

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
REGULAR MONTHLY MEETING
WEDNESDAY JANUARY 22, 2014, 7:30 P.M.
LIBRARY MEETING ROOM**

MINUTES

1. **Call to Order.** President Kathleen DiCola called the meeting to order at 7:31 p.m.
2. **Roll Call:** Present: Trustee Wendee Greene, Trustee David Humphreys, Trustee Daniel Loftus, Trustee Thomas Read, President Kathleen DiCola. Absent: Trustee Susan Eblen.
Also Present: Director Rick Ashton, Assistant Director for Public Services Bonnie Reid, Assistant Director for Support Services Sue O'Brien, Public Relations Manager Melissa Doornbos, Digital Librarian Mary Styrzula, Children's Services Manager Sara Pemberton, and Downers Grove Resident Jeff Mussatto. Also Present: Dawn Rhodes, Chicago Tribune TribLocal.
3. **Welcome to Visitors:** President DiCola welcomed the staff and visitors and thanked them for their interest in the work of the Library Board.
4. **Approval of Minutes.**
 - a. December 18, 2013 Regular Monthly Meeting. It was moved by Loftus and seconded by Greene THAT the Minutes of the December 18, 2013 Regular Monthly Meeting be approved. Roll Call: Ayes: Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None.
 - b. January 8, 2014 Special Meeting. It was moved by Loftus and seconded by Greene THAT the Minutes of the January 8, 2014 Special Meeting be approved. Roll Call: Ayes; Greene, Loftus, Read, DiCola. Nays: None. Abstentions: Humphreys.
5. **Approval of Payment of Invoices and Other Financial Reports.**
 - a. 2013 Final Invoices closeout. It was moved by Read and seconded by Greene THAT final 2013 invoices totaling \$34,819.79 be approved. Roll Call: Ayes: Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None. Ashton informed the Board that this approval brought total 2013 expenditures to 99.4% of budget.
 - b. January 2014 Invoices, adjustments. It was moved by Read and seconded by Humphreys THAT January 2014 Invoices totaling \$52,154.63, January Credit Memos totaling \$169.17 and Journal Entries totaling \$196.68 be approved. Roll

Call: Ayes: Greene, Humphreys, Loftus, Read, DiCola. Nays: None.
Abstentions: None.

- c. December 2013 Payroll Recognitions. It was moved by Read and seconded by Humphreys THAT December 2013 Payrolls totaling \$178,792.37 be recognized. Roll Call: Ayes: Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None.
6. **Opportunity for Public Comment on Agenda Items.**
None.
7. **Opportunity for Public Comment on Other Library Business.**
None.
8. **Unfinished Business.**

- a. Library Building Renovation Project Financial Issues. Requested action: discussion. The Board discussed the questions included in Ashton's memorandum (attached). The Board's discussion is summarized as follows:
- Changes to phasing plans need further consideration.
 - Celebration of completion of the project should be part of the planning.
 - A method for handling change orders is needed. Ashton suggested that the Board delegate to the Director the authority to approve change orders up to a certain dollar amount individually or cumulatively, with larger changes or changes that involve a deviation from original project goals reserved for Board consideration. DiCola requested that Ashton bring to the Board a specific recommendation about this matter.

The Board then responded to the questions in Ashton's January 22 memo:

- Does the project as it is presently conceived achieve the Board's goal of making the library building and its contents an attractive destination for the community?
 - The Board agreed that it does. Read suggested that the Director and staff should affirm this judgment as well.
- If it is achieving this goal, are there enhancements or improvements that would further reinforce this achievement?
 - The Board agreed that there are no enhancements within the current project budget. However, if favorable bidding results are achieved on February 21, Loftus suggested that the Board should make adjustments at the end of the project. Greene suggested that the original designs of the service desks should be restored. Humphreys commented that it would be appropriate to restore items cut from the project for budgetary reasons. DiCola suggested that the quality of materials, such as solid material rather than laminate countertops, have priority.

- If re-bidding results are unfavorable, what are the Board's priorities for further reduction of project scope?
 - DiCola suggested that further reductions in furniture purchasing should take precedence over further reductions in construction. Greene suggested the possibility that the media lab be built as a regular meeting room.
- Is the Board, in its role as the Board of the Downers Grove Public Library Foundation, willing to commit substantial amounts of Foundation funds to the enhancement or improvement of the project?
 - Board members agreed that Foundation funds should enhance the project, not make up for shortfalls in other available funds. Green stated that the Foundation has an opportunity to show its capability and support, after a period of time when it has done little for the Library.
- Is the Board willing to consider the allocation of additional funds from the Library Operating Fund Balance for enhancement of the building project?
 - Humphreys indicated that he is open to the possibility. Greene suggested that the use of restricted Foundation funds for book purchasing would free up operating funds for other uses.
- Are there other related considerations that the Board should address?
 - Greene raised the question of the appropriate time to approach donors for special projects. Ashton suggested that the appropriate time is past. Humphreys described an event at a California public library with a strong fund-raising program, where potential donors were invited to an event to look at possible projects to support. Read stated his preference that the project completion be celebrated without a fund-raising element.

The Board agreed to revisit these questions after March 5, when additional information about contractor bids will be known.

9. **New Business.**

- a. Policy revisions regarding library fines, fees, and loan rules. Requested action: discussion. (attached). The Board discussed the proposed revisions. In addition to some detailed questions from Board members, Board members noted that the increase of daily fines for children from 10 cents to 15 cents does not seem burdensome. Greene suggested that the Board consider annual increases to bring the daily overdue charges into alignment with inflation. The Board directed the staff to bring the proposal forward for approval at the February 26 meeting.
- b. Proposed Intergovernmental Agreement of the Local Government Property Assessment Consortium. Requested action: discussion. The Board reviewed the document (attached) and agreed, in general, that it would be appropriate for the Library to have a voice in the processes that affect the Equalized Assessed Valuation of the property in its service area. The Board directed Ashton to review

the document with the Library's legal counsel and bring it back for consideration at the February 26 meeting.

- c. Proposed Resolution of Appreciation for Nineteen Library Staff Members who have reached service milestone anniversaries in 2013. Requested action: approval. It was moved by Humphreys and seconded by Greene THAT the resolution be approved and signed by members of the Board. Roll Call: Ayes: Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None.

Read requested that Ashton and staff look into the development of a more extensive recognition program. Ashton agreed to do so.

10. **Report of the Director.** Ashton summarized his written report (attached).

11. **Board Member Comments and Requests for Information.**

None.

12. **Adjournment.** President DiCola adjourned the meeting at 8:26 p.m.

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
JANUARY 22, 2014**

AGENDA ITEM 8

DISCUSSION OF LIBRARY BUILDING RENOVATION PROJECT FINANCIAL ISSUES

While preparations for re-bidding of the building project are underway, the Library Board has an opportunity to consider some financial issues that the Board may be called upon to address in the next several months.

1. Does the project as it is presently conceived achieve the Board's goal of making the library building and its contents an attractive destination for the community?
2. If it is achieving this goal, are there enhancements or improvements that would further reinforce this achievement?
3. If it is not achieving the goal, are there enhancements or improvements that would improve the project's chances for success?
4. Has anything been included in the project scope that the Board would prefer to remove?
5. Has anything been omitted from the project scope that the Board would prefer to include?
6. If re-bidding results are favorable, what are the Board's highest priorities for additions to the project?
7. If re-bidding results are unfavorable, what are the Board's priorities for further reduction of project scope?
8. Does the Board have any preference for changes in construction as opposed to changes in furnishings, and vice versa?
9. Is the Board, in its role as the Board of the Downers Grove Public Library Foundation, willing to commit substantial amounts of Foundation funds to the enhancement or improvement of the project?
10. Does the Board, in its role as the Board of the Downers Grove Public Library Foundation, have any priorities for the use of Foundation funds?

11. Is the Board willing to consider the allocation of additional funds from the Library Operating Fund Balance for enhancement of the building project?
12. Does the Board have any views regarding the best time or best framework for financial decisions relating to the project?
13. Are there other related considerations that the Board should address?

Proposed changes to Library Board Policy on Overdue Fines and Schedule for Lost and Damaged Library Materials

Each item in SWAN must include a loan rule, which notes these four things:

- the length of the checkout period
- the amount to be charged if the item is overdue
- whether or not the item can be renewed
- whether or not a hold can be placed on the item by a Downers Grove cardholder or a non-Downers Grove cardholder

The Downers Grove Library has used 24 different loan rules for their items in SWAN because of the different overdue fines charged on items in the adult and children's collections (\$0.15 for adult items and \$0.10 for children's items), different checkout periods (21 day, 14 day and 42 day), and different renewal and holdable rules for different collections.

Staff would like to reduce the number of loan rules used from 24 to 10. In order to do this, we will change the checkout periods, renewal policies and holdable rules for certain collections. We would also need to have the same overdue fine, \$.15 per day, for all items, regardless of collection. A proposed revision of the Circulation Policy 6.3 Fines and Charges is attached.

Staff would also like to simplify the Schedule for Lost and Damaged Library Materials to reflect current practice. A proposed revision of the Circulation Policy 6.3 Fines and Charges Appendix I is attached.

Proposed Loan Rules for DGS

21 day, \$.15 fine, 1 renewal, holdable by all

For all books, magazines, CDs (music and audio books,) playaways (audio and video) readalongs, puzzles, book discussion bags, circulating bags, pamphlets, resource kits,

14 day, \$.15 fine, 1 renewal, holdable by all

DVDs and blu-rays

21 day, \$.15 fine, 1 renewal, holdable by DGS only

21 day, \$.15 fine, 1 renewal, nonholdable by reciprocal borrowers

For special collections itype 112 or 12, Toddler books

14 day, \$.15 fine, 1 renewal, holdable by DGS only

14 day, \$.15 fine, 1 renewal, nonholdable by reciprocal borrowers

New adult books, video games, J state/country books, circulating eReaders, Kill-A-Watt meters

14 day, \$.15 fine, no renewal, not holdable by anyone

Hot Reads

42 day, \$.15 fine, no renewal, not holdable by anyone

Book Club

Keep existing loan rules 408 and 449 as they are. These are for out-of-system Ptypes 219-221 and book discussion Ptype 249.

Total number of loan rules would be 10, reduced from 24.

6.3 Fines and Charges

6.3.1 Overdue Fines

a. ~~Overdue fines for circulating material from the adult services departments are 15 cents per day per item. Overdue fines for circulating material from the children's services department are 10 cents per day per item. Overdue fines will accumulate for 42 days and then the patron will be billed for the items. Overdue fines for reference books on overnight loan are 50 cents per hour or part of an hour.~~

b. The accounts of Downers Grove cardholders with Downers Grove materials valued at \$50.00 or more that have been overdue for more than 60 days may be sent to a collection agency. Collection agency service charges will be added to overdue fines or to the cost of the item as listed on the computer record plus processing fees. Accounts of reciprocal borrowers (cardholders of other libraries borrowing Downers Grove materials, or Downers Grove cardholders borrowing materials owned by other libraries) are **may be** handled by the ~~Metropolitan Library System~~ **SWAN** and are subject to system fees.

6.3.2 Borrowing Fees

Patrons who request items through the interlibrary loan service will be charged **the \$3 out of state** interlibrary loan and photocopy fees whether or not the items are picked up for use.

6.3.3 Lost and Damaged Materials

- a. Charges for lost or missing material will be the cost of the item as listed on the computer record plus the processing fee as listed in the Appendix.
- b. Fees that will be charged for damaged materials are listed in the Appendix.
- c. Fifty percent of the cost of the item will be refunded if a lost item is returned before the item is removed from the catalog (generally within about three months of payment). Processing fees are not refundable.

6.3.4 Accepting Replacement Copies of Lost Items in Lieu of Payment

The library will accept replacement copies of lost items as long as the following conditions are met.

- a. Replacements must be identical or newer editions. ISBN will be used to verify the edition. Replacements must be in the same format – **i.e.** hardback book for lost hardback book, ~~cassette tape for lost cassette tape, etc.~~ Book club editions and similar special printings are not acceptable as replacement copies.

- b. Replacement books may be new or “like new” used copies. ~~Used copies must be in “like new” condition.~~
- c. Audiovisual materials (CDs, DVDs, CD-ROMs, etc.) must be new, unopened items in the original packaging. All inserts and booklets must be included.
- d. When replacement copies are accepted, the patron is still responsible for paying the current fee for processing a lost item.

Patrons who have identified possible replacement copies are advised to consult with library staff to verify that the copies are acceptable before purchasing them. The library will not accept replacements that do not meet these requirements.

~~6.3.5 Charges for Rental Books~~

~~A fee is charged for materials from the Rental Collection. The first day of the loan is free and 25 cents per item is charged for each day after that.~~

APPENDIX I

6.3 Fines and Charges

SCHEDULE FOR LOST AND DAMAGED LIBRARY MATERIALS

LIBRARY CARDS

Lost library card: \$2.00

LIBRARY MATERIALS

Lost or damaged so as to be unusable: ~~COI~~ **cost of item as listed in the catalog** + \$5.00 processing fee

MISSING PIECES IN AUDIOVISUAL

Essential piece: ~~COI~~ **cost of item as listed in the catalog** + \$5.00 processing fee

Non-essential piece: \$5.00 processing fee

(COI is cost of item as listed in the catalog.)

Z-label missing from library material: \$1.00

Pocket torn or missing: \$1.00

EXCEPTIONS AND ITEM SPECIFIC FEES

Books

Book cover torn: \$1.00

Book cover missing: \$3.00

Pages torn: \$1.00

Pages missing (not to exceed 3): \$2.00

Essential piece: ~~COI~~ + \$5.00 processing fee

Non-essential piece: \$5.00 processing fee

Pamphlets

Adult pamphlets: \$3.00

Children's pamphlets: \$1.50

Audiovisual

Tape tangled or broken: No charge

Essential piece: ~~COI~~ cost of item + \$5.00 processing fee

Non-essential piece: \$5.00 processing fee

Video case lost or damaged:

— Single video case: \$3.50

~~— Double video case: \$6.00~~
~~— 4 capacity case: \$11.00~~
CD, DVD, or video game case lost or damaged:
~~— Single case: \$2.00~~
~~— Double case: \$3.00~~

~~Cassette vinyl case lost or damaged:~~

~~— Single or double tape album: \$5.50~~
~~— 3-8 tape album: \$8.00~~
~~— 12 tape album: \$10.00~~

~~Books on CD binder lost or damaged:~~

~~— 1-12 disk binders: \$12.00~~
~~— +12 disk binders: \$15.00~~

~~CD-ROM case:~~

~~- Small: \$12.00~~
~~- Large: \$18.00~~

~~Playaways~~

~~— COI + \$5.00 processing fee~~
~~Lanyard: \$1.00~~

Family Childcare Kits

~~Cost for individual pieces lost or damaged determined by department head~~

Puzzles

~~Piece lost or damaged: \$2.00/ piece~~

~~Crayon marked: \$1.00~~

~~Puzzle bag missing: \$3.00~~

Readalong Kits

~~Plastic bag missing or damaged: \$3.00~~

**INTERGOVERNMENTAL AGREEMENT TO PARTICIPATE IN THE LOCAL
GOVERNMENTAL PROPERTY ASSESSMENT CONSORTIUM**

This agreement is made and entered into by and between Community High School District 99, Downers Grove Grade School District 58, Maercker District 60, Darien Public Schools District 61, Center Cass School District 66, Woodridge Elementary District 68, Downers Grove Park District, Village of Downers Grove, and Lisle/Woodridge Fire Protection District ("the Parties").

WHEREAS, the real estate property located in Downers Grove, Lisle, Milton, and York Townships in DuPage County, Illinois represent a substantial source of tax revenue for the Parties to this Agreement;

WHEREAS, it is in the best interest of the Parties that the property be fairly assessed so that the Parties realize the tax revenue to which they are entitled by law;

WHEREAS, it is in the best interest of the Parties to form a consortium of the Parties to address mutual concerns related to proper assessment of the real property within the Parties' jurisdictions and to defend the Parties' revenue interest in the real property;

WHEREAS, Illinois law authorizes the Parties to be involved in the matters pertaining to the assessment of the properties (35 ILCS 200/16-160 et seq.) and the Intergovernmental Cooperation Provision of the Illinois Constitution and Illinois statutes authorize the Parties to cooperate and contract in the manner set forth in the Agreement (Article 7, Section 10, 1970, Constitution of the State of Illinois) the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.);

NOW, THEREFORE, the Parties agree as follows:

1. A Consortium is hereby formed with members of the Consortium being comprised of the Parties.
2. The purpose of the Consortium shall be to address mutual concerns related to property assessments and to take appropriate measures to achieve the proper assessment of the property, including consulting with the local Township and County assessing officials and intervening, where the Parties deem it appropriate, in assessment appeals filed at the Board of Review, the Property Tax Appeal Board, and the Circuit Court.
3. An Executive Board shall be formed which shall have the authority to make decisions on which assessments are of mutual concern to the Parties and what measures should be taken by the Consortium to achieve the proper assessment of the property.
4. The Executive Board shall be comprised of a representative of each of the Parties designated by the Parties at an official meeting of their respective bodies. Each of the Parties shall also designate an alternate Executive Board member who shall be recognized in the absence of an official representative.
5. An Executive Board member may vote only on matters which affect the governmental body which he/she represents.
6. Each Executive Board member shall be entitled to a vote on matters brought before the Executive Board. However, matters voted upon which require

expenditures of funds by any of the school districts must be affirmed by the representatives of the school districts before such a vote becomes binding. This is due to the proportionate tax rates of the school districts, which is greater than other taxing districts.

7. Any costs, including attorney's fees, appraiser fees, and other expert witness fees resulting from action of the Executive Board shall be paid by each member of the Consortium on a prorata basis among all affected members based upon the current year's total tax rate of the Consortium members as cited in Exhibit "A." Tax rates shall be updated annually on May 1st.
8. Community High School District 99 shall act as the administrative agent for the Consortium. As such, the representative from Community High School District 99 shall preside at the meetings of the Executive Board, and the Community High School District 99 Administrative Service Center shall be designated as the regular meeting place for the Executive Board.
9. Each Party of the Consortium shall appropriate or budget an amount sufficient to fulfill the member's financial responsibility to the Consortium.
10. The term of this Agreement shall be for five (5) years, expiring on December 31, 2018.
11. This Agreement shall become effective upon the date of the last duly authorized representative of the Parties to sign as set forth below. Any Party to this Agreement may withdraw therefrom after giving a written notice three (3) months prior to the withdrawal to all of the other Parties of this Agreement.
12. Any Party of this Agreement that withdraws from the Consortium shall be responsible for the prorated costs related to the defense against assessment appeals which were begun while the withdrawing Party was a member of the Consortium.
13. This Agreement may be executed in counterparts, each of which shall constitute an original, but all together shall constitute one and the same Agreement.

For Community High School District 99

_____	_____	_____
(Type/Print Name)	Title	Date
_____	Its Authorized Representative	
(Signature)		

For Downers Grove Grade School District 58

_____	_____	_____
(Type/Print Name)	Title	Date
_____	Its Authorized Representative	
(Signature)		

For Maercker District 60

_____	_____	_____
(Type/Print Name)	Title	Date
_____	Its Authorized Representative	
(Signature)		

For Darien Public Schools District 61

_____	_____	_____
(Type/Print Name)	Title	Date
_____	Its Authorized Representative	
(Signature)		

For Center Cass School District 66

_____	_____	_____
(Type/Print Name)	Title	Date
_____	Its Authorized Representative	
(Signature)		

For Woodridge Elementary District 68

_____	_____	_____
(Type/Print Name)	Title	Date
_____	Its Authorized Representative	
(Signature)		

For Downers Grove Park District

_____	_____	_____
(Type/Print Name)	Title	Date
_____	Its Authorized Representative	
(Signature)		

For Village of Downers Grove

_____	_____	_____
(Type/Print Name)	Title	Date
_____	Its Authorized Representative	
(Signature)		

For Lisle/Woodridge Fire Protection District

_____	_____	_____
(Type/Print Name)	Title	Date
_____	Its Authorized Representative	
(Signature)		

**INTERGOVERNMENTAL AGREEMENT TO PARTICIPATE IN THE LOCAL GOVERNMENTAL
PROPERTY ASSESSMENT CONSORTIUM**

Exhibit A

Allocation of Incurred Costs Based upon Affected Member's Total Tax Rate

The allocation proration will be based upon each affected Consortium member's relative total tax rate. Several examples, using hypothetical situations, are as follows:

<u>Consortium Member</u>	<u>Total Tax Rate</u>	Example 1		
		<u>Member Affected</u>	<u>Affected Tax Rate</u>	<u>Member Allocation</u>
Community High School District 99	1.9209	Yes	1.9209	39.34%
Downers Grove Grade School District 58	2.0981	Yes	2.0981	42.97%
Maercker School District 60	2.8900	No	0	0.00%
Darien Public Schools District 61	3.0860	No	0	0.00%
Center Cass School District 66	2.3466	No	0	0.00%
Woodridge Elementary District 68	4.4453	No	0	0.00%
Downers Grove Park District	0.3434	Yes	0.3434	7.03%
Village of Downers Grove	0.5202	Yes	0.5202	10.65%
Lisle/Woodridge Fire Protection District	0.7920	No	0	0.00%
		Total	4.8826	100.00%

<u>Consortium Member</u>	<u>Total Tax Rate</u>	Example 2		
		<u>Member Affected</u>	<u>Affected Tax Rate</u>	<u>Member Allocation</u>
Community High School District 99	1.9209	Yes	1.9209	26.83%
Downers Grove Grade School District 58	2.0981	No	0	0.00%
Maercker School District 60	2.8900	No	0	0.00%
Darien Public Schools District 61	3.0860	No	0	0.00%
Center Cass School District 66	2.3466	No	0	0.00%
Woodridge Elementary District 68	4.4453	Yes	4.4453	62.10%
Downers Grove Park District	0.3434	No	0	0.00%
Village of Downers Grove	0.5202	No	0	0.00%
Lisle/Woodridge Fire Protection District	0.7920	Yes	0.792	11.06%
		Total	7.1582	100.00%

<u>Consortium Member</u>	<u>Total Tax Rate</u>	Example 3		
		<u>Member Affected</u>	<u>Affected Tax Rate</u>	<u>Member Allocation</u>
Community High School District 99	1.9209	Yes	1.9209	38.37%
Downers Grove Grade School District 58	2.0981	No	0	0.00%
Maercker School District 60	2.8900	No	0	0.00%
Darien Public Schools District 61	3.0860	Yes	3.086	61.63%
Center Cass School District 66	2.3466	No	0	0.00%
Woodridge Elementary District 68	4.4453	No	0	0.00%
Downers Grove Park District	0.3434	No	0	0.00%
Village of Downers Grove	0.5202	No	0	0.00%
Lisle/Woodridge Fire Protection District	0.7920	No	0	0.00%
		Total	5.0069	100.00%

Costs incurred relating to specific properties located within the boundaries of two or more Consortium members will be allocated, charged, and reimbursed based upon the relative amount of each interested member's total tax rate. An interest in a property is defined by having taxing authority over a specific property. Conversely, a Consortium member not having taxing authority over a specific property would not be allocated any portion of an expense incurred relating to that specific property.

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
JANUARY 22, 2014**

AGENDA ITEM 10

REPORT OF THE DIRECTOR

- a. Downers Grove Public Library Foundation balances. As of December 31, 2013, the Foundation accounts included \$305,447.22 in investments and \$74,451.09 in checking.
- b. 2013 Circulation Figures. Annual totals are attached. 2013 total exceeded 2012 by 2.2% but was still 0.3% lower than in 2011. Efforts of staff to acquire, organize, and promote the library's collections, along with the small but growing e-book contribution to the circulation, made the difference.
- c. Staff In Service Day. On Friday, January 17, about 100 full-time and part-time Library staff met for a concentrated non-routine work day. We had a chance to review the achievements of the past year, do some planning and preparation for the year just beginning, and recognize our colleagues for their service to the Library and the community. In anticipation of the beginning of construction, we proclaimed 2014 as the Year of Wearing Jeans.
- d. Illinois Library Association Legislative Lunch. On Friday February 14, at the Chicago Marriott Oak Brook, the Illinois Library Association will provide an opportunity for library trustees and staff from the area to meet with our local representatives and senators in the Illinois General Assembly. Senators Kirk Dillard and Christine Radogno and Representatives Sandra Pihos, Jim Durkin, Patricia Bellock, and Ron Sandack have been invited. If you would like to attend, please let me know before February 1 and the Library staff will take care of your registration and payment for the event.
- e. Recent local media coverage. Attached.

APPROVED – 2/24/14

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

JANUARY 27, 2014, 7:00 P.M.

Chairwoman Urban called the January 27, 2014 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: Chairwoman Urban, Mr. Beggs, Mrs. Lupescu (ex-officio), Ms. Rabatah, Mr. Rickard, Mr. Webster

ABSENT: Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mr. Waechtler

STAFF PRESENT: Senior Planner Stan Popovich

VISITORS: Tracy Kasson, Rathje Woodward, 300 E. Roosevelt Road, Wheaton, IL; Andrew Goodman. GMX Real Estate Group, 3000 Dundee Road, Northbrook, IL; Rick Dolan, McDonalds, 4320 Winfield Road, Warrenville, IL; Dennis Sommers, McDonalds, 4320 Winfield Road, Warrenville, IL; Jeff Miller, Watermark Engineering, 2631 Ginger Woods Parkway, Aurora, IL; Luay Aboona, KLOA, 9575 West Higgins Road, Rosemont, IL; Dean Przbyszewski, McDonalds, 4320 Winfield Road, Warrenville, IL; John Hajek, 4500 Cross Street

A brief review of the meeting's protocol followed.

MINUTES OF OCTOBER 28, 2013

Minutes of the October 28, 2013 were approved on motion by Mr. Beggs, seconded by Mrs. Rabatah. Motion carried unanimously by voice vote.

MINUTES OF NOVEMBER 4, 2013

Minutes of the November 4, 2013 meeting were approved on motion by Mr. Beggs, seconded by Mr. Rickard. Motion carried by voice vote. (Mrs. Rabatah abstains.)

FILE PC 45-13: A petition seeking approval of a Special Use for a drive-through facility for the construction of a new restaurant. The property is zoned B-3, General Services and Highway Business District and is located on the south side of Ogden Avenue approximately 60 feet west of Cross Street, commonly known as 2535 Ogden Avenue, Downers Grove, IL (PINs 08-01-305-006, -007, -008, -009). McDonald's USA, LLC., Petitioner; Scherston Real Estate Investments, LLC. Owner.

Chairwoman Urban swore in those individuals who would be speaking on the above petition. (Mrs. Lupescu recused herself from the discussion and left meeting.)

Senior Planner Stan Popovich reviewed the petition before the commissioners noting it was a request for a special use for a 24-hour drive-through restaurant located at 2535 Ogden Avenue. The property was zoned B-3, as were other surrounding businesses. McDonalds, the petitioner, was requesting to demolish their existing restaurant at 1620 Ogden Avenue and was proposing to construct a new drive-through restaurant at 2535 Ogden Avenue. Mr. Popovich drew the commissioners' attention to the fact that there were four lots of record and a lot consolidation would be necessary if the proposal was approved. Elevations of the proposed building and site plan were depicted on the overhead.

Proposed was an approximate 4,400 sq. foot restaurant in the center of the site with a single access point on Ogden Avenue (one lane in and two lanes out). The Illinois Dept. of Transportation approved the access and curb cut location. The drive-through pick-up windows would be located on the east side of the building with side by side drive-through lanes to the southwest of the building, a counter-clockwise circulation pattern and 37 parking spaces (36 were required) are provided. Trash enclosure, monument sign, perimeter landscaping and a proposed six-foot wooden fence (along rear property line) were pointed out and a four-foot ornamental fences along the east and west property lines were noted. Trash pick-up and food deliveries would be held during normal business hours.

Per Mr. Popovich, the proposal met the village's Comprehensive Plan, the Ogden Avenue Corridor Plan, the Zoning Ordinance, and was consistent with criteria for redeveloping under-utilized commercial properties, as described within the Comprehensive Plan. Twenty percent green space would be provided, wherein ten percent was required. The photometric plan met the village's lighting requirement. All McDonalds signs would comply with the village's sign ordinance and a traffic study was conducted and provided to the commissions for their review. Mr. Popovich reviewed those traffic counts, noting the traffic consultant felt there would be minimal impact on the Ogden Avenue traffic pattern. A gap analysis for vehicle entry onto Ogden Avenue was also reviewed in further detail, with Mr. Popovich confirming that the traffic study indicated there was adequate gaps in the existing traffic flow for the site.

A depiction of a turning radius for emergency vehicles was provided as well as an exhibit reflecting delivery vehicles being able to make their turns on-site. On-site stormwater detention would not be required by the village because McDonalds was providing less than 25,000 square feet of net new impervious area. However, McDonalds was providing a volume control BMP in the southwest corner of the site in order to contain the first one-and one-quarter inch rainfall, which eventually would percolate out into the existing drainage pattern which flowed north to south. The proposal met the county's as well as the village's stormwater ordinance. Retaining walls were noted and the taller areas of the walls would be broken up with landscaping. Details followed. A sprinkler system and automatic alarm system were being required by the village.

Proper sign notification and public notice was provided for this proposal and a few inquiries were made into the proposal. However, per Mr. Popovich, the petitioner did hold two neighborhood meetings and the main concerns were noise, strewn garbage, truck deliveries, and whether the site was appropriate or not. All issues were addressed in the petitioner's proposal.

Mr. Popovich noted the four Standards of Approval for a special use were met and he reviewed each one in more detail for the commissioners. Staff recommended the Plan Commission forward a positive recommendation with the six conditions listed in staff's report.

Per a question, Mr. Popovich confirmed that sidewalks would be installed around the site, including walks with handicap accessibility.

Mr. Tracy Kasson, attorney with Rathje Woodward, 300 E. Roosevelt Road, Wheaton, IL on behalf of the petitioner, referenced his development team and representatives from McDonalds and commented that the overall proposal met or exceeded many of the village's standards, citing some examples. He was available to answer questions and asked for the commissioners' support.

Chairwoman Urban opened up the meeting to public comment.

Mr. John Hajek, 4500 Cross Street, Downers Street confirmed he attended the two prior neighborhood meetings and believed the proposal was going to impact his neighborhood with traffic flow since it was the last residential neighborhood west of Belmont. He was also concerned about decreased property values and the constant lighting coming from Ogden Avenue at all hours.

Mr. Tracy Kasson, in response to the above resident, indicated that the area south of the proposal was zoned B-3 and from the southern portion of the petitioner's property line to Mr. Hajek's home was almost 300 feet. He believed there would be no adverse effects to Mr. Hajek or any of the residents, noting the space between could provide for another commercial space to the south even before the residential districts began. Mr. Kasson reiterated that the site was zone B-3 for a long time and was even in the Comprehensive Plan. He did not believe the special use would have any adverse impacts that would be any different at this location than anywhere else located in the B-3 district. Lighting and noise issues were addressed through the ordinance standards and the proposal met or exceeded those standards. Lighting shields would be provided etc. He reiterated that enough traffic gaps existed, as defined in the consultant's traffic report, and there would be no impact on Cross Street since there was no access to Cross Street. The two lane drive-through was most efficient because it resulted in better vehicle stacking and getting food quicker.

Chairwoman Urban opened up the meeting to commissioner comments/questions. Mr. Rickard asked for clarification of the grade elevation difference between the pavement at the south end of the property to south property line, wherein Mr. Kasson stated it was ten feet.

Drawing attention to the west side of the building where parking exists, including the two handicap spaces, Mrs. Rabatah inquired if there was concerns with vehicles backing up into the stacking lane.

Mr. Rick Dolan, McDonalds construction supervisor, 4320 Winfield Road, Warrenville, explained that when allocating spaces for ADA parking, he is required by law to place the parking stalls as close to the building as possible, and having the tandem drive-through lanes should alleviate the need for additional queuing for drive-through customers and they should not back up as far as the handicap stalls.

Mr. Dean Przbyszewski, area supervisor for McDonalds, 4320 Winfield Road, Warrenville, also confirmed there were many drive-through layouts but with the tandem drive-through, it reduced the order time of the customer by half the time and with the proposed layout, Mr. Przbyszewski explained that it could stack five cars before they would even block the first parked car, and many people, through his observation, will let a vehicle back out. However, if that were to become an issue during lunch he stated an employee would be placed outside and used as a traffic guide.

Per Mr. Beggs's questions about the neighborhood meetings, Mr. Andrew Goodman, principal with GMX Real Estate Group, 3000 Dundee Road, #408, Northbrook, Illinois stated a neighborhood meeting was set up on Tuesday, November 26, 2013 at the Downers Grove Recreation Center. Certified letters were sent to same individuals as for the public hearing, with six attendees. A few residents were inquisitive while a few residents were opposed to the proposal and one individual was very supportive of the proposal, stating it would improve the area.

Mr. Kasson closed and emphasized that because the proposal met the village's standards and ordinance requirements, because it complied with the comprehensive plan and would not have any adverse impact on the adjoining area and surrounding neighborhood, and because no variation was being requested, he looked forward to developing the site and providing an asset to the community.

Chairwoman Urban closed the public hearing and invited commissioners to deliberate.

Mr. Webster concurred with staff's conclusion and believed the proposal was appropriate for the parcel and met the Comprehensive Plan's goals. Other commissioners concurred, but Mr. Beggs added his observations of the parcel over the years, the fact that he had concerns about left-turns on Ogden Avenue from Williams to I-355, the fact that traffic along that stretch of road was fairly even, and the fact that traffic would probably impact the neighborhood but not necessarily unfavorably, since McDonalds was another business that was patronized by many individuals. Overall, he believed the proposal would be an improvement for the area and by the lack of residents showing up opposing the proposal, he believed it was a proper request.

WITH REGARD TO PC 45-13 MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSTIVE RECOMMENDATION TO THE VILLAGE COUNCIL, INCLUDING THE SIX CONDITIONS LISTED IN STAFF'S REPORT:

- 1. THE PROPOSED SPECIAL USE REQUEST FOR A RESTAURANT WITH A DRIVE-THROUGH USE SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ENGINEERING PLANS FOR MCDONALD'S DOWNERS GROVE, PREPARED BY WATERMARK ENGINEERING RESOURCES LTD. DATED OCTOBER 28, 2013, LAST REVISED DECEMBER 5, 2013, THE FREESTANDING SIGN EXHIBIT PLAN AND WALL SIGNAGE EXHIBIT PLAN PREPARED BY WATERMARK ENGINEERING RESOURCES LTD DATED OCTOBER 28, 2013, LAST REVISED DECEMBER 5, 2013, PROPOSED BUILDING ELEVATION PLANS, PREPARED BY CORE STATES GROUP, DATED MARCH 21, 2013, PROPOSED BUILDING FLOOR PLAN PREPARED BY CORE STATES GROUP, DATED MARCH 21, 2013, PERVIOUS/IMPERVIOUS EXHIBIT, TRUCK CIRCULATION PLAN, FIRE TRUCK CIRCULATION PLAN AND TRASH ENCLOSURE EXHIBIT DATED DECEMBER 5, 2013 ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES;**
- 2. THE PROPERTY CONSISTS OF FOUR LOTS OF RECORD. THE FINAL PLAT OF SUBDIVISION FOR LOT CONSOLIDATION OF THE PROPERTY INTO ONE NEW LOT MUST BE APPROVED AND RECORDED PRIOR TO ISSUANCE OF THE BUILDING PERMIT;**
- 3. THE APPROVAL FROM IDOT, DUPAGE COUNTY HEALTH DEPARTMENT, DOWNERS GROVE SANITARY DISTRICT AS WELL AS A COPY OF THE PAID**

RECEIPT FOR THE DUPAGE COUNTY IMPACT FEES WILL HAVE TO BE SUBMITTED PRIOR TO ISSUANCE OF THE BUILDING PERMIT;

- 4. THE PROPERTY MUST MEET ALL REQUIREMENTS OF THE SIGN ORDINANCE;**
- 5. THE SPEAKER VOLUME ON THE DRIVE-THROUGH WINDOW MUST BE REDUCED DURING OVERNIGHT HOURS; AND**
- 6. THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.**

SECONDED BY MR. RICKARD.

Chairwoman Urban shared her comments stating that given the grading in the area and the concerns with neighborhood streets, she did not believe cross-access, from a site constraint perspective, would be feasible. If there was cross-access, however, she believed it would encourage drivers to go to the neighborhood streets because it would be an easier option as opposed to Ogden Avenue. As it was, IDOT had strict review standards to be able to get a full access point. Additionally, she noted the zoning was appropriate, the standards for approval were met (as indicated by staff and by the petitioner), and the signage package was tasteful.

ROLL CALL:

AYE: MR. BEGGS, MR. RICKARD, MRS. RABATAH, MR. WEBSTER, CHAIRWOMAN URBAN

NAY: NONE

MOTION CARRIED. VOTE: 5-0.

THE MEETING WAS ADJOURNED AT 7:40 P.M. ON MOTION BY MR. WEBSTER, SECONDED BY MRS. RABATAH. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 5-0.

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

FEBRUARY 3, 2014, 7:00 P.M.

Chairwoman Urban called the February 3, 2014 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: Chairwoman Urban, Mr. Beggs, Mr. Cozzo, Mrs. Lupescu (ex-officio), Mr. Matejczyk, Mr. Quirk, Ms. Rabatah, Mr. Rickard, Mr. Waechtler

ABSENT: Mr. Webster; ex-officios Mr. Menninga and Ms. Souter

STAFF PRESENT: Senior Planner Stan Popovich and Planner Kelley Chrisse

VISITORS: Ken Rathje, Rathje Planning Services; Dean Pozarzycki, Architect; Michael Gatto, RMG Realty Group; Bob Gundmunson, RWG Engineering, LLC - 975 E. 22nd Street, Wheaton, IL; Henry Schmidt, Moldtronics; Christina Benson - 841 Rogers Downers Grove; Bill Kay - 2100 Ogden Avenue, Downers Grove

Chairwoman Urban provided a brief review of the meeting's protocol. Mr. Beggs wanted to confirm that the petitions being reviewed tonight are subject to the current zoning ordinance even though recommended revisions to the zoning ordinance have been sent to the Village Council. Mr. Popovich confirmed that transitional provisions are included in the proposed zoning ordinance and it is anticipated that the revisions to the zoning ordinance would be adopted and possibly effective around mid-April. Any cases approved under the current zoning ordinance would receive permits for same, even if the new zoning ordinance is in effect at the time a building permit is issued.

Chairwoman Urban swore in those individuals who would be speaking on the following two petitions:

FILE PC 50-13: A petition seeking approval of a Special Use to construct a multiple-family residential structure at 715-719 Rogers Street. Property is zoned DT Downtown Transition District; Property located on the southeast corner of Rogers Street and Prospect Ave., commonly known as 715-719 Rogers Street, Downers Grove, IL; RMG Realty Group, LLC, petitioner; 1501 Ogden Associates, LLC, Owner.

Planner Kelley Chrisse summarized the request before the commissioners, noting the Village Council in May 2008 made various approvals to allow the construction of a 16 townhomes on the site. The site was rezoned from M-1 to Downtown Transition as part of the approval and it received special use, planned development and final plat of subdivision. Since that time, however, the approvals lapsed and staff was asking that those prior approvals be rescinded.

The site location and surrounding area were pointed out, along with the current one-story industrial building which would be razed in order to construct a 48-unit upscale apartment building with roof garden. The property, containing two lots, would have to be administratively consolidated should approval be granted. Four floors of dwelling units (1 and 2-bedroom units) are planned to be constructed above a two-story, open-air parking structure. A list of amenities followed.

Due to the west-to-east grade differential of 6 feet and the north-to-south grade differential of 13 feet, it allowed for the construction of the parking structure where the lower level will be accessible from Prospect Avenue for residents only through a gated entry. Forty-eight (48) assigned spaces will exist with two spaces being handicap accessible. Grade level parking will be at Rogers Street, where guests can access the garage. On this level there will be 50 parking spaces -- two being handicap accessible. A four-foot knee wall will surround this level and will also be open. Pedestrian access to the building was explained.

Building elevations, architecture, and materials were reviewed, with Ms. Chrise mentioning that two facade options were being proposed by the petitioner: 1) a terracotta cladding system; and 2) a utility brick embedded in pre-cast concrete panels. Color will be medium brown with charcoal colored sunshades, balustrades and metal fascia. Perspectives of the two facades followed. A review of the building's landscaping briefly followed and, per Ms. Chrise, the village forester reviewed the landscape plans with a concern about the continued maintenance of the interior beds, which staff has incorporated into a condition. However, an irrigation system has been proposed where recycled rain will water the roof garden and the interior beds.

Public improvements were discussed with staff noting that the current sidewalk stub that exists does not align with the sidewalk on the other side of Rogers Street and staff is requesting that they align. Both parkways will be restored with parkway trees, as determined by the village forester. Ms. Chrise stated that because the stormwater currently flowed into a culvert on Prospect Avenue and because the net increase of new impervious was only 1,000 sq. feet, it did not require detention or volume control best management practices. However, the petitioner was proposing to install a containment structure to be located at the southwest corner of the site to improve water quality for site discharge and to receive run-off from the roof and grade level parking prior to entering the storm sewer system. The roof garden will also reduce run-off.

Per Ms. Chrise, the Fire Prevention division chief had indicated to staff that access will be from Rogers Street and Prospect Avenue, where entry into the site is not required. A dry pipe fire suppression system is being proposed for the parking levels along with a traditional wet pipe system for the residential floors. All floors will have a fire alarm system.

Setbacks and bulk regulations were reviewed by Ms. Chrise who indicated she inadvertently omitted the five-foot side yard setbacks in her report but confirmed the proposal does meet the requirements. While no open space was required for the Downtown Transition area, she stated the petitioner was increasing the amount of green space from what currently exists.

Lastly, the Standards for Approval for a special use have all been met and staff recommended that the Plan Commission make a positive recommendation to the Village Council subject to staff's conditions in its report.

A number of questions arose regarding the length of the leases, the type of security for the building, the maintenance of the garbage chute (odor control); recycling; snow removal maintenance; whether an on-site manager will exist and what is meant by “temporary parking” for the drop-off zone on Prospect Avenue. After staff’s explanation of the temporary parking, it was suggested that it have clearer language to which staff was open to commissioner revisions. Asked why there was a special use, staff clarified that the special use request was due to the proposal being in the Downtown Transition area and a multiple family structure required a special use. Details followed as well as what was approved back in 2008, i.e., 16 townhomes. Mr. Quirk expressed concern about the density being proposed now.

Petitioner, Mr. Ken Rathje with Rathje Planning Services, Downers Grove briefly introduced his team and walked through the steps of how he and his client decided upon the site. Details followed how the building was determined to fit into the site, specifically, working with the site’s grade. Access and security were reviewed again briefly. Common mechanical equipment would be on the roof clustered near the middle north end of the building and be screened from the ground while at the south end of the roof would be the garden area that would use recycled water and for other landscaped areas. Further landscaping details followed with Mr. Rathje explaining that the village forester has indicated that the petitioner pay \$500 per tree and the forester would select the appropriate trees and plant them. The one existing tree on Rogers Street will be protected while another existing tree, located near the driveway, may be of concern due to construction damage, and, if damaged, per the staff report, the petitioner would have to work under the village’s assessment formula and compensate for the existing tree. Again, Mr. Rathje addressed stormwater issues, public improvements, and properly aligning the sidewalks.

A more thorough review of the upscale amenities followed, as well as building material (concrete/steel), and the fact that once the soil bearing capacity will be determined once the existing building was razed, then the appropriate building material would be decided. Security would consist of a key-FOB system and a 24-hour camera system; trash odor would be handled depending on the frequency of the garbage removal; there would be no recycling facility; a nearby manager would be available 24 hours for emergencies; leases would typically be for one year; the temporary drop off area was envisioned to be no more than a 15 minute limit; the special use would exist for the life of the property and the zoning ordinance did not distinguish between rental or for-sale properties. Any conversion to condominiums would be done through the state’s Condominium Act. The type of roof vegetation that was considered was explained and clarified further.

Lastly, Mr. Rathje addressed the standards for special use which he believed were consistent and in compliance with the village’s Comprehensive Land Use Plan. He emphasized that the proposal took advantage of the pedestrian-environment in the downtown area, it was a commuter-oriented and transit-oriented proposal, as the proposed building would be 1,300 feet walking distance to the downtown trains station. The standards for a special use were reviewed in detail by Mr. Rathje.

Per commissioner questions, Mr. Rathje explained that the building would be leased typically for one year which was the standard model; the 24 hour hot line would be managed by a local rep (probably one of the owners) who would be responsible to organize and hire the various trades necessary, such as snow plowing. Because the temporary parking was located on village right-of-way, it would be subject to village standards. Mr. Rathje explained the soil bearing process and the trash chute eliminating process. Mr. Waechtler suggested having a person on the premises, especially for late night security.

Mr. Michael Gatto, with RMG Realty Group, discussed his own background with housing and security issues in the downtown Chicago area as compared to what would be needed for this development; the fact that he has a property management service which is family operated and in the vicinity. Because he believed the building was small enough, having an on-site 24-hour security person was not necessary. However, he did envision having a person on-site for the lease out process for the first two years.

Commissioner concern was raised regarding the six-story height of the building versus the surrounding two-story structures in the area and the fact that Stations Crossing, located at Main and Rogers Streets, was the same cross-section as what was being proposed, to which Mr. Rathje explained that proposed building was consistent with many of the other multi-family buildings in and around the downtown area and the height was established by right and any other use could come in and build without a special use. Additionally, the density of the downtown had increased over the years.

Asked what a containment tank was, Mr. Bob Gundmunson, with RWG Engineering, explained it was best described as an “oil/sediment separator” to improve the effluent leaving the site. A description of the tank facility followed.

Mr. Dean Pozarzycki, 4728 Main Street, Downers Grove, architect for the proposal, discussed the photometric lighting system will be all LED. Details followed. As to the lighting overspill on the upper parking level, the fixtures will be “dark sky” quality with lumens directed appropriately. During the construction drawing phase is when a foot candle analysis (based on the LEDs), will be done. Lighting compliance will meet the village’s ordinance regulations as it relates to lighting overspill. Details followed regarding the types of fixtures that will be used to control spillage.

Per Mr. Rathje, signage will comply with the village’s ordinance. There will be no separate tenant storage space in the garage or building. Visitors and residents will have access to the upper parking level and parking at the lobby level will be controlled with a key-FOB system. Lastly, Mr. Rathje indicated that a traffic impact study was not done due to the size of the project. The prior 16-unit townhouse project, however, he surmised would have had 8 to 10 trips in per day, per unit, for an estimated 128 trips in per day. Not knowing the characteristics of the occupants of the proposed building, but estimating that one-third to one-half would be rail commuters, he estimated it would drop the trips by half or more. His estimates followed. He agreed that the character of building would also change over time, along with its tenants, i.e., some people may take the train over time or change jobs, but the goal was to keep them there. To have a reasonable number of parking spaces was a luxury tenants would pay for and Mr. Rathje, citing parking numbers he reviewed from a traffic manual, estimated there would be an over-supply of parking spaces. As to how the amount of parking for this development compared with the project approved previously, Mr. Rathje explained that the townhome proposal would have had two spaces per unit or 32 parking spaces and few guest parking spaces as compared to five or six times that amount for this development.

Asked what would prevent commuters from parking in the open parking lot, Mr. Rathje indicated that such vehicles would be towed and impounded if it were to become an issue; no different than the surface level parking lots. The owner would have to hire a towing company. Lastly, Chairwoman Urban inquired how the petitioner decided upon the “post World War II Modern” architectural style and what other options were considered.

Architect, Mr. Dean Pozarzycki returned to the podium and explained he looked overseas for styles of architecture, and while it was aesthetically artificial, he wanted to stay true to the current form and time period. He wanted to represent the neighborhood relative to the outside materials. Chairwoman Urban indicated she had difficulty understanding how the architecture was a transition and felt it was more institutional looking and she questioned if it fit into the neighborhood, i.e., the color was monotone through all four sides that are 60 feet tall and stretch a full block; the windows on Prospect, to the south, were attractive but moving to the north, those windows were lost and also along Rogers. She noted the building appears to be one that had been constructed for a previous use and converted, but here the developer is building from scratch. The cornice line includes a stone coping, but is very flat and plain, she doesn't see lintels or columns.

Mr. Pozarzycki noted that if he was looking for a different time period, those details would be seen, but he clarified it was a simple building and buildings are experienced in three-dimensional forms and other elements exist in the design that relate to the building. He reminded commissioners the architecture was a personal taste. He also reminded the commissioners that two approaches to the building were being considered: a very heavy massive concrete-type structure and another one was light relative to the soil characteristics. Mr. Pozarzycki proceeded to discuss the difference in the brick and terracotta cladding system and preferred not to see too many colors but instead rely on the sun and natural environment to do the "play around the building three-dimensionally."

Mr. Waechtler noted the building looks a little 'blah,' but he wasn't sure what the architect could do to make the building a little more colorful. Taking away the landscaping, he thought the building looked more commercial and institutional versus residential. He thinks maybe they could examine opportunities to modify the building and make it appear more residential.

Chairwoman Urban opened up the meeting to the public.

Mr. Henry Schmidt, President and owner of Moldtronics, an adjoining property, commented that the location for the development was not ideal, Rogers Street could not handle the number of people that would live there, and the proximity of the building to the train was less than ideal.

Ms. Christina Benson, 841 Rogers Street, believed the development was wonderful for the neighborhood, attracting younger people who spend money in the area who bring in business and revenue. She found the building attractive.

Mr. Rathje closed by stating he believed the project could bring value to the community and asked for the commissioners' support. Regarding the air conditioning system, Mr. Pozarzycki explained the air conditioning unit will have its own condenser that will be concealed within the deck area. Details followed. Regarding the heating and air conditioning systems, the venting will be through the wall system into the balconies and through the building's roof. A parapet will shield the mechanicals.

Hearing no further comments, Chairwoman Urban closed public comment and invited the commissioners to deliberate.

Mr. Waechtler again, thanked the petitioner and team members for the amount of time spent on the presentation and for bringing in samples. He reminded the commissioners the site sat vacant for

many years and the proposal could be a good improvement, bringing in business, the commuters, etc. He recommended that the petitioner, prior to going to Village Council, consider having a late night security guard on site and to add some aesthetic details to the building. Also, per his question to staff, Mr. Popovich clarified the lot consolidation is a process that can be done administratively prior to building permit issuance.

Other positive comments followed. Mrs. Rabatah asked if the commissioners would be amenable to changing staff's condition No. 7 to state that "parking be prohibited in the drop-off zone on Prospect Avenue" and to add that the containment structure will be maintained also. Mr. Cozzo summarized that the proposal complied with the village's Comprehensive Plan, Zoning Ordinance, and with the Special Use Standards. He supported approval of the proposal.

However, Mr. Quirk confirmed his understanding that back in 2008 the site was rezoned to Downtown Transition and today's proposal was not to change that rezoning but that the commission was recommending approval/denial of a special use for multi-family. However, he challenged Standard A, stating there were vacancies in the village and he voiced concern about the construction materials and quality, as these have not been determined. He stated the size and scope of the project in the proposed location did not make sense and did not enhance the character. While he supported redevelopment, he did not support the project as presented. Chairwoman Urban voiced concern about the density but noted that the bulk requirements were met, which allows the density and she reiterated her previously-suggested aesthetic changes to soften the building in order to transition from what was being proposed to the single-family zoning. However, the overall bulk was met without asking for variances.

The actual landscape plan was referenced.

WITH RESPECT TO FILE PC 50-13, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD TO THE VILLAGE COUNCIL A POSITIVE RECOMMENDATION TO INCLUDE STAFF'S CONDITIONS 1 THRU 7 WITH CHANGES ON NO. 3 AND NO. 7, AS PROPOSED BY COMMISSIONER RABATAH:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, RENDERINGS, ARCHITECTURE AND LANDSCAPE PLANS PREPARED BY DEAN M. POZARZYCKI, R.A. AS REVISED AND DATED JANUARY 21, 2014, ENGINEERING PLANS AND STORMWATER MANAGEMENT REPORT PREPARED BY RWG ENGINEERING, LLC AS REVISED AND DATED JANUARY 8, 2014, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL CONSOLIDATE THE TWO LOTS INTO A SINGLE LOT OF RECORD PURSUANT TO SECTION 20.507 OF THE SUBDIVISION ORDINANCE.**
- 3. INTERIOR LANDSCAPED BEDS AND THE STORMWATER CONTAINMENT STRUCTURE SHALL BE MAINTAINED.**
- 4. THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.**
- 5. PRIOR TO THE ISSUANCE OF ANY BUILDING OR DEVELOPMENT PERMITS, THE PETITIONER SHALL PAY TO THE VILLAGE A \$500 FEE-IN-LIEU PER**

VILLAGE APPROVED PARKWAY TREE SUBJECT TO VERIFICATION BY THE VILLAGE FORRESTER.

- 6. THE EXISTING SMALL SIDEWALK THAT RUNS NORTH/SOUTH SHALL BE RELOCATED TO ALIGN WITH THE PROPOSED PROSPECT AVENUE SIDEWALK.**
- 7. PARKING SHALL BE PROHIBITED IN THE DROP-OFF ZONE ON PROSPECT AVENUE.**

SECONDED BY MR. BEGGS. ROLL CALL:

**AYE: MR. WAECHTLER, MR. BEGGS, MR. COZZO, MR. MATEJCZYK,
MRS. RABATAH, MR. RICKARD, CHAIRWOMAN URBAN.
NAY: MR. QUIRK**

MOTION CARRIED. VOTE: 7-1

Mr. Quirk reiterated his earlier comments and did not believe the Standard A was met.

(The commission took a break at 9:17 p.m. and reconvened at 9:23 p.m.)

FILE PC 01-14: A petition for Special Use for an Automobile Dealership at 2100 Ogden Avenue; property is located on the north side of Ogden Avenue near Ogden and Wilson Avenues; Bill Kay Suzuki d/b/a/ Bill Kay Classics, petitioner; WJK Family LLC, Owner.

Mr. Popovich walked through the location of the site on the overhead screen, noting the site was zoned B-3 with a building and accessory building on the 4.58 acre site. Previously the site was established as a by-right automobile dealership that stopped operating in January 2012. Since the opening of the prior automobile dealership, a change to the zoning ordinance required auto dealerships to receive special use approval from the village council. Details of the main and accessory structures followed with Mr. Popovich stating that the petitioner intends to reuse the buildings in the same fashion as the previous auto dealership and to make some minor exterior and interior renovations. The smaller accessory building has an office and open bay area where the open bay area will be used as a vehicle photo studio for Internet car sales. The existing two curb cuts and sidewalk will remain. More than enough of the required parking spaces will be provided.

This proposal is consistent the village's Comprehensive Plan, the Ogden Avenue Corridor Plan, and the village's Zoning Ordinance. Fire Prevention reviewed the proposal and adequate access was on-site. The larger building does have an existing alarm system but no sprinkler system. The smaller building has neither. According to building code, sprinklers are not required in the building because the uses remain the same and the hazard is not changing. Staff is recommending the installation of an alarm system in the smaller building, however, as required by code. Because the buildings are being reused, there are no public or stormwater improvements.

Staff confirmed that proper public notice and signage was posted regarding this petition and, to date, no comments were received from the public except one general inquiry telephone call. Staff believes all Standards for Approval for the special use have been met. Mr. Popovich reviewed each of the standards and how the proposal met them. Staff asked that the Plan Commission forward a

positive recommendation to the Village Council, including the four conditions listed in staff's report.

Asked what it would cost to install a sprinkler system for the existing building, Mr. Popovich could not estimate it, explaining it depended on the number of bays and there were different requirements for a showroom and office versus the larger service areas. Per Mrs. Rabatah's question on signage (Condition No. 4), Mr. Popovich clarified that the existing monument sign along Ogden Avenue is conforming. However, the petitioner and his representatives received a sign variation back in 2010 to reface the existing tollway monument sign. That sign variation was extended by Village Council to May 2014, which was the reason for Condition No. 4 and staff wanted to ensure that sign was brought into conformance.

Petitioner, Mr. William Kay, with Bill Kay Auto Group, stated he was in the process of revitalizing the site since his business was one that was affected by the Chrysler bankruptcy in 2008 and he lost the new car franchise. His goal is to open the business as a Classic Car dealership and to market and sell specialty-type vehicles such as cars from the 1960s through 1980s with some specialty in the Corvette area. He expects to have 10 employees, 50 classic and consignment vehicles and expects to generate about 30 to 50 car sales per month on an average of \$25,000 to \$30,000 per vehicle. Some minor reconditioning work will be done on-site, i.e., light mechanical and detailing work. The smaller building will be used as a photo studio for marketing purposes for magazines and on the Internet.

Per Mr. Cozzo's question regarding business hours, Mr. Kay envisioned being open six days per week (no Sundays) from 9:00 a.m. to 8:00 p.m.-9:00 p.m. Mr. Kay also added that he does host a car/Corvette show in Lisle once a year, but this facility would have to host more events in order to bring in more people to view the vehicles.

Chairwoman Urban invited the public to speak. Hearing none, the public comment was closed. A discussion and/or motion was entertained.

WITH RESPECT TO FILE PC 01-14, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSTIVE RECOMMENDATION TO THE VILLAGE COUNCIL, INCLUDING STAFF'S FOUR (4) CONDITIONS.

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, PLANS AND DOCUMENTS ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. ALL AUTOMOBILE DETAILING AND REPAIR WORK SHALL TAKE PLACE ENTIRELY WITHIN THE EXISTING BUILDING. NO WORK SHALL TAKE PLACE OUTSIDE OF THE BUILDING.**
- 3. THE ACCESSORY BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.**
- 4. THE EXISTING TOLLWAY MONUMENT SIGN SHALL BE BROUGHT INTO CONFORMANCE WITH THE SIGN ORDINANCE NO LATER THAN MAY 5, 2014.**

SECONDED BY MR. RICKARD. ROLL CALL:

APPROVED – 2/24/14

**AYE: MR. QUIRK, MR. RICKARD, MR. BEGGS, MR. COZZO, MR. MATEJCZYK,
MRS. RABATAH, MR. WAECHTLER, CHAIRWOMAN URBAN**

NAY: NONE

MOTION CARRIED. VOTE: 8-0.

Mr. Popovich announced that there is a Plan Commission meeting scheduled for February 24, 2014 for a subdivision on Dunham Road, and also meeting on March 3, 2014.

**THE MEETING WAS ADJOURNED AT 9:42 P.M. ON MOTION BY MR. WAECHTLER,
SECONDED BY MRS. RABATAH. MOTION CARRIED UNANIMOUSLY BY VOICE
VOTE OF 8-0.**

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
DECEMBER 18, 2013

Call to Order

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

Roll Call

Present: Mr. Domijan, Ms. Earl, Ms. Majauskas, Ms. Souther, Ch. White

Absent: Mr. McCann

A quorum was established.

Also Present: Carmelo and Kristen Barbaro, 1533 Thornwood Drive, Downers Grove;
Greg Pumo, 1537 Thornwood Drive; Rusty Ryan, 1532 Thornwood Drive.

Minutes

Ms. Earl moved, seconded by Mr. Domijan to approve the minutes of the August 28, 2013 meeting as presented.

All in favor. The Motion carried.

Meeting Procedures

Chairman White explained that the Board has the authority to either grant or deny variation petitions and the Board’s decision is final. He then explained the procedures to be followed during the meeting, and called upon anyone intending to speak to rise and be sworn in.

.....

ZBA 06-13: A petition seeking a side yard setback variation for a detached garage. The property is zoned R-4 single Family Residence District. The property is located on the south side of Thornwood Drive, approximately 50 feet east of Plymouth Street, commonly known as 1533 Thornwood Drive, Downers Grove, IL (PIN 09-18-205-002); Carmelo A. Barbaro, Petitioner; Carmelo and Kristen Barbaro, Owners.

Staff’s Presentation:

Mr. Damir Latinovic, Planner for the Village, said that the petitioner is seeking a side yard setback variation to allow a detached garage to be 4.29 feet from the side property line where five feet is required by Code. The property is located in an R-4 Single-Family District and is improved with a single-family home and a recently constructed two-car detached garage. Mr. Latinovic explained that the Petitioner is requesting permission to keep the garage as it presently stands on the site.

1 Mr. Latinovic showed an older survey of the property with an older one-car garage that had a
2 2.16 foot side yard setback, which was legal non-conforming. The petitioner wanted to build a
3 two-car garage and made that request for a building permit. When the building permit was
4 issued on August 8, 2012, the petitioner was notified a spot survey is required to be submitted
5 after the garage foundation is installed and prior to commencement of the framing of the garage
6 walls to verify the foundation was installed accurately per the approved plans. However, the
7 petitioner completed the foundation but did not submit the spot survey. The petitioner continued
8 with the construction of the garage prior to the spot survey for compliance review. When the
9 spot survey was submitted it was determined that the garage foundation was incorrectly installed
10 with a 4.29 foot side yard setback, where a five-foot setback was proposed and approved.

11
12 Mr. Latinovic further explained that Staff has reviewed the Petitioner's request and analyzed the
13 Village's Standards for Granting Variations. Staff has determined that there is no physical
14 hardship or unique circumstance associated with the property to warrant granting the requested
15 variation. The relief sought is from a self-created hardship brought about by constructing the
16 garage in a location different from the approved plans and finishing the garage without
17 completing a spot survey prior to the start of framing. Staff also believes approving the variation
18 could be construed as applicable to all construction projects in the Village where buildings are
19 not constructed per the approved plans. In terms of the Standards for Granting Variations, Mr.
20 Latinovic said that seven out of the nine Standards are not satisfied, those being Standards 1, 2,
21 3, 4, 5, 6, and 9, as stated in Staff's report dated December 18, 2013, pages 3 and 4.

22
23 Mr. Latinovic continued stating that if the Zoning Board of Appeals moves to approve the
24 requested variation, the variance should be subject to the following condition: "The detached
25 garage shall substantially conform to the Spot Survey, prepared by Harrington Land Surveying
26 Ltd., dated August 4, 2013, attached to this report except as such plan may be changed to
27 conform to Village codes, ordinances, and policies."

28
29 Mr. Domijan asked about the inspection, noting they are talking about a nine-inch difference.
30 Mr. Latinovic said that the inspector did not inspect the setbacks because they could not
31 determine where the lot line was. They went with the shape and format that had been approved.

32
33 **Petitioner's Presentation:**

34
35 Mr. Carmelo Barbaro explained that the application process began in 2011. Their intention was
36 to obtain the permit the right way and move forward. When they ordered the pre-pour, during
37 the inspection, he thought that satisfied the requirement for the setback. The inspection was Dec.
38 13, 2012 and they continued moving forward. In August, at the completion, he was told that a
39 spot survey was required. When he noted the problem he went to Mr. Latinovic to see what
40 could be done to resolve the problem. He explained that the photo of the existing one-car garage
41 showed it was deteriorated, had been flooded and was hazardous. They intended to build the
42 two-car garage so it would also end the obstructed view of their neighbor, as well as improve
43 their own neighborhood. He thought they were at an advantage for both assessed value, and
44 removing the obstructed view from the adjacent Pumo residence. Mr. Barbaro said if the
45 variance is not granted, the aesthetics of the property will be changed and the appearance will be

1 off-center, and will not improve the area. They understand that if the variance is granted their
2 bond will serve as a penalty and a deterrent to future infractions by petitioners.

3
4 Ms. Majauskas asked if a contractor built this for them. Mr. Barbaro said it was not a contractor,
5 but someone he knew. Ms. Majauskas asked if he has spoken with the contractor about the issue.
6 Mr. Barbaro said that based on his conversation with the contractor, he has no basis to obtain any
7 return from the contractor. Mr. Barbaro said he asked John Barbaro to attend to answer any
8 questions.

9
10 Mr. John Barbaro said there were a number of options. One would be to pour an additional
11 foundation on the inside of the garage to create more footing, and then redo the outside or west
12 wall and roof again to create an appropriate fit. There is also the option to replace the entire
13 garage.

14
15 Mr. Domijan asked if he acknowledges the letter the Petitioner received. Mr. Barbaro (John)
16 said he did not have that letter in his file. The inspection on the 13th was what they followed for
17 the five-foot setback. He was not present when the inspection was conducted.

18
19 After the inspection of the 13th, they reported no negative finding and went on to order the
20 needed supplies. He was not there and was not informed of anything presented that indicated an
21 issue.

22
23 Stan Popovich, Senior Planner for the Village said that the Village goes out on the inspection to
24 insure that the footing looks proper, but does not measure property lines because it does not have
25 the actual location of the stakes. That is why a spot survey is required.

26
27 There being no further comments or questions, Chairman White called upon anyone in the
28 audience who wished to speak either in favor of, or in opposition to the petition.

29
30 Mr. Greg Pumo of 1537 Thornwood Drive, lives immediately west of the subject property. He
31 said that the new garage is a big improvement for his property. They support the Barbaros'
32 request.

33
34 Mr. Rusty Ryan of 1532 Thornwood Drive, said he has lived in Downers Grove since 1986 and
35 has seen a number of residents come into 1733 Thornwood, and the Barbaros are the first owners
36 who have been able to use a garage. In the past owners have parked either in their drive, or on
37 the street and since the new garage has been built, there has been no parking on the street, which
38 is a positive thing. He thinks it has improved the value of the property and their assessed
39 valuation. He asked that the Board honor their request.

40
41 There being no further questions, Chairman White closed the public participation portion of the
42 meeting.

43
44 **Board's Deliberation**

1 Ms. Majauskas said she sees this as a heartbreaker, because she really feels that the petitioner
2 and contractor have made a mistake. However, the problem she has that's hard to overcome is
3 that there was no contractor. A general contractor has a responsibility. That's giving her a
4 difficult time in approving the request. You can save money, and do a good job, but she doesn't
5 see anywhere in the plans that they did come in before the permitting. She doesn't see this.
6

7 Mr. Domijan said it is difficult to be put in this position time and time again, when you are
8 approached after the fact. All remedies are not good. At some point Code Enforcement has to
9 tighten this up so it does not happen again, and should not be happening at all. He struggles to
10 find some way to put this in a context that what they do here makes sense. They did a fantastic
11 job except for where they missed the setback by about an inch
12

13 Ms. Souter said she was also struggling with this. Unfortunately, the explanation is not enough
14 to convince her to approve the requested variation.
15

16 Chairman White noted he completed a similar project a few years ago and the trepidation he felt
17 waiting for the spot survey to come in. As the general contractor, he knew the requirements as
18 did his builder. He noted there are ways to fix the situation. He did not see any logical way to
19 approve the variation and offered staff's assistance to the petitioner to develop a solution.
20

21 Ms. Earl said she knew what the answer was, and whether it was an accident or not, she went to
22 see it and hoped she could find something she could see as hardship; however, much like the
23 other Boards and Commissions, the Zoning Board of Appeals operates under a very clear set of
24 rules. The only way to take emotion out of a decision is to stay with the rules. It is difficult to
25 make these decisions when you suspect it might have been an unintentional oversight. But that
26 doesn't change the rules they have been directed to follow.
27

28 Chairman White called for a Motion.
29

30 **Ms. Earl moved to deny the requested variance, seconded by Ms. Majauskas.**
31 **All in favor. The Motion to deny the variation passed unanimously.**
32

33
34

35 Mr. Popovich announced that Damir Latinovic will be leaving the Village in a week to work in
36 Evanston.
37

38 Mr. Latinovic thanked everyone for the time he has spent in Downers Grove.
39

40 Mr. Popovich announced he has put out the schedule for 2014. There are no petitions for
41 January.
42

43 There being no further comments, Chairman White adjourned the meeting at 8:15 PM.
44

45 Respectfully submitted,
46

APPROVED 2/26/14

- 1
- 2
- 3 Tonie Harrington
- 4 Recording Secretary