

APPROVED 7/1/13

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

JUNE 3, 2013, 7:00 P.M.

The June 3, 2013 meeting of the Plan Commission was called to order at 7:00 p.m. by Community Development Planning Director Tom Dabareiner who asked that the roll be called and that the commission nominate a chairman to chair the meeting.

ROLL CALL:

PRESENT: Mr. Beggs, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Ms. Urban, Mr. Waechtler

ABSENT: Chairman Webster, Mr. Cozzo

STAFF PRESENT: Community Development Planning Dir. Tom Dabareiner; Village Planning Manager Charity Jones; Planner Stan Popovich

VISITORS: Mr. Richard Vane with MG2A Engineering; Mr. Naseer Ansari, Naseer Ansari & Associates, 1145 Inverness Ln, Itasca, IL; Mr. Sardar Shah-Khan, petitioner; Ms. Shelby Vogrin, 933 73rd Street, Downers Grove; Ms. Amy Alice, 902 Stockley, Downers Grove; Ms. Sue Folkman, 760 73rd Street, Downers Grove; Mr. Mike Slusarz (Crowell), 7445 Webster Street, Downers Grove; Mr. David Valenta, 800 Stockley Road, Downers Grove; and Ms. Marge Earl, 4720 Florence Avenue, Downers Grove

MR. MATEJCZYK MOVED TO NOMINATE MR. WAECHTLER AS CHAIRMAN PRO TEM.
NO SECOND FOLLOWED. MOTION FAILED.

MR. WAECHTLER MOVED TO NOMINATE MR. MATEJCZYK AS CHAIRMAN PRO TEM.
NO SECOND FOLLOWED. MOTION FAILED.

MR. BEGGS MOVED TO NOMINATE MS. URBAN AS CHAIRMAN PRO TEM, SECONDED
BY MR. WAECHTLER.

ROLL CALL:

AYE: MR. BEGGS, MR. WAECHTLER, MR. MATEJCZYK, MR. QUIRK, MRS. RABATAH,
MS. URBAN

NAY: NONE

MOTION PASSED. VOTE: 6-0

Chairman Pro tem Urban led the commissioners and the public in the recital of the Pledge of Allegiance.

APPROVED 7/1/13

APPROVAL OF THE MAY 6, 2013 MINUTES

THE MINUTES OF MAY 6, 2013 WERE APPROVED ON MOTION BY MR. BEGGS, SECONDED BY MR. WAECHTLER.

ROLL CALL:

**AYE: MR. BEGGS, MR. WAECHTLER, MRS. RABATAH, MR. URBAN
NAY: NONE**

ABSTAIN: MR. MATEJCZYK, MR. QUIRK

MOTION PASSED. VOTE OF 4-0-2.

Chairman Pro tem Urban briefly reviewed the protocol for the meeting.

A change in the agenda followed:

PC 09-13 A petition seeking a Final Planned Development Amendment to P.D. #24, Fairmount Village II and a density variation for the construction of fourteen townhouses. The property is located at the terminus of Stockley Road approximately 160 feet west of Canterbury Place, Downers Grove, IL commonly known as 950 75th Street, Downers Grove, IL (PIN 09-29-105-018). Sardar Shah-Khan, Petitioner; Aliya Ahmed, Owner.

Chairman Pro tem Urban swore in those individuals who would be speaking on the above petition.

Mr. Stan Popovich, Planner for the Village of Downers Grove summarized the petition before the commissioners, summarizing that the petitioner was seeking to construct 14 townhomes, where four were permitted by code. The site was currently zoned R-5A Townhouse Residential and was part of a larger planned development (consisting of three lots) approved back in 1984. The last remaining lot, which previously had a single-family home on it, was part of tonight's discussion. The approved density for the planned development was 10.65 dwelling units per acre, where 10.89 dwelling units per acre was allowed.

Proposed are two seven-unit townhome (with two-car garage) buildings with each unit being approximately 2,100 square feet in size. Architectural elevations were depicted. Access to the site will be from a 185-foot western extension of Stockley Road -- which DuPage County is comfortable with -- and Stockley Road will be maintained by the Village.

The proposal does meet the goals of the Village's comprehensive plan and meets the bulk requirement of the zoning ordinance and planned development except for the requested variation of density. The variation, again, is to provide for 14 units where four units are required. Clarification followed on how the density figures were calculated for all three lots taken together and for the two developed lots taken together without this lot. Per the Subdivision Ordinance, park and school donations are required to be paid by the petitioner, as stated in staff's report.

Per staff, a private street, named Ducat Place, will be created and maintained by the condominium

association. The location of the main sanitary sewer line, water line and fire hydrants were pointed out. The petitioner will be required to install a fire alarm and a sprinkler system in the buildings, as required by the fire department. Emergency access was also reviewed and conceptually approved by the fire department. Detention basins were pointed out with Mr. Popovich confirming that the basins will have to follow the requirements of the Village's stormwater management ordinance and will be maintained by the condominium association. As such, the Village is requesting that an SSA be established should the association ever fail to maintain the basin or the private drive.

Per Mr. Popovich, all required public notification and signage was completed with staff receiving one general question from the public. The petitioner also held a neighborhood meeting wherein three residents attended. Discussions focused on the appropriate screening. A summary of the meeting is included in the staff report.

In reviewing the hardship for the variance request, staff believed the practical hardship or unique circumstance, as it pertained to the variance request, was that although the single-family lot was part of the subject site overall, it was not an integral part of the development. The subject site had separate access from 75th Street and had a single-family home on the site, whereas, in the planned development the buildings were multi-family, attached single-family homes. Staff supported the variance request.

A review of the Standards of Approval for a variation followed in more detail. A review of the Standards of Approval for a planned development also followed as it pertained to the petition. Staff supported the proposal, explaining how it met all of the Village's requirements. Mr. Popovich asked that the Plan Commission forward a positive recommendation to the Village Council, subject to the nine conditions in staff's report.

Commissioner questions/comments followed, including that the only reason this particular site was included in the original planned development was to decrease the density. Had this site not been included in the original development, the density would have been 11.9 units per acre versus 10.65 units per acre. Taken by itself, Mr. Popovich reported the subject site will be 9.6 units per acre. Other questions/clarification followed that the words "fire detection system" should be better clarified in staff's Condition No. 2; staff addressing access from 75th Street and access from Stockley Road; and Mr. Waechtler asking whether the Village had any prior issues regarding Special Service Areas.

Mr. Richard Vane, civil engineer with MG2A, introduced architect Mr. Ansari and developer, Mr. Shah-Khan, for the proposal and discussed that his team has been working with staff over the months and also working with the fire department, the sanitary district, and DuPage County regarding access to make the proposal work. He referenced the surrounding character of the area and believed continuing a townhome development would work best on the site versus a single-family home. Mr. Vane discussed the differences between the existing townhomes versus his proposal and the abundant buffer space offered between the proposed townhomes and the single-family homes nearby.

Mr. Vane reiterated the proposal was meeting all of the Village's standards except for the density which, in this case, the proposed lot was used in order to increase the density on the other parcels of the original planned development. He was available to answer questions. No questions followed.

Chairman Pro tem Urban opened the meeting to public comment.

Ms. Shelby Vogrin, 933 73rd Street, Downers Grove, was present when the original development was planned but clarified it was not just a density matter but a matter of an owner not wanting to sell his house. Ms. Vogrin shared some history of the parcels and their density. She asked for clarification on this proposal regarding buffers and maintenance of the site. She shared that many of the existing townhome units were one and two-bedroom units and not larger. She had concerns about additional vehicles traveling past her home, the price of the units, and whether the association's agreement would not allow the units to be rented.

Ms. Amy Alice, 902 Stockley Road, Downers Grove, shared concerns about her shorter apron and whether her driveway apron can be added onto since it was short and the road was being extended, wherein Mr. Popovich responded to her concerns.

Ms. Sue Folkman, 760 73rd Street, Downers Grove, resides in Fairmont Village and asked why the proposal was being called Fairmont Village 2 when the proposal has nothing to do with the original development, wherein Mr. Popovich responded to her question.

Regarding earlier comments, staff said there were no plans for subsidized housing and there were no restrictions on whether the units could be rented or owner-occupied. Ms. Urban also responded to the earlier-mentioned concerns about modification of the plan and screening/buffering, etc., which she stated will be part of the village's requirements and the elevation plans and landscaping plans will be updated. Mr. Popovich briefly walked through the preliminary landscaping plans for the proposal.

Confirming that there will be two homeowners associations under one planned development, Mr. Popovich explained that the subject development was separate from the existing homeowners association and that a separate association for the proposed 14 units would be created so that the petitioner was responsible for the improvements being proposed. Planning Director Dabareiner added that this was a common practice back when the economy was improved. As to the Village being aware of traffic issues in the area, Mr. Popovich explained there was nothing significant. Regarding the earlier comment about an additional 48 vehicles traveling from the development, Mr. Dabareiner believed the comment was made to show potential impact but he did not believe it represented the average number of vehicles owned per household.

As for the need for a traffic study, Mr. Dabareiner stated it would be unusual to ask for a traffic study for a low amount of units, i.e., 14 units. Staff's opinion was that the proposal would not generate substantial traffic.

Mr. Mike Slusarz (Crowell), 7445 Webster Street, Downers Grove was sworn in and voiced concern about his property flooding, traffic issues on Webster, and units being rented. He suggested installing the development's fence first before the construction began.

Mr. David Valenta, 800 Stockley Road, Downers Grove, was concerned about the additional eastbound traffic from the development travelling down Stockley Road heading to 75th Street. He asked if a stop sign was warranted at Stockley and Canterbury, due to the additional traffic heading to 75th Street.

Regarding the stop sign for that intersection, staff confirmed the Village was aware of it but reiterated that certain standards had to be met before a sign was warranted. Mr. Dabareiner was of the belief that aspect had to be considered through the process. As to flooding, the proposed plan would meet the village's stormwater management ordinance.

In further response to the stop sign, Mr. Vane stated that DuPage County did ask that the Village place a stop sign on the west leg of Canterbury and Stockley, due to the expected traffic.

Per the chair's questions on fencing, staff confirmed there would be a six-foot construction fence, along with silt fencing, and certain standards would have to be met by the petitioner prior to construction. Also, property maintenance codes existed so that the units and the property were properly maintained.

Per an earlier question, Mr. Vane explained the units were estimated to cost anywhere from \$200,000 to \$250,000. As to whether a traffic study was done or not, Mr. Vane stated there was no formal study done, but he explained the traffic aspect was looked from the standpoint of 14 units compared to 138 units, with the understanding that there will be a slight 10% to 12% increase in traffic in the general area. Details followed on the two options traffic would possibly travel. Fencing on the west side of the proposed property was briefly mentioned.

Hearing no further comments, public comment was closed. The petitioner had no closing statement at this time.

Mr. Beggs voiced concern about the traffic generation but agreed the residential character of the area was not going to enhance the traffic much yet he had to rely on the Village's Traffic and Parking Commission to convey that. He also voiced concern how the initial planned development hinged upon a decrease in density generated by a single-family residence. However, he supported the proposal. Mr. Matejczyk and Mrs. Rabatah also voiced their support for the proposal.

Asked about staff's Condition No. 4, as it relates to the landscaping plan, Mr. Popovich stated the condition was intended to add additional landscaping screening along the west property line. Details followed. Mr. Vane confirmed he did read through staff's conditions and would work with staff regarding Condition No. 4, specifically.

Chairman Pro tem Urban also added her comments, stating that given the history of the proposal and in looking at the aerial photograph, the area looked like it was intended to be a continuation of the townhomes, from a planner's perspective.

For the record, Mr. Waechtler stated that the area north of the proposal included townhomes that were rentals, as he had spoken to some of the residents there, and both the Downers Grove police and the DuPage County police had been called to the same area due to various incidents occurring there. Mr. Waechtler expressed his concern that the petitioner would be selling the units, would have no control over his proposal, and it could become a future concern for the Downers Grove police. Mr. Matejczyk, spoke up, however, stating that the homeowner's association had control over how many of the units could be owner-occupied, as stated in its bylaws.

WITH REGARD TO FILE PC-09-13, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE

APPROVED 7/1/13

COUNCIL REGARDING THIS REQUEST AND INCLUDE STAFF'S FOLLOWING CONDITIONS:

- 1. THE PLANNED DEVELOPMENT AMENDMENT SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED JUNE 3, 2013 AND WITH ENGINEERING PLANS AS PREPARED BY M. GINGERICH GEREAX & ASSOCIATES, DATED JANUARY 28, 2013 AND REVISED ON APRIL 5, 2013 AND ARCHITECTURAL AND LANDSCAPE DRAWINGS PREPARED BY NASEER ANSARI & ASSOCIATES, DATED FEBRUARY 25, 2013 AND REVISED ON MARCH 27, 2013, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PROPOSED TOWNHOUSES SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
- 3. THE PROPOSED TOWNHOUSES SHALL HAVE A COMPLETE AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
- 4. THE LANDSCAPE PLAN SHALL BE ENHANCED TO PROVIDE ADDITIONAL SCREENING ALONG THE WEST PROPERTY LINE.**
- 5. THE PETITIONER SHALL PAY \$41,622.74 FOR PARK AND SCHOOL DONATIONS (\$10,375.54 TO SCHOOL DISTRICT 61, \$4,654.18 FOR SCHOOL DISTRICT 99 AND \$26,683.02 TO THE PARK DISTRICT) PRIOR TO THE VILLAGE EXECUTING THE PLANNED DEVELOPMENT AMENDMENT APPROVAL.**
- 6. UPON COMPETITION OF THE PUBLIC IMPROVEMENTS FOR THE ENTIRE DEVELOPMENT, THE PETITIONER SHALL SUBMIT RECORD DRAWINGS FOR APPROVAL BY THE VILLAGE COUNCIL. ALONG WITH THE RECORD DRAWINGS, THE PETITIONER SHALL SUBMIT A GUARANTEE SECURITY IN THE AMOUNT OF 20% OF THE TOTAL COST OF THE PUBLIC IMPROVEMENTS, WHICH SHALL EXPIRE NO EARLIER THAN TWO YEARS AFTER ACCEPTANCE OF SUCH PUBLIC IMPROVEMENTS BY THE VILLAGE COUNCIL.**
- 7. A SPECIAL SERVICE AREA SHALL BE ESTABLISHED AND RECORDED TO ENSURE ADEQUATE MAINTENANCE OF THE STORMWATER DETENTION AREA AND DUCAT PLACE PRIOR TO FINAL APPROVAL OF THE BUILDING PERMITS.**
- 8. THE CONDOMINIUM DECLARATION OF RESTRICTIVE COVENANTS DOCUMENT FOR THE DEVELOPMENT SHALL BE RECORDED PRIOR TO FINAL APPROVAL OF THE BUILDING PERMITS.**
- 9. THE PLAT OF EASEMENT SHALL BE RECORDED PRIOR TO FINAL APPROVAL OF THE BUILDING PERMITS.**

SECONDED BY MR. MATEJCZYK. ROLL CALL:

**AYE: MR. BEGGS, MR. MATEJCZYK, MR. QUIRK, MRS. RABATAH,
MR. WAECHTLER, CHAIRMAN PRO TEM URBAN**

APPROVED 7/1/13

NAY: NONE

MOTION PASSED. VOTE: 6-0

Dir. Dabareiner introduced new planning manager, Charity Jones.

PC-18-13 (Continued from 05/06/2013) The purpose of the request is to consider updates to Chapter 20 (Subdivision Code) and Chapter 28 (Zoning Ordinance) of the Municipal Code; Village of Downers Grove, Petitioner.

Chairman Pro tem Urban invited the public to come forward and be sworn on the above petition. No public came forward at this time.

Mr. Kirk Bishop, with Duncan Associates, 212 W. Kinzie, Chicago, IL introduced himself again, explaining he was present last month discussing a report that had some ideas for the comprehensive update to the village's zoning and subdivision regulations. Commissioners were reminded of the aggressive timeline he had planned for the update. Mr. Bishop reminded the commissioners that today's document attempted to indicate where changes were being proposed to the code document.

Turning to his PowerPoint presentation, Mr. Bishop reviewed the changes made to Module 1 – Introductory Provision (Article 100). Highlights included that a provision describing the existence of a zoning map, as part of the zoning ordinance, would now be reflected in digital format. And, also, language would be added to reference that annual updates to the zoning ordinance would be forwarded to the Village Council for approval.

The next addition included the Review and Approval Procedures (Article 1200) section. Highlights included a chart of the review and approval steps an applicant would follow to complete an application and some new language about hearing notices (courtesy notices) being mailed out by the applicant versus the village.

Chairman Pro tem Urban swore in resident Marge Earl, 4720 Florence Avenue, Downers Grove.

Ms. Earl stated she was on the village's Zoning Board of Appeals. She asked whether the public posting of signage, by the petitioner, would have a uniform look like the village's, citing some concerns that could arise when the burden is shifted to the petitioner. Dir. Dabareiner saw the issue as being similar to how the village approaches its construction signs. The sign is created uniformly by the village but the applicant has to install the sign on the property. Ms. Earl then voiced concern that notices being mailed by a petitioner which do not reflect the village's return address, could be construed as solicitation and be thrown out. She cited a prior T-Mobile case where that occurred.

Dir. Dabareiner understood her concerns and concurred, but also pointed out that some of these activities were being shifted to the applicant in order to save staff time and expense. But adding to the conversation Mr. Beggs explained that the purpose of the notice requirements was so that the village could defeat the objection, "I didn't know," and that the village needed evidence that showed notice was given. He reiterated that if the notices were being shifted to the applicant that the village would have to ensure that the village could "defend its position." However, Mr. Bishop stated he did not think such recommendation would diminish, in any way, one's ability to state

affirmatively that such activity was provided, as required by ordinance, and having the applicant provide the notice signage and a signed affidavit with a mailing list, provided as much as meeting the current practice.

Again, Dir. Dabareiner discussed the time and expenses involved in the notification process and the direction he received, which was to shift the costs to others and have his staff spending less time on administrative duties. Dialog then followed by Mr. Waechtler on where this same activity was occurring and whether there had been any liability issues seen by other villages or municipalities. He added that an applicant could always be charged a mailing fee too.

Responding, Mr. Bishop stated he had not heard of any; however, Planning Manager Jones stated that the Village of Lemont had, since 2008, published the legal notice but allowed the petitioners to post the signs on the properties and mail the letters to the surrounding property owners. To date, she knew of no issues. She also added that within the application packets, very specific details of what the signs would have to look like could be required by the sign contractors used by the applicant. Mr. Bishop closed this particular dialog by noting the commission could have the “option” of shifting the responsibility to the applicant, not “mandate” it.

Reviewing some of the procedural changes that could occur within the ordinance, such as text amendments, Mr. Bishop explained that the Village can now be the sole initiator of a text amendment, versus resident or other entity. The village will also separate the review criteria for zoning map amendments, text amendments, and rezonings. Details followed, with the notation that the Plan Commission is always the initial review and recommending authority on a zoning map amendment. As to variations, the Zoning Board of Appeals will have sole review and authority and be the decision maker on those. Other details followed on variation limitations. A comment was made that Mr. Bishop may want to review the timelines under Subsection (j) and align the Lapse of Approval for a Variation and Lapse of Approval for Special Use. Chairman Pro tem Urban favored the timelines under the special uses because it mirrored the City of Naperville.

Turning to variation appeals, Mr. Bishop then suggested defining a small set of items that are eligible for relief -- not those that would require the full variation process -- but, instead, handled administratively and be included as an initial list for what the ordinance calls an “administrative adjustment.” Examples followed. Dir. Dabareiner and Ms. Earl then added their comments about the number of appeals they see, which were so small, they could be handled administratively. Ms. Earl was comfortable with the administrative adjustment changes being discussed. However, she cautioned staff to watch the figures under parking ratios and the minimum setbacks for larger lots.

Discussing the Administration and Enforcement (Article 1300) section, Mr. Bishop stated the following were revised: 1) what the ordinance says about enforcement; 2) the enforcement tools available to the village; and 3) providing a list of what activities actually violate the ordinance (which places the village in a better position legally). Mr. Bishop reminded the commissioners that the goal here was to get residents to comply with the ordinance, not fine them.

Wrapping up the presentation, Mr. Bishop and Dir. Dabareiner explained the differences between a development permit and a building permit. Staff was asked to provide copies of the draft ordinance by email and also to send copies of the PowerPoint presentation to the commissioners. Questions followed on what the village’s codifier would or would not accept at this time.

APPROVED 7/1/13

WITH RESPECT TO FILE PC 18-13, MR. BEGGS MADE A MOTION THAT THE ABOVE CASE BE CONTINUED. SECONDED BY MR. QUIRK.

ROLL CALL:

**AYE: MR. BEGGS, MR. QUIRK, MR. MATEJCZYK, MRS. RABATAH,
MR. WAECHTLER, CHAIRMAN PRO TEM URBAN
NAY: NONE**

MOTION PASSED. VOTE: 6-0

Invitations for the Economic Development Corporation's annual luncheon were distributed amongst the commissioners. An update followed on the status of the senior housing project.

THE MEETING WAS ADJOURNED AT 9:27 P.M. ON MOTION BY MRS. RABATAH, SECONDED BY MR. BEGGS. MOTION CARRIED BY VOICE VOTE OF 6-0.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting
April 11, 7:00 p.m.

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove, Illinois

I. CALL to ORDER

Chair Eckmann called the meeting to order at 7:00 p.m. A roll call followed and a quorum was established.

II. Roll Call

Members Present: Mr. Austin, Mr. Crilly, Mr. Gorman, Mr. Ruyle, Mr. Schoenberg

Members Excused: Chair Eckmann,

Members Absent: Mr. Scacco

Staff Present: Karen Daulton Lange – Stormwater Administrator
Dawn Didier – Staff Attorney

Mr. Austin moved to appoint Mr. Gorman Chair Pro Tem, seconded by Mr. Schoenberg. Motion carried by voice vote.

III. APPROVAL February 5, 2013 MINUTES

Mr. Schoenberg provided some clarification to the permeable paver discussion. **Mr. Crilly moved to approve the minutes as amended, seconded by Mr. Ruyle. Motion carried by voice vote.**

IV. PUBLIC COMMENTS

None.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

A. Public Hearing – SWU Appeal – 1335 Andrus Avenue

Chair Pro Tem Gorman started by giving an overview of the process for the public hearing portion of the meeting. A court reporter was present, and swore in Mr. Joe VanHootegem of 1335 Andrus Avenue, Downers Grove and Karen Daulton Lange, Stormwater Administrator of the Village of Downers Grove. Staff Attorney Dawn Didier gave Mr. VanHootegem a copy of the materials the Committee members received.

Mr. VanHootegem wishes to appeal the amount of impervious area, and thus the Tier classification of his parcel. His property is currently classified as Tier 3, and he feels it should be classified as Tier 2.

Mr. VanHootegem stated he understands why the Village uses aerials as a basis for impervious area, but does not agree with the use of roof area because rain hits the roof and then goes down the gutters into the grass; therefore, the building's footprint should be used.

Ms. Daulton Lange reviewed Section 25.61 of the Code in which the definition of impervious includes areas that "...impedes the infiltration of stormwater..." and "...includes, but not limited to buildings...". She referenced the correspondence from the Village Manager dated February 29, 2013 which stated the roof area was used.

She then referenced Mr. VanHootegem's own area measurements of 3,946 SF in his letter of February 25, 2013, which did not include the roof overhang. She went through the perimeter roof overhang calculations, which amounted to 255 SF. Adding $255 + 3,946 = 4,201$ SF. While not conceding his measurements since she did not witness, his own measurements and adding the overhang puts this property well into Tier 3.

The Committee discussed that it was appropriate to include roof area because water is captured and delivered in concentrated form via gutter downspouts, so it impedes the infiltration of stormwater per the Code definition. Mention was made of the angle of rainfall and its impact on impervious area, but the conclusion was the roof area was the same no matter what direction the rain was falling, so it would still impede the infiltration of stormwater and thus should be considered in the impervious calculations.

Mr. Ruyle made a motion to deny the appeal and uphold the decision of the Village Manager that the property remain in Tier 3, seconded by Mr. Schoenberg. Chair Pro Tem Gorman declared the motion carried by the following vote: Yea: Mr. Austin, Mr. Crilly, Mr. Ruyle, Mr. Schoenberg.

Staff Attorney Dawn Didier informed Mr. VanHootegem that the denial of his appeal means that the Village Manager's decision will be upheld which means that at this point his property will remain in Tier 3. He has the right to appeal this decision to the Circuit Court of DuPage County.

Chair Pro Tem Gorman declared the public hearing closed.

B. Public Hearing – SWU Appeal – 1836 Sturbridge Place

Chair Pro Tem Gorman started by giving an overview of the process for the public hearing portion of the meeting. A court reporter was present, and swore in Mr. Casey Staciwa of 1836 Sturbridge Place, Downers Grove and Karen Daulton Lange, Stormwater Administrator of the Village of Downers Grove. Staff Attorney Dawn Didier gave Mr. Staciwa a copy of the materials the Committee members received.

Mr. Staciwa wishes to appeal the amount of impervious area, and thus the Tier classification of his parcel. His property is currently classified as Tier 2, and he feels it should be classified as Tier 1.

Mr. Staciwa started by stating the stormwater monies should be collected via property taxes, and not fees. He also stated that according to his measurements, the impervious area on his property the Village is using is incorrect. Additionally, he feels the deck should not be included in the impervious calculations. He provided a photo showing the wood board spacing of his deck which was marked as 'Appellant Exhibit 1, 4-11-13, 1836 Sturbridge Pl.'

Ms. Daulton Lange referred to Section 25.61 of the Code which includes the example of decks in the definition of impervious area. She agreed with the plat he provided for area of home footprint, driveway, and walks, which totaled to 2,247 SF but added 242 SF of roof overhang and 377 SF for the deck. The total of 2,866 SF of impervious area puts this property into Tier 2.

The Committee agreed with Section 25.61 of the Code which defines decks as impervious, as well as gravel and stone areas. They referred to their discussion earlier affirming the use of roof area in the impervious calculations.

Mr. Austin made a motion to deny the appeal and uphold the decision of the Village Manager that the property remain in Tier 2, seconded by Mr. Ruyle. Chair Pro Tem Gorman declared the motion carried by the following vote: Yea: Mr. Austin, Mr. Crilly, Mr. Ruyle, Mr. Schoenberg.

Staff Attorney Dawn Didier informed Mr. Staciwa that the denial of his appeal means that the Village Manager's decision will be upheld which means that at this point his property will remain in Tier 2. He has the right to appeal this decision to the Circuit Court of DuPage County.

Chair Pro Tem Gorman declared the public hearing closed.

VII. STAFF REPORT

The Stormwater Administrator stated she expects an appeal from 840 Jay to be on the next agenda.

VIII. ADJOURN

Mr. Austin made a motion to adjourn the meeting at 9:05 p.m., seconded by Mr. Ruyle. Motion carried by voice vote.

VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting
May 9, 2013 7:00 p.m.

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove, Illinois

I. CALL to ORDER

Chair Eckmann called the meeting to order at 7:00 p.m. A roll call followed and a quorum was established.

II. Roll Call

Members Present: Mr. Crilly, Mr. Gorman, Mr. Ruyle, Mr. Scacco, Mr. Schoenberg

Members Absent: Mr. Austin

Staff Present: Karen Daulton Lange – Stormwater Administrator

III. APPROVAL of April 11, 2013 MINUTES

Ms. Daulton Lange reported that the minutes from the previous meeting were not yet completed.

IV. NEW BUSINESS

A. Public Hearing – SWU Appeal – 840 Jay Drive.

Ms. Daulton Lange reported that due to a mix-up in dates, the resident at 840 Jay Dr. came to the Public Works Facility last night. He could not make it tonight and asked that the public hearing be continued to Thursday, June 13, 2013.

Mr. Ruyle made a motion to continue the public hearing of the above matter until Thursday, June 13, 2013, seconded by Mr. Scacco. Chair Eckmann declared the motion carried by a voice vote.

V. STAFF REPORT

A power point presentation was given by Ms. Daulton Lange regarding the flood of April 18, 2013. She explained Downers Grove experienced two bursts of rain in a short period of time – approximately 2"-2.5" late on April 17th and another 3.7"-4.7" in the morning of April 18th, for a total of 5.7"-7.2". The height of St. Joseph's Creek at the Ogden Avenue stream gage was about 3" higher than the flood of October, 2006.

She spoke about the resident's responses to the Individual Assistance Damage Assessment Survey that the Village had posted on its web site, and showed a heat map which illustrated the areas of town where the most assessment surveys were submitted. Generally speaking, the areas along St. Joseph's Creek north and south branches had the most responses, where the newer subdivisions with stormwater management basins south of 63rd Street had the fewest.

The following time frame for Village action was presented:

Now– June	Analysis of Storm Using Resident Input
June 30	Report with Analysis & Preliminary Recommendations
July	Public Meetings for Further Resident Engagement FEMA Funding Response
August	Final Report and Recommendations
September	Budget Process Begins

VI. PUBLIC COMMENTS

Mr. John Nystrom of 146 White Fawn Trail asked how many people took the FEMA survey and why the FEMA people did not visit his house. Ms. Daulton Lange explained that over 1,000 residents responded to the survey and that the FEMA officials were not in town to visit every home that experienced damage, but to visit a representative few in order to ascertain the level of damage sustained.

Ms. Debbie Ruegger of 341 6th St. stated that the road closure map on the Village website did not show 6th & Fairveiw closed. She also asked who has control of the grate at Hill & Grand, and suggested the Village purchase homes to tear down for open space.

Mr. Jim Smalley of 246 56th St. presented his concerns as a resident of the Deer Creek Subdivision. He made a similar presentation to the Village Council on Tuesday, May 7th, and gave the Committee a copy of his statement. He said he would be the point person for Deer Creek, and that they had formed a committee to address the flooding. He thought the Village could do a better job at having procedures in place when these types of events are predicted.

Mr. Charles Rice of 227 White Farm Trail stated that his recolection was that his subdivision never got flooded until the Villas of Deer Creek to the south in Westmont was built. Water came over the top of the basin to the south of White Farm Trail in the flood of 1996, and Westmont added a few inches of dirt to the top of the berm.

Mr. Ken Nelson of 5133 Benton Ave. experienced 11' of water filling his basement in 30 minutes. The water was from overland flow and was waist deep at the front door. He stated he lives in a newer home and the water filled his basement to about 6' from the first floor level, and expressed dissapointment with the response from the Village.

Mr. Bob Splendoria of 4612 Seeley Ave. stated the 12" diameter concrete pipe and the inlet near his home cannot handle the runoff. He has been in contact with the Community Development Department regarding the construction of a new home to the south that was built four feet higher than his home.

Chair Eckmann explained that storm sewers are typically designed to convey the 10-year storm event; this storm was much larger. He noted that it would be impractical to build storm sewers large enough to hold a rain event that we experienced.

Mr. Walt Barron of 5325 Fairview Ave. relayed that water poured through his window wells and he had 6' of water in his basement. He gave a photograph to the Committee taken on April 18th showing the flooding nearly to the top of the posts of the grate at Hill & Grand, and another with the grate open. He asked why was the grate raised if its needed for protection.

Mr. Paul Barron of 5325 Fairview Ave. made the comment that the Village's website states "Village is Storm Ready", but he did not agree. More calls to residents should go out prior to a flood. He also asked who is responsible for the grate at Hill & Grand.

Mr. Kevin Potter of 5137 Benton Ave. declared that the water went down very fast; like a plug being pulled. He questioned why none of the \$24M in bond money the Village had was being used in his area.

Chair Eckmann pointed out that the Watershed Infrastructure Improvement Plan (WIIP) estimated \$303M would be needed to address stormwater issues, but due to economic concerns, \$24M was bonded.

Mr. Ken Nelson of 5133 Benton Ave. asked if the Village is liable if people die in a flood.

Ms. Debbie Ruegger of 341 6th St. was dissapointed with police response. At about 3:30 in the morning she called to ask them to block off Fairview but they did not respond. She later called non-emergency number and was told the Village did not have enough barricades to block off all the streets. People were driving through and causing wakes and thus more water into homes. The Manager's storm report on the Village website was not accurate.

Mr. Brian Cremascoli of 5346 Grand Ave. asked why the Village was communicating the grate was up when it was down.

Mr. Gorman asked that at the next meeting the Stormwater Administrator report when the new grate at Hill & Grand was scheduled to be installed.

Mr. Ken Nelson of 5133 Benton Ave. commented on the probability of flooding after refinishing his basement. He asked what action the Village was considering.

Ms. Daulton Lange put up the last slide of the powerpoint presentation showing the time frame for Village action.

Ms. Celia Moy of 339 6th St. said she had 5' of water in her back yard. She recently added an addition in the flood plain and had to provide compensatory storage, but water still came in under her window wells; not over the window wells.

Mr. Bob Splendoria of 4612 Seeley Ave. again expressed his disappointment with permits that were issued by the Village allowing a new house to re-direct water onto his property. He encouraged everyone in attendance to express their concerns to the "top guys" to make sure their concerns are kept on the radar.

Chair Eckman reassured the residents that their concerns were being heard, and that by them attending this meeting that the Village Manager and Village Council would know of their concerns. He foresees that as the new Stormwater Utility gets funded more improvements to the stormwater system will be made.

VII. OLD BUSINESS

Chair Eckman thanked Mr. Groman for taking the duties as chair pro tem last month in his absence. **Mr. Scacco made a motion ratify David Gorman as Vice Chair of the Committee, seconded by Mr. Ruyle. Chair Eckmann declared the motion carried by a voice vote.**

VIII. ADJOURN

Mr. Scacco made a motion to adjourn the meeting at 8:55 p.m., seconded by Mr. Ruyle. Motion carried by voice vote.

Attachments: Power Point Presentation
Written statement from Mr. Jim Smalley of 246 56th St
Photograph provided by Mr. Walt Barron of 5325 Fairview Ave.