends, and the affordability. The project provided affordability and the church was dedicated to serving the new neighbors to establish their new community. She joined her congregation in supporting the project enthusiastically.

Mr. Tom Wasilowski, 6238 Fairmont, Downers Grove, thanked the commission for hearing the public. He also thanked Delta Development for putting together a very detailed plan but it took them two years. He found it interesting that the developer got on the Village's Plan Commission agenda so quickly and could not wait for the commission's regularly scheduled meeting. He believed the project was moving too quickly. As to the Standards for Approved Planned Development, he noted that staff's response to Standard 8 was flawed and referred to the church's use. Recalling the minutes of October 1, 2012 Planning Commission meeting, Mr. Wasilowski noted that Mr. Beggs had an issue with the density of the Forest location. In those minutes, Mr. O'Brien had agreed and stated the Village's zoning code did not support the density of the proposed development. Therefore, Mr. Wasilowski pointed out that if it was too dense for downtown why it was too dense for a residential neighborhood. Wherein Chairman Hose interjected and noted that there were many differences between the Downtown Business zoning district and an R-1 zoning, which was why there were concerns that applied there that may not have applied to the proposed location.

Continuing, Mr. Wasilowski stated that the developer was asking for a 24/7 operation and additional staff and service vehicles would be visiting the site, which was much more than was stated earlier. Staff's response to Standard 8 also referred to the non-residential use on 63rd Street and Mr. Wasilowski felt this statement was misleading because it included the commercial use on Fairview and Main Street. While the Comprehensive Plan on Page 28 called for commercial development in residential neighborhoods, it mentions that it should be made at major intersections and should be anchored by grocery stores and accompanied by small retail. The project was neither. He further pointed out that 63rd Street was not identified as a Key Focus Area nor was it targeted for commercialization. The project would conflict with the plan. Further examples of how the project did not fit within the Comprehensive Plan followed. Mr. Wasilowski went on further to discuss that there was no documentation in the proposal that discussed peak electrical load demand for the facility. He believed that until an electrical agency confirmed that the electrical grid was adequate for the service and that the residents would not suffer another blackout or power loss, he suggested holding off on the project and studying it further. He inquired how the phone utilities would be provided.

In conclusion, Mr. Wasilowski stated that the developer had two years to prepare the petition but as late as October 2012, the Planning Commission staff stated that they could not support the proposal at the site on 63rd. Then it was moved to Forest; then returned back to 63rd only because the developer wanted to "make it happen" in two months because it had a timeline, but it did not address the residents' needs and concerns. Continuing, he pointed out that in the past couple of weeks residents have found errors, misrepresentations, and omissions in the proposal. He requested the commission to delay on making a ruling or deny the project entirely.

Mr. O'Brien, again, reminded the public that the developer proposed a site on 63rd Street that only had two acres so the developer sought to get more land, which staff directed them to do if they wanted to propose the project at this site. The required minimum was five acres, which this development proposal achieved.

Mr. Anthony DiSalvo, 6339 Davane Court, Downers Grove, discussed his prior attendance at the Planning Commission meetings for various proposals. He believed the petitioner did a very good job of being tenacious and stated that the applicant was asking for zoning exceptions instead of a new precedence. Mr. DiSalvo pointed out that just because the petitioner said it took a long time to

apply for the licensing, it was not reason enough to grant exception to a parcel in a residential neighborhood. He agreed that plans do “evolve”, but he also saw the plan evolving and the church going away with a different type of facility replacing it. He believed there should be no special exceptions granted for the project because that, in itself, explained that the project did not fit the property. He found the parking figures to be a bit unusual. He asked the commissioners to deny the petition.

Mr. Mike Feeney, 672 62nd Court, Downers Grove, stated if the proposal passes, he would have a straight on view of the building. The main concern for him was the fact that the development was a turnkey development and after the building is constructed, the builder will take the profit and be gone. He stressed the fact that he and his neighbors were not notified two years ago, but if they had, the residents could have worked with the developer in obtaining sites. He disliked the project. Mr. Feeney questioned the commissioners as to why they would not follow the village’s comprehensive plan after they spent months on it. Speaking from his own experience, he also noted that the Fairview facility went bankrupt and such developments can do the same. He appreciated the church’s help in the project but asked how many of the congregation actually lived at 817 63rd Street, except for the minister. He stressed it was a residential issue.

Ms. Joy Claffey, 7201 Powell, Downers Grove, state she is a senior citizen and appreciated Downers Grove for their forward thinking, their schools, libraries, and downtown. She stated she is a member of the first Christian Church and supported the project. She confirmed she met with Messrs. Lavoie and Fiandaca who showed her the plans. Ms. Claffey stated the proposed facility’s largest side faces the church and she believed there would not be much traffic. She believed the facility was needed in the community. She asked that the commission support the project.

Ms. Cindy Weber, 6343 Fairmont Avenue, discussed the history of the home her mother lives in and said that a covenant that was drafted at that time stipulated restrictions to single-family homes. Her mother still resides at the address and loves the Village of Downers Grove. However, she questioned why the covenant could not be binding since she had a survivor. The covenant stated that an outbuilding was allowed, basically, a garage. She mentioned the Meadowland Subdivision included the two parcels located east of the church (715 & 721 63rd Street). She hoped the commissioners “really think about this before you pass it.” Ms. Weber stated she did seek legal advisory from a Mr. Aldo Botti.

Ms. Vicky Devo, 959 Jamison Way, Westmont, IL, stated she has been a member of First Christian Church for 29 years and discussed the needs of the community for the facility that will provide services that many seniors need. She discussed her background in physical therapy and the services that are provided to seniors in their own homes. She stated the facility would provide those services to the seniors and provide them with a safe home and the added benefit of living in a community. The facility will allow seniors to be as independent as they can yet support them where help is needed. She supported the facility and asked that it be approved.

Mr. Charlie Diana, 901 Weatherbee, Downers Grove, discussed that a lot of the discussion has been emotional and has been about “not in my backyard”, which he believed was the wrong approach to take. While he agreed there was the need for it, it was a matter of the developer presenting some “subjective” information, i.e., traffic numbers, deliveries, visitors, changes to the detention pond, etc. The issue was that a timeline existed and there was a large push to sell it to the community. He questioned why the developer did not consider locations, such as Ogden Avenue, versus placing

it in a residential neighborhood. He noted the facilities the proposal was being compared to were “apples and oranges.” There were many things that needed to be looked at closer.

Ms. Karen Johns, 2287 University Drive, Naperville, IL, chairperson of First Christian Church, stated the church was aware of this plan for over a year and a half where Mr. Lavoie met with the church’s board and full congregation when the potential for the senior facility came about the first time. She noted Messrs. Lavoie and Fiandaca were very “open and forthcoming” and flexible in addressing the church’s needs for the cooperation between the two properties. She also clarified a misconception by explaining that the church actually had two congregations and serviced the needs of a third one. Two services were held on Sundays and only one day during the week was there no activity occurring in the building. The church believed the facility was consistent with the mission statement to bring the presence of Christ in the community. Evolving the church to be a campus that included a community of seniors that the church could serve, supported that goal and expanded the church’s ability to serve. She believed God’s hand was in the project, as the project had circled back around to the church. Also, she believed the church was ideally situated to participate with a senior facility since many in the congregation were either in or approaching that stage in life. She stated the entire congregation supported the project, felt it would beautify the church’s property, enrich spiritual growth, and provided a service to the growing senior community in the Village. She asked the commission to approve the project.

Mr. Bob Justus, 6300 Fairmont Avenue, Downers Grove, resides directly east of the proposal, and discussed that he watches the sunset with his family in the west but now will not see it due to the proposed building. He stated he knows the developers do not care about him but he hoped the commissioners did.

Mr. Anthony Cervenka, 6340 Fairmont, Downers Grove, read Section 28.1607(10) of the zoning code and noted that the public right of way easement being discussed was there for a reason -- for future residential development for the Village. However, the public easement was vacated and transferred to the developer, which would block the possibility of future residential development of three or more acres to the south. He added that adjacent to the land to the south it contradicted the section just referenced. He suggested that if anyone had not been to the site, to travel to the south side of Spring Park and imagine the proposed building and its height, which was why the residents were upset; adding it would drastically change the character of the subdivision and the surrounding neighborhood, which consisted of estate lots, nature, ranches and some split-levels and two-story homes. He stated that one neighbor had an in-ground pool and that the upper level residents in the facility would be looking down upon the family and friends of this resident and his pool.

Mr. Cervenka recommended that the project be a one or two level building to be in character with the neighborhood and that the public road easements should not be vacated and transferred to the developer since it more than impeded, substantially hindered or destroyed the use of the adjacent land that would block future residential development for the village and it would not drop the value of the land. Mr. Cervenka also pointed out that the Sunrise Village was constructed when a five-story condominium building was already constructed there, along with retail, townhomes, etc., and very few single-family homes. As to the students, he said you had to watch out for the students from O’Neill School, as they were of a daring age and ran across from both sides of the street. He pointed out that if someone was looking to purchase a single-family home, it was obvious that they would choose a home next to another residential home versus a home located next to this facility. Lastly, Mr. Cervenka stressed that if the project is passed, he asked that it be two stories.

Mr. O'Brien briefly clarified that there is a ROW (33 ft. wide by 1,320 feet long) that runs from 63rd to 65th Street down the east side of the church property and Spring Park. At the Meadowlawn II Subdivision, starting at 63rd Street, there is 33 ft. easement for future road purposes on the west half of the lots fronting Fairmont.

Mr. Mark Brennan, 6318 Fairmont Avenue, Downers Grove stated the project will be directly in his backyard and he asked the commissioners if they wanted the same facility in theirs. He stated he would not have purchased his home had he known such a facility would be in his backyard.

Ms. Inez Berman, 6317 Washington Street, Downers Grove, stated the church parking lot was her back yard and she purchased her home less than two years ago and the first thing she noticed when she purchased was that it had a beautiful sunset. She was not aware that Delta Development was working on the project for two years and if the project is approved, she stated her dining room view would be that of a delivery door of garbage trucks, laundry trucks, etc. She stated the parking lot would have lights shining into her bedroom window. Had the facility been there when she was considering purchasing her property, she stated she would not have purchased the house. She felt "duped". She urged the commission to not support the project and preserve the character of the neighborhood.

Ms. Sue Huizinga, 6542 Midhurst Road, Downers Grove, is a member of the First Christian Church and stated she is a potential senior for the sheltered care facility. She discussed her age group has been hit the hardest during the recession, receiving loss of savings, jobs, etc. and there will be an increased need for such facilities. She saw the opportunity for the ministering to the seniors but also understood the concerns of the residents, citing that when she purchased her home in the 1950s it was an open field but that 20 years ago it became an interstate. She stated home values only diminished with the fall of the recent housing market. She encouraged the commission to listen to the facts and base their decision on them.

Ms. Margaret Calucci, 6319 Fairmont, Downers Grove, stated her parents purchased their land in 1956 and moved into the home the following year. While she understood the need for senior housing, she did not know about the project until Tuesday, when her neighbor asked her to sign a petition. She found it difficult that the commission was going to vote on the project without the residents' knowledge and without any input into the project. She asked the commissioners to think whether the project was in the best interest of the citizens of Downers Grove.

Mr. Tim Hopkins, 829 62nd Street, Downers Grove, stated that if the project is approved it would be a mirror image as to what will come in the second phase and he asked what would stop the church from selling off the land and doubling the size of the entire campus concept.

Mr. Ron Lutha, 913 Weatherbee, Downers Grove, stated he did not hear about the project until recently and stated he did not get a chance to assimilate all of the information or the impacts from the project. He voiced concern as to whether the commission had considered the project's expansion because, as he saw it, it was a "foothold" into the next steps of the entire 63rd Street moving further west. He agreed the project was "rushed," understanding that the developer had a license to get into place. He voiced concern about construction traffic, damage to the roads, potential accidents, etc. He offered to listen to facts but currently it was not a project for the neighborhood.

Mr. Ed Cervenka, 6336 Fairmont, Downers Grove, voiced concern about more water being deposited at Spring Park than it can handle and the fact that the applicant had not addressed how it planned to handle the additional water that it dumps there. As for the easement of Lyman, he agreed that it travelled to 65th but the street was 12 feet higher than the property and the easement travelled through wetlands, which would not allow construction. Mr. Cervenka also addressed the fact that the detention pond was not maintained, causing spillage of water into the neighbors' yards. He closed by stating that if there were two exact homes and one was next to a senior facility and one was next to other residences, which one would the commissioners want to purchase. Mr. Savanka suggested that it might be beneficial in the future to limit the time on the petitioner and allow more time for the residents to speak.

Mr. Charles Diana, 901 Weatherbee, Downers Grove, returned to the microphone and inquired of the church members if there was anyone who opposed the project.

Mr. Jim McNamara, Vice Chairman of First Christian Church, Downers Grove, responded that the church held a meeting and presented the information and there was a unanimous vote to recommend that the church go with the project.

Ms. Lynn Rinker, 919 Meadowlawn, Downers Grove, discussed how the land behind her changed over the years, starting from 1962 when the area behind her home was a farm until a developer came in and wanted to construct condominiums. She stated the neighbors fought it and won. Next, another condominium project came along on 63rd, west of Main Street and was fought by the neighbors. She discussed the traffic issues she saw then. While she believed the project would benefit the church, she believed the developer had plenty of other places to construct the facility instead of a residential area.

Mr. Anthony Cervenka, 6340 Fairmont, Downers Grove, explained that there were other senior facilities in the county besides the three that the developer had mentioned. He stated a more recent facility was built off 83rd or Plainfield Road just east of Lemont Road and there was no mention of that one, which was located in a non-residential area.

Mr. Paul Packer, from Meadowlawn, Downers Grove, stated he was on well water and wanted a guaranty that his well would not be contaminated, wherein Mr. Jeff O'Brien stated the facility would be on public sewer and water and, as far as he knew, there were no chemical processes going on within the proposed building.

Ms. Beth Wasilowski returned to the microphone and asked the church minister to be specific as to how the church was benefitting monetarily from the proposed development, as she believed that had some bearing in the matter. Chairman Hose interjected and believed the question was not germane to the issues that were before the Plan Commission and had no bearing on the zoning that underlies the church and the facility.

Mr. Michael Rice, 6328 Fairmont, pointed out his lot and other lots south of the project and voiced concern that if the easement is taken out, the back acres will become land-locked. Should the land be sold, he asked why the residents were not informed to purchase it.

APPROVED 3/4/13

Mr. Jeff O'Brien stated when ROWs are dedicated they are returned to the landowner to dedicate it. In the case of 63rd Street, he explained the property owners on the north side and property owners on the south side had dedicated portions of the ROW to the county for construction of the road. For this case, he explained the Lyman Avenue ROW was a half ROW. The other half of the street ROW was reserved in easement in the Meadowlawn Unit 2 Subdivision plat. Clarification followed.

The Chairman asked Mr. Rice for clarification regarding his comment about being land locked and asked him to point out his property, wherein Mr. Rice noted his property and his neighbors on the overhead. He voiced concern that he would not be able to sell the back acre of his property because there would be no access to it. Mr. O'Brien spoke up and stated that Mr. Rice would have to go through the subdivision process.

Mr. Anthony Cervenka, 6340 Fairmont, Downers Grove, referenced the aerial photo and discussed the various easements in the area and indicated what lots would be land-locked if the easement was vacated.

Ms. Linda Cameron Svitak, 6321 Washington, Downers Grove, stated she owns an extra parcel and over the years, people have tried to purchase it from her. She wanted to keep the community open and beautiful. She stated the proposed facility would take away the beauty of the neighborhood, as the homes were small but sat on large residential parcels. While she agreed there was a need for senior housing, she believed working as a community, another location could be found. To the church, she stated they should have talked to the neighbors about the project.

Ms. Karen Dietschweiler, 6323 Washington, Downers Grove, stated her property sits adjacent to the retention pond and she was concerned about the safety of children with no protection. She voiced concern about water running off into her well and asked who to call if there were issues.

Ms. Karen Johns, chairperson, First Christian Church, stated that when the unanimous congregational vote was received, it was during the first presentation and there was no discussion about purchasing the church's land.

Mr. Robert Nolan, 922 Meadowlawn Avenue, Downers Grove, talked about a former rain event and questioned whether the improved detention pond size could handle the proposed water run-off from the facility and parking lot. He explained his property's grade.

Ms. Margaret Calucci, 6319 Fairmont, asked if the two sites that were discussed at this meeting were the only choices. She noted another location near an industrial park and near the village's fire station and asked whether the Village owned the property there. The Chairman clarified that the Village does not direct the developer to land.

Hearing no further public comment, Chairman Hose closed public comment and invited the commissioners and staff to respond to public comment. No comments followed. The petitioner was invited to respond to the comments, wherein the petitioner declined at this time.

Chairman Hose asked staff to repeat the questions that were raised so that they could be discussed.

Mr. O'Brien summarized the following:

1. What happens to the state license after the 30-year term expires;
2. 63rd Street's classification;
3. Other locations that have been considered;
4. What happens if the state does not pay the facility;
5. The covenant on the Meadowlawn Unit 2 Plat of Subdivision;
6. How much of the Stormwater run-off is directed to Spring Park;
7. Proposed water quality controls for the site's run-off;
8. Anticipated impacts to neighboring water wells, during and after the construction process;
9. Is the development receiving any financial incentives from the County;
10. Impacts to the telephone and electrical infrastructure;
11. Traffic counts for later times on Sundays;
12. Confirm the traffic study included delivery trucks, ambulances, etc.
13. Concerns about standing water;
14. Will ambulances enter with lights/sirens running and is it common at other facilities;
15. Is the Clarendon Hills Sunrise facility a good and comparable example for an appraisal;
16. Need more information from the appraisers as to the impact on the residential properties;
17. Look at the number of pedestrians at the Fairmont crosswalk.

Mr. O'Brien clarified that when a traffic study is completed and when traffic counts and trips are calculated and observed in real time for an entire day at all times. The traffic is expressed in the peak hours when there is the most impact to traffic flow on a given roadway.

Mr. Waechtler suggested that with the unanswered questions raised and the late hour that the Plan Commission postpone the deliberation until the next meeting.

Mr. Beggs pointed out that many questions were raised during public comment but the issue, to him, was the adequacy of the petitioner's presentation and if the petitioner could answer the questions, which were listed. That was the presentation the petitioner made. Then the Commission could make a decision based on the adequacy of the petitioner. He would not continue hearing to another date.

The Chairman asked if the petitioner was able to answer the questions. He asked them to estimate how long it would take; a response of "twenty minutes" was stated.

Mr. Cozzo voiced concern, again, about the 60-year-old covenant. He was concerned that the question could not be answered tonight. If not, he was not sure the commission could make its decision without that information.

In response, Mr. Fiandaca said there was a title report completed and there was no such covenant that was within the title exceptions. He did not know where that information came from. The title reports were not submitted to staff. Mr. O'Brien indicated that he would not comment on the covenant until such time that he could review the actual documents with the Village's legal staff.

Concern was raised on when to continue the meeting with Mr. Fiandaca appreciating the earliest possible date. He elaborated that the State had lost patience and the tax credit investors were concerned as well.

APPROVED 3/4/13

WITH RESPECT TO FILE PC-42-12, MR. WAECHLER MADE A MOTION THAT THE PLAN COMMISSION CONTINUE THE HEARING TO A DATE CERTAIN, THAT DATE BEING FEBRUARY 25, 2013.

SECONDED BY MR. MATEJCZYK.

AYE: MR. WAECHTER, MATEJCZYK, MR. BEGGS, MR. COZZO, MRS. RABATAH, MS. URBAN, CHAIRMAN HOSE

NAY: WEBSTER

MOTION CARRIED. VOTE: 7-1

Mr. O'Brien announced there was a meeting planned for next Monday, February 4, 2013 which will include a subdivision at Woodard and Prairie.

THE MEETING WAS ADJOURNED AT 11:45 P.M. ON MOTION BY MR. WAECHTLER, SECONDED BY MS. URBAN. MOTION CARRIED BY VOICE VOTE OF 8-0.

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)

APPROVED 3/4/13

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

FEBRUARY 4, 2013, 7:00 P.M.

Chairman Hose called the February 4, 2013 meeting of the Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

ROLL CALL:

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

STAFF PRESENT: Community Development Planning Manager Jeff O'Brien; Planner Damir Latinovic

VISITORS: Mr. Patrick Sullivan, Petitioner, 4740 Saratoga Ave., Downers Grove; Mr. Kevin and Ms. Brenda Bruno, 4725 Woodward Ave., Downers Grove; Ms. Cynthia Kenney, 4728 Woodward Ave., Downers Grove, Ms. Ramona Lowy, 2002 Prairie Ave, Downers Grove; Mr. Tom Valus, 2000 Prairie Ave., Downers Grove; Mr. Scott Kraftheffer, 4525 Middaugh Ave., Downers Grove

Chairman Hose reviewed the meeting's procedures and protocol.

PC 01-13 A petition seeking approval of a Final Plat of Subdivision to subdivide one lot into three new lots. The property is located at the northeast corner of Woodward and Prairie Avenues and is commonly known as 4729 Woodward Avenue, Downers Grove, IL (PIN 09-07-100-019); House on Prairie LLC, Petitioner and Owner.

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

Village Planner, Damir Latinovic, reviewed the petition, explaining that the 41,000-sq. foot property was located at the northeast corner of Woodward and Prairie Avenues and zoned R-3 Single-Family Residential with one existing single-family home on the property. Photographs of the house were noted on the overhead projector. Reviewing the plat, it was noted the property comprised of two parcels -- one lot being 120 feet wide (Lot 353) and the other parcel being the southern portion of another lot (Lot 352). Per Mr. Latinovic, the petitioner was seeking to subdivide the property into three lots: Lot 1 being 75 feet by 152 feet; Lot 2 being 105 feet by 150 feet; and Lot 3 being 75 feet by 180 feet.

Mr. Latinovic stated the proposal met the goals of the Comprehensive Plan and was sensitive to the surrounding character of the area, with the proposed lots actually exceeding the minimum requirements. The proposal met the Village's Zoning Ordinance. Per staff, the existing home would be modified so that it meets the setbacks on the corner lot, as required by the Village, in the R-3 zoning district. The new homes on Lots 1 and 3 would also meet all requirements of the Zoning

APPROVED 3/4/13

Ordinance. The proposal also met lot dimension requirements of the Subdivision Ordinance and the petitioner would be providing all required public utility easements.

Because there was only one additional lot being added, the petitioner would be required to pay park and school donations of \$4,736.71 and it would have to be paid prior to the Village signing the plat. Two new parkway trees are required in the Woodward Avenue parkway, and the petitioner would have to pay a fee-in-lieu in order for the Village's forester to install those two trees at the time of construction of homes.

Mr. Latinovic called attention to the fact that the petitioner was requesting two exceptions from the Subdivision Ordinance. The first exception was from the right-of-way width dedication. He explained that right-of-ways next to new subdivisions had to be 70 feet wide and, in this case, both Woodward and Prairie Avenues were currently 66-feet wide, so up to four feet of the property would have to be rededicated to meet the 70-foot width. Details followed, noting that the addition of the four feet would have no benefit to the Village.

The second exception was for right-of-way improvements (curb and gutter) along the east side of Woodward Avenue. At this time, the entire length of Woodward Avenue on both sides does not have curb and gutters and the Village has no plans for road reconstruction along Woodward Avenue. Installing such improvements could contradict future Village improvements. However, the petitioner, as Mr. Latinovic stated, would be installing improvements to the stormwater infrastructure, specifically on the east side of Woodward Avenue a new catch basin would be created.

Per staff, an appropriate public notice was published and a sign was posted on the property. Neighbors within 250 feet of the property were also notified. To date, staff received one email which was placed on the dais prior to the meeting.

Staff found that the proposal was consistent with the Village's Zoning Ordinance, Subdivision Ordinance and the Comprehensive Plan and, all five standards for granting the exceptions were met. Staff recommended that the Plan Commission forward a positive recommendation to the Village Council, subject to the three (3) conditions listed in staff's report.

Mr. Matejczyk confirmed with Mr. Latinovic that the existing house on Lot 2 would meet all setback requirements, especially on the north side, wherein, Mr. Latinovic explained that the attached garage would be razed to meet the 10.5 foot setback from the north property line.

Ms. Urban asked if the subdivision were not to occur and another home was constructed on the existing second parcel, would it need Plan Commission and Village Council approval to construct the second home, Mr. Latinovic stated it would not.

Mr. Beggs asked what would occur if a new administration came in and wanted curbs and gutters on Woodward Avenue, Mr. Latinovic explained that if there was a capital improvement plan to improve Woodward Avenue, it typically requires Village staff and engineers to do a comprehensive study of the area to accommodate the new roadway design and profile. When asked if the curb and gutter is not installed right now and whether that would be a hindrance to the future design of the road, Mr. Latinovic indicated it would not because staff and the engineers currently do not know what the proper street profile and composition of the roadway would be. For example, he explained

that if curb/gutters were installed at a certain elevation, they could be in contradiction to the final design elevation of the curb and gutter for entire Woodward Avenue so they would have to be removed later.

Chairman Hose asked how the Village would acquire additional right of way if it was needed in the future. Mr. Latinovic explained the process in which the Village engineers would have to determine the required width for final roadway design if Prairie Avenue was ever going to be widened. If the Village did not get the four feet, then the Village would have to begin acquiring portions of each of the properties on both sides of Prairie to accommodate the roadway design, parking, sidewalk, etc.

Chairman Hose asked if the Village would have to improve the right-of-way immediately after it is dedicated, Mr. Latinovic stated it would not.

Mr. Patrick Sullivan, 4740 Saratoga, Downers Grove, confirmed he was the petitioner and inquired of staff about the ROW dedication -- whether the four feet meant four feet on one side of the street or two feet on both sides of the street. Wherein, Planning Manager, Mr. O'Brien, confirmed it was two feet from both sides of a street. Mr. Sullivan stated his goal was to keep everything in the area "pretty much in line with everything that is already existing there." He stated he planned to follow what is required to make the project successful.

Mr. Sullivan talked about maintaining the existing house as best possible with plans to upgrade it, keeping the existing foundation of the home and building from there. If the economics did not work out and if it was not feasible to keep the house, Mr. Sullivan stated it would become a new home.

Chairman Hose opened up the meeting to public comment.

Mr. Kevin Bruno, 4725 Woodward Avenue, Downers Grove, voiced concerns about the current drainage on proposed Lot 1, stating it overflowed to his property. In response, Mr. Latinovic responded that there will be a drainage ditch heading towards Woodward Avenue along the north property line of Lot 1 and a new catch basin will collect the water. Details followed, noting the design will have to meet the requirements of the Stormwater Ordinance. Lot 3 drainage was briefly discussed.

Ms. Cynthia Kenney, 4728 Woodward Avenue, Downers Grove, (kitty-corner from the house), voiced concern that the new owner said "potentially" he would like to keep the structure of the home, and she was concerned the structure would get demolished. Ms. Kenney stated the home was constructed with stone that was indigenous to the State of Illinois which she thought was important. Lot size was another concern of hers, noting that the existing lots in the area were a depth of 200 to 300 feet while the proposed lots were depths of 150 feet. In her view, the homes would be very large on small lots, which was not in character with the neighborhood.

Ms. Ramona Lowy, 2002 Prairie, Downers Grove, voiced concern that Woodward Avenue was a cut-through street for Belmont and it was difficult for her to back out of her driveway onto Woodward Ave. She believed with the new proposal it was going to be a hazardous corner and it should be taken into consideration.

Mr. Tom Valus, 2000 Prairie Avenue, Downers Grove, inquired as to the address for Lot 3, wherein Mr. O'Brien and Mr. Latinovic both indicated it would have to be reviewed at building-permit time.

Mr. Scott Kraftheffer, 4525 Middaugh, Downers Grove, stated that he was familiar with Mr. Sullivan's projects and that Mr. Sullivan resided in the neighborhood. He noted that Lot 1 was increased by 15 feet from what currently the 60-foot parcel is, which should improve the drainage. Reviewing the engineering plan, he also noted that a new swale was being constructed between Lots 1 and 2 and was being directed out to two new catch basins in Woodward Avenue right of way. Mr. Kraftheffer stated he walked through the existing home when it was on the market, stating it was not architecturally significant. Any improvements to the home would be an improvement to the neighborhood.

Mr. Beggs then referenced an intersection on the overhead projector map where three new homes existed and asked Mr. Kraftheffer if he noticed any change in the amount of traffic around it, wherein Mr. Kraftheffer stated he did not notice a change as a result of those three homes being constructed.

Ms. Brenda Bruno, 4725 Woodward, Downers Grove, asked how much space would exist between her home and the home on Lot 1. Mr. O'Brien proceeded to confirm that the feet between the two buildings would be approximately 16.5 feet while minimum setbacks for structures on lots closer to downtown were five feet, or, approximately 10 feet between buildings.

Hearing no further comments, public comment was closed by the Chairman. The petitioner was invited to respond to the public's comments.

Petitioner, Mr. Sullivan, responded to the last comment by explaining that the existing parcel where a 2nd home could be constructed was 60 feet wide prior to the changes he was proposing and now 75 feet wide. He also added that the new home would not be up to the last foot of buildable space because it was not his intention. He was not looking to overbuild the lot. He reassured the Commission that he planned to do quality projects.

Turning the topic over to the commissioners, Mr. Matejczyk stated that he has lived in the neighborhood for over 40 years and has walked past the area many times. He has noticed a change in the neighborhood in that the homes have become larger on existing lots. He believed the value of the homes in the area increased because of the new homes. He supported the petition. Regarding the traffic on Woodward, he ask staff whether Woodward Ave was included in a traffic study being done, wherein Mr. O'Brien noted he did not know for sure, but it may be included as the study is focusing on impacts from the new Belmont Road underpass. Mr. Matejczyk also believed that the same study included input from the neighbors and believed it would be beneficial if the attending neighbors could participate in that presentation. Mr. Beggs added some additional information regarding the underpass study and the notices that were mailed out to residents in the area.

With regard to the Section 20.602 exceptions, as cited in Staff's report (pgs. 4 and 5) and after listening to testimony, Mr. Cozzo indicated that it appeared to him that the five standards were met and he was satisfied.

Mrs. Rabatah inquired about the property to the south (SE corner of Woodward Ave and Prairie Ave) of the proposed lots and asked how many catch basins existed on those three lots, wherein Mr. Latinovic said he did not know for sure but surmised the lots were draining towards the street and toward the tracks further down. Mrs. Rabatah also felt staff's comments were very appropriate

and she supported the proposal.

Mr. Waechtler voiced concern about the right-of-way improvements and the fact that the Village may be locking itself in for many future improvements, citing that “things change.” Examples in Staff’s report followed. In response, Mr. O’Brien agreed that the Village’s plans can change depending upon other factors. However, he stated that, at this point in time, the neighborhood was very stable and he did not foresee any factors that would require a roadway improvement like curb and gutters. Regarding the Village acquiring the two feet on the north side of the street, as discussed earlier, Mr. O’Brien stated that acquiring it would not affect the property adversely. A detailed explanation followed. Mr. Waechtler also appreciated the petitioner installing two new parkway trees.

Per Mr. Quirk’s question, Mr. O’Brien reported that only a handful of the Village’s residential streets have a 70-foot wide ROW. He noted that the standard changed in the 1990s from 66 feet. He noted 66 feet is enough room for roadways, curbs, gutters, parkways, sidewalks and utilities. He indicated the exception was common for new subdivision on existing streets. He stated that dedication does not apply to lot consolidations, but in this case, new lots are being created and the ROW standards applied. He envisioned the width requirement would be changed back to 66 feet in the near future as the Village reviews its subdivision and zoning regulations.

However, Mr. Beggs recalled that Prairie Avenue was recently repaved from Main Street to Belmont Rd and he assumed that the engineering on Prairie Avenue was properly evaluated not long ago.

Chairman Hose agreed the lot sizes were in compliance with the Subdivision Ordinance, the standards for exceptions listed in staff’s report were being met, and the character of the neighborhood appeared to be moving towards larger homes. He hoped the neighbors would attend the earlier-mentioned traffic study presentation.

WITH RESPECT TO 01-13, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION AND FORWARD IT TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE HOUSE ON PRAIRIE, LLC RESUBDIVISION PLAT PREPARED BY GENTILE & ASSOCIATES, INC. DATED NOVEMBER 17, 2012 AND HOUSE ON PRAIRIE, LLC RESUBDIVISION PLANS PREPARED BY RWG ENGINEERING, LLC. DATED DECEMBER 07, 2012, LAST REVISED JANUARY 8, 2013, ATTACHED TO STAFF REPORT DATED FEBRUARY 4, 2013 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL PAY A TOTAL OF \$4,736.71 (\$2,283.33 FOR THE PARK DISTRICT, \$1,668.59 FOR SCHOOL DISTRICT 58 AND \$ 874.80 FOR SCHOOL DISTRICT 99) PRIOR TO VILLAGE EXECUTING THE PLAT.**

APPROVED 3/4/13

3. **A FEE IN LIEU PAYMENT FOR TWO NEW PARKWAY TREES (\$500 PER TREE, TOTAL PAYMENT \$1,000) MUST BE SUBMITTED PRIOR TO VILLAGE EXECUTING THE PLAT.**

SECONDED BY MR. WAECHTLER.

ROLL CALL:

AYE: MR. MATEJCZYK, MR. WAECHTLER, MR. BEGGS, MR. COZZO, MR. QUIRIK, MRS. RABATAH, MS. URBAN, MR. WEBSTER, CHAIRMAN HOSE

NAY: NONE

MOTION CARRIED. VOTE: 9-0

Mr. O'Brien reminded the commissioners that they were meeting on February 25, 2013 with one agenda item.

THE MEETING WAS ADJOURNED AT 8:00 P.M. ON MOTION BY MR. WAECHTLER, SECONDED BY MR. BEGGS. MOTION CARRIED BY VOICE VOTE OF 9-0.

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
JANUARY 23, 2013 MINUTES

Call to Order

Chairman White called the meeting to order at 7:35 PM.

Roll Call

Present: Ms. Earl, Mr. McCann, Ms. Souter, Ch. White

Absent: Mr. Domijan, Mr. Enochs, Ms. Majauskas

A quorum was established.

Staff: Stan Popovich, Jeff O'Brien

Also Present: Ann & Michael Montefinese, Downers Grove

Minutes of November 28, 2012 meeting

Ms. Earl moved to approve the minutes of the November 2012 meeting as presented. Mr. McCann seconded the Motion.

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

NAYS: None

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 Case ZBA-11-12. 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 documents for the petition prior to the meeting. In order for a requested variation to be approved there must be a majority of 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-11-12 A petition seeking a front yard setback variation for an accessory structure. The property is zoned R-4, Single-Family Residential. The property is located at the southwest corner of the intersection of 7th Street and Florence avenue, commonly known as 5400 Florence Avenue, Downers Grove, IL (PIN 09-09-306-020); Ann and Michel Montefinese, Petitioners and Owners.

Petitioner's Presentation

APPROVED 02/27/2013

Mr. and Mrs. Michael (Ann) Montefinese presented their petition. Mrs. Montefinese said they decided to put up a carport at the end of the summer of 2011. In the fall of 2011 a Code Enforcement Officer from the Village came by to say that they were building without a permit and had to cease construction immediately. They waited to hear from the Village and expected to hear that they would have to pay a fine. After several months they had heard nothing, so they moved forward and put the carport up. They now realize they should have come to request a variance before because the carport was close to the sidewalk when they started building it. Because of the existing landscaping, it would cost close to \$10,000 to move the plants and trees to build a conforming carport. So they completed their construction. Mrs. Montefinese noted that neighbors have come by and remarked about how good the property and carport looked. Shortly thereafter they received a letter from the Village telling them that they should take the carport down.

Mr. McCann said he did not see dimensions of the roof in their plan. Mr. Montefinese said it was 15 feet x 22 feet. He also said there is about five feet from the edge of the carport to the south curb of the driveway. Mrs. Montefinese described a photo that was shown on the overhead. She added that there is a drop off at the end of the driveway of about 30 inches. Mr. Montefinese described what would have to be done to bring the carport into compliance, and it would require removal of plant materials and trees to extend the driveway. Mrs. Montefinese said that they consider that portion of the yard as their back yard.

Ms. Earl said she walked the property and thought it was very well done. She is struggling with why they moved forward even though they knew they needed a permit after the Code Enforcement Officer came to talk with them. Mr. Montefinese said he spoke with the officer and explained that he wanted to put a roof on the carport, and the officer said he would get back to Mr. Montefinese. Mr. Montefinese said after hearing nothing, he decided to finish the project and it was a bad judgment call on his part. Mrs. Montefinese said they didn't want to have to do all the work and spend all the money that would be required. They understand if they are denied a variation by the Board that they will have to move forward and have the carport installed properly.

Mr. McCann asked if there was anything preventing them from moving the carport back eight feet to the end of the driveway. It would shorten the carport from 16 feet to 14 feet. Mrs. Montefinese replied that the quotes they received said they would have to include a retaining wall. Mr. McCann said that his recommendation would be simply to move the carport back sufficiently to meet the requirements. Mr. Montefinese said he would have to open up the deck if they did that. If they have to have the carport rebuilt they would have to make the carport smaller.

Ms. Souter asked how much time passed between the time that the Code Enforcement Officer came by and they were finally notified of the decision by the Village. Mr. Montefinese said it was about one year. Mrs. Montefinese said they had expected to get a reply sooner with a fine in the mail. They suspended construction for a while, then moved forward.

Staff's Report

APPROVED 02/27/2013

Mr. Stan Popovich, Planner with the Village, explained the petition before the Board. He said that the carport is located 15 feet from the front property line where 25 feet is required. The property is a corner lot with two front yards, which is why the 25 feet front setback is required.

After receiving a complaint about construction occurring without a permit, a Village Code Enforcement Officer visited the site and met the petitioner. Mr. Popovich explained that the Code Enforcement Officer informed the petitioners that this type of construction requires a permit and that all work had to cease until a permit was approved by the Village. In this situation Mr. & Mrs. Montefinese moved forward with the construction and completed the carport several months later.

Mr. Popovich indicated the petitioner was ticketed in the fall of 2012 and informed that drawings of the carport were required. The petitioner then submitted building plans for staff review. He showed photographs of the current condition of the property. Instead of the 25 feet required setback, the carport is setback 15 feet. He also showed how changes would have to be made in order to place the structure in compliance.

Mr. Popovich further enumerated the reasons why staff finds no physical hardships or unique circumstances associated with the property and recommends denial of the request for a variance:

- 1) The petitioner is seeking relief from a self-created hardship that was brought about by constructing the carport without a permit after being informed that a permit was required;
- 2) The petitioner has the ability to construct a carport in the rear yard and meet all setback requirements; and
- 3) There is no physical hardship or practical difficulty associated with the property that warrants granting the request.

Staff sees no unique circumstances associated with the petition, as noted in the report dated January 23, 2013. The carport can be moved further back to the south. There is no physical hardship to the land.

With regard to the nine standards for approval, staff believes that eight of the standards have not been met, as noted on pages three and four of staff's report dated January 23, 2013. When the petitioner was initially told to stop construction, construction was at a phase where, if the petitioner had sought a permit, they could have completed the project to meet the code requirements.

Staff recommends denial of the requested variation; however, staff requested that if the Board decides to grant the variation that it would be subject to the conditions listed within the staff report.

Mr. McCann asked for the definition of an accessory structure, and Mr. Popovich responded that it is any structure that is not a principal structure, such as a deck, garage, shed, carport, etc. Accessory structures are an ancillary use secondary to the primary use of the property. Most any construction requires a setback of some type, including anything that has a permanent foundation or slab associated with it.

APPROVED 02/27/2013

Mr. Jeff O'Brien said that the Zoning Ordinance defines structure as anything with a permanent anchoring to the ground. An accessory subject is defined as subordinate to a primary structure that contributes to the comfort and convenience of the principal structure.

Ms. Earl asked if the carport meets the current building code standards. Mr. Popovich said he spoke with the Chief Building Inspector this morning about this project. The foundation is 6 inches less than is generally required. The structural engineer is however willing to document that the foundation installed is appropriate for this structure. In addition, there is some cross-bracing may be needed on some of the posts to provide stability.

There being no further questions from the Board, Chairman White inquired if the petitioner's had any further comments. The petitioners offered no further comments.

There being no further comments or questions, Chairman White closed the opportunity for further public comment.

Board's Deliberation

Chairman White called for comments from the Board.

Chairman White said that staff notified the petitioner that a permit was necessary, and the petitioner should not receive any sympathy for moving forward with its construction. However, this fact should not alter the Board's assessment on whether the Board should grant the variation. He will be looking at the merits of the petition as if this was a request prior to construction. Chairman White does see a hardship with having to add concrete but does not see a hardship on why they can't go back to the edge of the existing concrete. He noted he's inclined to support a variation of five feet. This would still require them to rebuild the carport. He noted the existing house is 10 feet from 2nd Street and is non-conforming.

Ms. Earl said she walked the property and commented on how the lot was well-landscaped. She understands why they wanted to minimize this, though they didn't set it back as far as they could. She is not willing to go ten feet or five feet. If it has to be moved it should be done the way it should have been from the beginning. She thinks that the Code Enforcement Officer told them about the permit situation, yet they moved forward with the construction anyway. The Board does not look favorably about asking for forgiveness after the fact. She would have not given the variation whether or not they violated the code by not getting a permit.

Mr. McCann said his main concern is that the setback applies to every single house in the Village. He doesn't see how they can draw a line between what the petitioner did or what anyone else might want to do. This Board is here to create exceptions to the rule in unique situations. This is not a unique situation. He thinks the work that was done on the site was done well. He thinks it looks great; however, the ordinance specifies what they should have done for a variation.

Ms. Souter said she appreciated Chairman White's opening remarks in terms of the fact that it will have to be a new build. However, looking at the code and the fact that they would have to move it back, she would still have to go with the code requirements. Given those parameters, she would have to deny the request.

Mr. McCann commented further that he wanted to have work done on his house, but his house is 23.5 feet instead of 25 feet and he could not do what he wanted to do because of the requirements.

Mr. McCann made a motion to deny the variation associated with case #ZBA 11-12 as requested.

Ms. Souter seconded the motion.

AYES: Mr. McCann, Ms. Souter, Ms. Earl

NAYS: Ch. White

The Motion to deny passed with a vote of 3-1, and the Petitioner's request for a variation is denied.

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Mr. O'Brien said there are no items for the February meeting at this time.

Upon voice vote, Chairman White adjourned the meeting at 8:08 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary