



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, May 13, 2014

7:00 pm

Council Chambers

1. Call to Order

Commissioner Neustadt noted that due to problems on the Metra train line, Mayor Tully has been delayed and should arrive shortly. Mayor pro tem Neustadt called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor pro tem Neustadt led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Bob Barnett, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt, Commissioner Greg Hosé, Commissioner David S. Olsen and Mayor Martin Tully

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

Mayor Tully arrived at 7:20 p.m.

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

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

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

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

3. Minutes of Council Meetings

Council Meeting - May 6, 2014

Mayor pro tem Neustadt asked for a Motion to approve the minutes as submitted.

Commissioner Durkin moved to approve the minutes as presented. Commissioner Olsen

seconded the Motion.

The Mayor declared the Motion carried by voice vote.

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

There were no public comments.

5. Council Member Reports

1. Commissioner Barnett announced that on Friday, May 16, the Summer Nights Classic Car Show will begin again in Downers Grove, and reminded everyone that it is a great way to spend a Friday evening.

2. Commissioner Olsen noted that two 5K races will be held in Downers Grove this weekend. The first is on Saturday at McCollum Park, 7:30 a.m. in a Run for Rwanda. On Sunday, May 19, at O'Neill Middle School, there will be a 5K race for Noah's Hope Run for Hope, which is a local organization working toward finding a cure for Batten Disease.

3. Commissioner Hosé announced the upcoming Downers Grove Junior Woman's Club Golf Scramble, saying more information could be found on the Woman's club website.

4. Commissioner Rheintgen encouraged people to register to participate in the Village's annual July 4th parade. They are looking for more groups to participate.

5. Commissioner Durkin asked why the Council is adjourning tonight to go to the Committee Room for the discussion on Ogden Avenue sidewalks. Village Manager Dave Fieldman replied that at the request of the Council, a more intimate environment has been created for informal discussion in the Committee Room, and enhancements have been made so that the meeting will be streamed live to Channel 6.

6. Commissioner Barnett clarified that the Downers Grove Junior Woman's Club website is www.dgjwc.org, for more information about their upcoming Golf Scramble.

7. Commissioner Neustadt announced that on Thursday, May 15 at 1:00 p.m., the Downers Grove Police Department will hold a memorial service for Officer Richard Barth in Patriots' Park at Barth Pond. This is the 40th anniversary of Officer Barth's death and is a very moving ceremony. He referred people to the Village's website for alternate plans in the event of inclement weather.

6. Public Hearings

Annexation Agreement - 5850 Janes Avenue

Mayor Neustadt called the public hearing to order at 7:12 p.m. to consider a proposed annexation agreement for the property located at 5850 Janes Avenue. Notice of this hearing was published in the Downers Grove Suburban Life on April 23, 2014.

The Mayor summarized the procedures to be followed for the public hearing. He called upon Village Manager Dave Fieldman to introduce the item.

Mr. Fieldman said the Director of Community Development and Planning, Tom Dabareiner, will introduce the item, and explain the reason for the public hearing. He noted that this hearing will also serve as the discussion for Item 9-A, a resolution approving final plat of subdivision with exceptions for 5850 Janes, under the First Reading.

Mr. Dabareiner explained that a resolution has been prepared for a voluntary annexation agreement for 5850 Janes Avenue, and staff has prepared a resolution for a final plat of subdivision for five new lots in unincorporated Downers Grove. Mr. Dabareiner showed the approximate location of the site. The site is about two acres in size. He pointed out 59th Street and Janes Avenue, which do not connect. The proposal is to have them connect. He explained that the blue dotted line is the location of the boundary line between Downers Grove and Woodridge. A good portion of existing 59th up to the property is in the Village of Woodridge, with the remaining area in Lisle Township. Mr. Dabareiner noted that the subject house received water service, and this Agreement will extend water service to all five properties. He noted a 5' sidewalk along the south side of the site. He said that the developer will pay a fee in lieu of the parkway trees, and construct a barrier at the intersection.

Mr. Dabareiner then listed key points concerning this matter. The property is unincorporated and is within the Village's ultimate boundary, which is based on the intergovernmental boundary agreement between the Village and Woodridge. The subdivision rights are granted to the Village in state law due to its proximity to the Village. The existing 59th Street right-of-way and the road is in Woodridge. Lisle Township maintains Janes Avenue and a portion of 59th Street. Mr. Dabareiner stated that the existing home is connected to Village water, and the developer wants all proposed five homes to be connected to Village water. He was that the water connection requires the pre-annexation agreement. The existing home and structures will be demolished and five new lots will be planned out to meet required lot dimensions. He added that the streets are proposed to connect with the barrier. Mr. Dabareiner noted that the plan complies with the Village Comprehensive Plan.

Mr. Fieldman said that the annexation agreement will allow the water connection, and requires the owners and future owners to participate in any annexation initiative in the future. He pointed out that the Village is not allowed to annex the property under current Illinois law.

Mayor Tully opened questions from the Village Council. There were none. He then called upon the public to make comments regarding this Public Hearing.

Charles Scouten, 5939 Janes Avenue, said that Janes is a narrow street and fits the classification of an estate neighborhood, with all of the homes built on large lots. Estate neighborhoods are supposed to protect the character of the neighborhood. He said that the road is narrow and safety of children is an issue for children from 59th, Janes, and other directions. Janes and College Road is where the children meet the school bus. There are no sidewalks and children play on the streets on the weekends. Mr. Scouten said that he has petitions signed by every resident on that two-block strip of Janes, and no one wants this to happen. Residents from other streets have also signed. The proposed road will be built, and then a barrier will be put on it. That is lunacy. No one believes the barrier will be permanent. The only movement will be to go to College Road. This shouldn't happen. The community is united. He said that the proposed development can take place but they must leave 59th Street alone and not put a road through.

Gennadiy Lukhanin said he lives in the area and built the house because it is a quiet street where the kids could play in the neighborhood. He is opposed to opening a patch at 59th and Janes because it is too narrow. Mr. Lukhanin said that this is a recipe for disaster as two cars and kids would be on the street at the same time. There are no sidewalks. This proposal will confuse the traffic pattern and opening the road will not be beneficial. Nothing worries him more than the safety of his kids and his neighbors' kids. He reiterated that the neighbors support the idea of keeping the road closed to maintain the current state of the road. He asked what would be gained by opening the road. If there is no gain, keep it closed.

Deborah Scouten, 5939 Janes, commented that if the neighbors knew about this meeting, they

would have all been in attendance. She asked the Council to think about what is being said, and give her neighbors a chance to voice their concerns. There are people who live on Elinor who are concerned about their water issues, and they would have attended as well. She then asked a few questions, the first of which was whether anyone on the Council has visited the area. Mayor Tully said at some point they have. Ms. Scouten said if anyone has talked to the residents or seen the street at 3:00 p.m. when schools are letting out. She said that an appropriate decision cannot be made without seeing the neighborhood at that time. She then asked why the Village wants to annex five houses. She thinks it is to put a road in at 59th Street. If the Village wants to do that will they also be installing sidewalks on Janes Avenue to keep the children safe? She urged the Council to wait until they talk with other neighbors before they make a decision.

Mayor Tully said that this is an opportunity to hear from the public. He asked when this would appear on an Agenda. Mr. Fieldman replied that it would be on next week's Agenda.

Charles Clarke, Lisle Township Highway Commissioner, said that at first the barrier they discussed seemed like a good idea; however, upon further review, the Highway Commissioner's office would prefer a cul de sac to be placed at that location.

There being no further comments, Mayor Tully adjourned the Public Hearing at 7:36 p.m. stating that this request is scheduled for action on May 20.

7. Consent Agenda

BIL 00-05576 A. List of Bills Payable: No. 6118, May 13, 2014

Sponsors: Accounting

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

Indexes: N/A

MOT 00-05577 B. Approve the FY 14-15 Budget for the Downers Grove Downtown Management Corporation

Sponsors: Deputy Village Manager

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

Indexes: Downtown Management Corporation

BID 00-05582 C. Bid: Award \$113,610 to Globe Construction, Inc., Addison, IL, for Concrete Flatwork

Sponsors: Public Works

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

Indexes: Sidewalk Improvements 2014

Passed The Consent Agenda

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

8. Active Agenda

- ORD 00-05570** A. Ordinance: Amend the Liquor Control Ordinance Concerning Charitable Games
Sponsors: Liquor Commission
Summary of Item: This amends certain liquor license provisions concerning charitable games.
- AN ORDINANCE AMENDING THE LIQUOR CONTROL ORDINANCE CONCERNING CHARITABLE GAMES
- ORDINANCE NO. 5385
- A motion was made by Commissioner Neustadt, seconded by Commissioner Durkin, to Adopt this file. Mayor declared the motion carried by the following vote:**
- Votes:** Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully
- Indexes:** Liquor Ordinance Amendments
- ORD 00-05565** B. Ordinance: Rezone Property Located at 4837 Drendel Road from R-1, Single Family Residence, to R-4, Single Family Residence
Sponsors: Community Development and Plan Commission
Summary of Item: This rezones 4837 Drendel Road from "R-1 Single Family Residence District" to "R-4 Single Family Residence District."
- AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE PROPERTY LOCATED AT 4837 DRENDEL ROAD
- ORDINANCE NO. 5386
- A motion was made by Commissioner Olsen, seconded by Commissioner Neustadt, to Adopt this file. Mayor declared the motion carried by the following vote:**
- Votes:** Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully
- Indexes:** Rezone 4837 Drendel - R-1 to R-4
- ORD 00-05546** C. Ordinance: Rezone Property Located at 4325 Fairview Avenue from R-5, Two-Family Residential, to B-3, General Services and Highway Business
Sponsors: Community Development and Plan Commission
Summary of Item: This rezones 4325 Fairview Avenue from R-5 Two Family Residence District" to "B-3 General Service Highway Business District."
- AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE THE PROPERTY LOCATED AT 4325 FAIRVIEW AVENUE.
- ORDINANCE NO. 5387
- A motion was made by Commissioner Durkin, seconded by Commissioner Neustadt, to Adopt this file. Mayor declared the motion carried by the following vote:**
- Votes:** Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Rezone 4325 Fairview - R-5 to B-3, Subdivision - SDG Downers Grove, Planned Development #52-Fresh Thyme Development

ORD 00-05547

D. Ordinance: Rezone Property Located at 4322 Florence Avenue from R-6, Multiple Family Residential, to B-3, General Services and Highway Business

Sponsors: Community Development and Plan Commission

Summary of Item: This rezones 4322 Florence Avenue from "R-6 Multi Family Residence District" to "B-3 General Service Highway Business District."

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE THE PROPERTY LOCATED AT 4322 FLORENCE AVENUE

ORDINANCE NO. 5388

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José, Commissioner Olsen and Mayor Tully

Indexes: Rezone 4322 Florence - R-6 to B-3, Subdivision - SDG Downers Grove, Planned Development #52-Fresh Thyme Development

RES 00-05548

E. Resolution: Authorize a Final Plat of Subdivision for 317-327 Ogden Avenue, 4314-4322 Florence Avenue and 4325 Fairview Avenue

Sponsors: Community Development and Plan Commission

Summary of Item: This approves the final plat of subdivision for the property located at 317-327 Ogden Avenue, 4314-4322 Florence Avenue and 4325 Fairview Avenue.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 317-327 OGDEN AVENUE, 4314-4322 FLORENCE AVENUE AND 4325 FAIRVIEW AVENUE

RESOLUTION 2014-22

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José, Commissioner Olsen and Mayor Tully

Indexes: Subdivision - SDG Downers Grove, Planned Development #52-Fresh Thyme Development

ORD 00-05549

F. Ordinance: Designate Planned Development #52 and Authorize Construction of a Grocery Store and 4,500 Square Foot Out-Lot Building

Sponsors: Community Development and Plan Commission

Summary of Item: This designates the southwest corner of Ogden and Florence Avenues as Planned Development #52 and authorizes the construction of a grocery store and 4,500 square foot out-lot building.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE THE SOUTHWEST CORNER OF OGDEN AND FLORENCE AVENUES AS PLANNED DEVELOPMENT #52 AND AUTHORIZE CONSTRUCTION OF A GROCERY STORE AND 4,500 SQUARE FOOT OUT-LOT BUILDING

ORDINANCE NO. 5389

The Mayor said he is looking forward to this project.

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Planned Development #52-Fresh Thyme Development

ORD 00-05574

G. Ordinance: Authorize a Special Use to Permit a Drive Through Restaurant at 305 Ogden Avenue

Sponsors: Community Development and Plan Commission

Summary of Item: This authorizes a special use for 305 Ogden Avenue to permit a drive through restaurant.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A DRIVE THROUGH RESTAURANT AT 305 OGDEN AVENUE

ORDINANCE NO. 5390

Commissioner Rheintgen said she appreciates the additional signage to satisfy the neighbors.

Commissioner Neustadt noted that last week the petitioner took time to address the concerns of the neighbors at the meeting.

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Subdivision - SDG Downers Grove, Planned Development #52-Fresh Thyme Development, Special Use - 305 Ogden Avenue

ORD 00-05573

H. Ordinance: Approve a Redevelopment Agreement with SDG Downers Grove, LLC

Sponsors: Community Development and Plan Commission

Summary of Item: This approves a redevelopment agreement between the Village of Downers Grove and SDG Downers Grove, LLC.

AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SDG DOWNERS GROVE, LLC

ORDINANCE NO. 5391

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Subdivision - SDG Downers Grove, Planned Development #52-Fresh Thyme Development, Redevelopment Agreement - SDG Downers Grove

ORD 00-05453

I. Ordinance: Amend the Zoning Ordinance, Chapter 28, of the Downers Grove Municipal Code, Effective June 15, 2014

Sponsors: Community Development and Plan Commission

Commissioner Neustadt made a motion to move this item to the First Reading portion of tonight's agenda. Commissioner Barnett seconded the Motion.

*VOTE: YEA: Commissioners Neustadt, Barnett, Rheintgen, Durkin; Mayor Tully
NAY: Commissioners Hosé, Olsen*

Mayor Tully declared the motion passed 5:2.

Indexes: Zoning Ordinance

9. First Reading

RES 00-05583 A. Resolution: Approve Final Plat of Subdivision with Exceptions for 5850 Janes Avenue

Sponsors: Community Development and Plan Commission

Mr. Fieldman said this item was discussed as part of the Public Hearing held earlier this evening.

Indexes: Subdivision - 5850 Janes

BID 00-05581 B. Bid: Award \$571,639 to DiNatale Construction, Inc., Addison, IL, for 2014 Sidewalk Installation Program and Right-of-Way Accessibility Improvements

Sponsors: Public Works

Mr. Fieldman asked Nan Newlon, Director, Public Works, to address this and the next item.

Nan Newlon, Director, Public Works, said this request is to award a bid for new sidewalk installation for 2014 to DiNatale Construction for \$571,631. She said that two public meetings were held regarding sidewalk schedules, and a third meeting will be scheduled prior to construction.

Commissioner Rheintgen referenced the work at St. Joe's asked if that would be the stairway on Highland. Ms. Newlon said it would be the ramp next to the corner.

Commissioner Durkin asked if these sidewalks will be installed by the start of the school year, and Ms. Newlon said they would be. Commissioner Durkin thanked staff for including 67th Street and Blackstone Drive.

Commissioner Barnett inquired about sidewalk gaps. Ms. Newlon said staff would look at those later this year as secondary items. Commissioner Barnett then asked whether they are looking at places where sidewalks end, and then don't pick up on the other side. Ms. Newlon said they are working on those as required by ADA regulations. They are bringing them up to regulations. Some issues are grade issues, driveways, etc., and are being looked at as part of the ADA regulations.

Indexes: Sidewalk Construction

MOT 00-05579 C. Motion: Award a Contract for \$459,899 to Chicagoland Paving, Lake Zurich, IL, for Parking Lot Improvements for Fire Stations #1 and #3, and School District 58

Sponsors: Public Works

Ms. Newlon said this is a request to award a contract to Chicagoland Paving for parking lot improvements to Fire Stations 1 and 3, and School District 58. The Village portion of this cost is \$201,920, and the District 58 portion, which was approved last night, is \$257,979. The project includes pavement resurfacing, reconstruction, marking replacement, curbing, etc., at Fire Stations 1 and 3, and several elementary schools in District 58.

Commissioner Neustadt commented that this is a great connection between the two agencies. He asked if this has been shared with the DuPage Mayors and Managers Conference. Mr. Fieldman said that staff has talked about these types of partnerships. Some municipalities are starting to do this. Commissioner Neustadt said that this is a good partnership.

Indexes: Fire Station # 3, School District 58, Parking Lots, Fire Station #1

ORD 00-05453

I. Ordinance: Amend the Zoning Ordinance, Chapter 28, of the Downers Grove Municipal Code, Effective June 15, 2014

Sponsors: Community Development and Plan Commission

Mayor Tully noted that this item was on the Active Agenda; however, further discussion was requested. He then asked Commissioner Barnett to introduce discussion items and whether it will be ready for a vote next week.

Commissioner Barnett said there are 11 points to be reviewed in this discussion. He referred to page 4-7 in the most current version of the Zoning Ordinance. The first is the definition of a PUD, and additional wording. He said that PUDs offer unique opportunities for management of larger sites and future control over how the site is developed. He would like to have the definition in point 2 read: "PUDs are intended to include design elements which address some or all of the following objectives:"

Commissioner Neustadt said he is fine with the amendment.

Mayor Tully said he would like it to be a more "encouraging" type of wording, as "In general, however, PUDs should included design elements that further some or all of the following objectives:" The remainder of the Council concurred.

Commissioner Barnett moved on to page 5-2 regarding eating/drinking establishments. In the current proposal they treat restaurants and wine boutiques differently, and he is not sure what the differences are. He thinks they are similar enough so as not to be separated in O-R or O-R-M districts, and be made special uses in those districts.

Mayor Tully said he didn't understand why it would not be. Commissioner Olsen said it seemed fine to him as well. There were no objections.

Commissioner Barnett noted that the Village does not list DT (Downtown Transition) as a possible use for wine boutiques or restaurants as special uses. He would like them to consider making them special uses in DT districts.

Commissioner Hosé replied that this deserves more than the time that will be spent on it during tonight's discussion. He thinks it is worthy of further discussion and study.

Mayor Tully commented that he understands the issue, but he thinks it is worthy of more discussion and he would not recommend a change at this time. It is a valid issue to look into.

Commissioner Durkin asked when this would be coming up before the Council.

Commissioner Neustadt said one way would be a petition coming before the Council.

Commissioner Durkin said he would support Mayor Tully and Commissioner Hosé, but would like a timetable, as there is a potential truck vendor who would work in the community.

Commissioner Rheintgen agreed with Mayor Tully and Commissioner Hosé. She said she sees lots of DTs on the map that spreads beyond the downtown area, which concerns her. She would

prefer more discussion.

The general consensus on this issue was not to make any changes at this time but carry it over for further discussion.

Commissioner Barnett then addressed page 6-5, regarding Extended Family Accessory Housing, which would create living quarters within the principal detached house. It may not be located in an accessory structure. The concern is creating rental spaces, rather than creating a situation for extended family member usage. He suggested addressing it in 3 d. and e., where rentals may only be through blood relatives or marriage. His point in bringing this up is what he perceives as the demographics and cultural environments today. Two generations living under one roof has increased of late due to economic situations as well as health issues. He asked why they suggest that is okay as long as the living area is attached. He would like it to include detached garages.

Commissioner Neustadt replied that it might not meet the Code. They could handle this on a case-by-case basis.

Commissioner Barnett said that there are rules that must be followed with respect to building. They would have to assume that people would follow the rules for permitting.

Mayor Tully commented that they could make a motion to amend the ordinance if it is written up and presented.

Commissioner Rheintgen said she agrees with Commissioner Barnett's changes.

Mr. Fieldman commented that staff would like to review this in light of other sections of the Zoning Ordinance and other Codes. When is it a house, an in-law house, or two houses on one lot? It would take longer than one week to review this. Mayor Tully agreed with Mr. Fieldman that more time is needed to review this.

Commissioner Barnett said that the wording now is not to allow second homes. His intention is not to allow second homes on a lot, but to clarify what can be done to accommodate secondary living quarters.

Commissioner José said he is interested in hearing more about this, and wants more information.

Mayor Tully said the consensus is that this would not be ready for next week.

Commissioner Barnett then addressed page 6-14 regarding nursing homes. There are two issues of concern, which are landscaping and screening, setbacks and vehicle access. Some of these, such as sections D, E, and F, are touched on in various portions within the Code and he would like those portions of the Code referenced in this section of the Ordinance, such as "see section...." This would clarify regulations for staff, developers, neighbors, etc. Commissioner Barnett proposed that all outdoor recreation, outdoor parking and rehabilitation areas must be screened. Mr. Fieldman said that change would be made for next week.

The second section for nursing homes is G-Rehabilitation Therapy Services. He suspects they are trying to address rehabilitation therapy services for non-residents performed at a nursing home. He would like clarification that rehabilitation therapy does not include treatment for mental illness, alcohol or substance abuse, maternity or communicable diseases for non-residents. They should be sure that this is clarified.

Village Attorney Enza Petrarca said this would be an easy change. There were no objections to that change for next week.

Commissioner Barnett referred to page 6-19 Religious Assembly. Commissioner Barnett said it is inappropriate to define religious assembly uses by area. He suspects that the goal in general is to try and mitigate the impact of use; however, when they place acreage minimums it feels like barriers to entry. He would like the acreage size requirement removed.

Commissioner Neustadt said he could support this, as they would still require a special use.

Commissioner Barnett pointed out that he is not proposing removing the arterial or collector street designations.

Commissioner José asked whether there are any other ways to mitigate the impact in a residential district. Mr. Fieldman replied there were several tools available to minimize impact.

Mayor Tully commented that if they can avoid the impacts without acreage size, he has no problem with it.

Mr. Fieldman said that staff would remove the acreage requirement.

Commissioner Barnett commented on page 7-10 regarding Recreational Vehicles. He would like to remove the opportunity to store recreational vehicles in the side yards.

Commissioner Neustadt said he is not in favor of this change. Those who invest in an RV have done their research on the community in which they live. There will be residents who will then be non-compliant. It is a big investment to construct a parking pad on the side yard or back yard. This change may result in more non-compliance.

Mayor Tully commented that if they change this they would receive a lot more complaints.

Commissioner Barnett then referred to B-6 of the same section, asked for an explanation from staff as to why the parked RVs must be licensed.

Commissioner Rheintgen said she wants to be sure that people are actively using the vehicles and not simply storing items in them. She does not agree with Commissioner Barnett's proposal.

Mayor Tully said the consensus was not to make the recommended change to this section.

Commissioner Barnett addressed page 8-7-Screening. He said there are some changes already in the proposal; however, in his estimation the purpose of screening is to screen things from the outside world, not the users or owners. He would like to remove Section 3, which sets an equipment setback from roof edges that is at least three feet in depth for each one foot of equipment height. Rooftop mechanical equipment is a common thing, and screening is valuable. He believes that the screen wall has to be as high as the equipment.

Mayor Tully asked if this would be subject to a variation request. The Manager said it would be subject to a variation request.

Commissioner Neustadt asked why Section 3 was there in the first place, such as a Code or safety concern. The Manager said from a zoning perspective, there is not, but he will look at other Codes.

There was no opposition to this change.

Commissioner Barnett then addressed wording about screens themselves. The words "solid" or "opaque" are used, and he would prefer to put in a minimum percentage of blocking direct view. Often the equipment screening needs a certain amount of airflow. In addition, there are instances where screening is set for some degree of sight allowability, or translucency. He gave the example of dumpster enclosures which are pretty much translucent, because you would not want them to be completely closing off view from the outside.

The third question relative to dumpsters is putting them on concrete pads. He asked if they want to compel a concrete pad to be installed when we promote permeable surfaces to encourage stormwater runoff.

Commissioner Neustadt said he would add "appropriate paving material." He thinks concrete would be the best use, but would be willing to try another material. He is also supportive of 80% direct view blocking.

Commissioner José expressed his concern about runoff as it relates to permeable surfaces.

Commissioner Olsen said he would prefer to leave the concrete as is, but would agree to the 80% direct view blocking.

Commissioners Rheintgen and Durkin support both changes.

Under Public Notice, page 12-3, Commissioner Barnett said this was touched on in the past regarding additional methods of public hearing notices. He recognizes that there are other pieces of the ordinance that will compel certain additional notices. However, he wants Section F. 2. (1), (2), and (3) to always to be required. Items 4, 5 and 6 would be optional.

Mr. Fieldman said that staff has no objections; however, text amendments apply to no one geographic location. Therefore, text amendments are noticed in the paper only.

Commissioner Durkin asked if they mandate the size of the signage. Mr. Fieldman said that the Village dictates that the developer use signs provided by the Village. Commissioner Durkin asked about the size of the sign, as they don't appear to be very big.

Mayor Tully said that the consensus is to agree with the change.

Commissioner Barnett then addressed page 12-21 regarding the Zoning Board of Appeals and their role. He stated that he is uncomfortable with the ZBA being the primary variance review. There have been some good changes made already in the document to streamline administrative adjustments. He would like to find a way to eventually eliminate the ZBA and its role as it sits today. He would like to retain their role as currently defined, and not expand it.

Mayor Tully said he has no problem with looking at the current setup for the ZBA. It may be a good time to revisit this. The recommendation is not to make changes but to leave the status quo. He is okay with the draft for voting on this next week.

Mr. Fieldman said that the ZBA hears most of the variation petitions, but the Plan Commission hears variation petitions related to subdivisions. In some cases the ZBA is the ultimate decision maker. The Plan Commission is a recommending Commission and the Council makes the final decision. This would promote consistency.

Commissioner Olsen asked if staff is recommending that what is proposed in the draft ordinance is preferable to what is recommended currently. The Manager said staff yes.

Commissioner José said he would prefer to stick with the proposal, and would hate to see inconsistent application of the Code when it is preventable. In addition, eliminating the ZBA may be a dangerous action, as the ZBA removes the politics of petitions.

Commissioner Neustadt commented that he would like to keep the ZBA in its current state.

Commissioner Rheintgen said she is leaning toward keeping the ZBA as is for the present time. The process seems to be working fine.

Commissioner Durkin expressed agreement with Commissioner Barnett

Mayor Tully said it appears as though the consensus is to keep it the same.

The Manager said staff would prepare this for next week's meeting.

Indexes: Zoning Ordinance

INF 00-05585 D. Discussion: Ogden Avenue Sidewalks (Committee Room)

Mayor Tully said this discussion will take place in the Committee Room following adjournment.

Indexes: Ogden Avenue Sidewalks

10. Mayor's Report

Proclamations

Mayor Tully proclaimed the week of May 11-17, 2014, as Police Week in the Village of Downers Grove. Deputy Chief Kurt Bluder accepted the proclamation on behalf of the Police Department. He also proclaimed the week of May 18-24, 2014, as Public Works Week. He presented the proclamation to Public Works Director Nan Newlon.

New Business

The Mayor announced that Coffee with the Council would be held on Saturday, May 17 at 9:00 a.m. at the Main Street train station. He also noted that the Downtown Market is open.

The Mayor announced that on Saturday at 10:30 a.m. a Mochel Hardware Building Historical Society dedication will be held at 5122 Main Street.

Noah's Hope Run for Hope will take place on May 18 at 8:30 a.m. at O'Neill School. There is also the Run for Rwanda race, which takes place at 7:30 a.m. at McCollum Park on Saturday, May 17.

11. Manager's Report

12. Attorney's Report

Future Active Agenda

13. Council Member New Business

14. Adjournment

Mayor Tully asked for a Motion to adjourn to the Committee Room to discuss Ogden Avenue sidewalks.

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

VOTE: YEA: Commissioners Neustadt, Durkin, Hosé, Olsen, Rheintgen, Barnett; Mayor Tully

Mayor Tully declared the motion carried and the meeting adjourned into the Committee Room at 9:14 p.m.

INF 00-05585

D. Discussion: Ogden Avenue Sidewalks (Committee Room)

Mayor Tully reconvened the meeting to the Committee Room at 9:20 p.m. for discussion of the Ogden Avenue Sidewalk Program.

Mr. Fieldman introduced the subject and noted that this is a priority action item. He asked Ms. Newlon to lead the discussion.

Public Works Director Nan Newlon provided a summary of the present status on Ogden Avenue. She said Ogden Avenue traverses the entire length of the Village from east to west, and is a principal arterial street under the jurisdiction of IDOT. To place sidewalks on both sides of the street would amount of 37,500 feet, while there is 26,400 feet of sidewalk now which equals 70%.

In 2005, the Village received a grant for the construction portion of remaining sidewalks on Ogden Avenue. Ms. Newlon said that property acquisition for this project is challenging. One phase was constructed in 2010 amounting to 3300 feet of sidewalk. She identified two portions remaining, one where there is low to medium property impact which accounts for 8,000 feet of sidewalk. Substantial property impact would equal 3100 feet of sidewalk construction. These include some car dealerships or properties that have structural issues. She noted that the Village has to follow IDOT regulations in land acquisition, which would total \$360,000, plus construction costs of \$600,000 for the low-medium properties, for a total of \$960,000. The grant would reimburse the Village for 75% of the construction costs. The grant funds cannot be used for any other purposes.

Mr. Fieldman noted that the low-medium properties equal 84 parcels and will take about three years to complete. Two years would be toward acquisition of the sites, and one year to construct the sidewalks. He noted that these funds are not budgeted and the Village would need about \$500,000.

Commissioner Hosé asked whether time is of the essence in this case. The Manager replied that the Village has been getting extensions on the grant. Commissioner Hosé asked whether some of the higher impact areas have walkable areas. Ms. Newlon said some do, and some are grass.

Commissioner Olsen commented that he saw the opportunity to divide the corridor into four segments. He described the segments saying that they may be able to have contiguous stretches of sidewalk on one side between those segments. He suggested that approach be taken. The Manager said there are sections that can be very challenging for pedestrians.

Commissioner Barnett referenced the red areas on the exhibit shown by Ms. Newlon and asked if this is where there are no sidewalks. Mr. Fieldman said that was correct. There are areas that are impassable. Ms. Newlon said the Village would place the sidewalk as far back as possible without impacting parking or the existing situation. Commissioner Barnett said he has no interest in on-curb sidewalks.

Commissioner José added that the legal costs could be prohibitive in some instances.

Commissioner Neustadt said he supports the staff proposal. Connectivity is important, and he would like to pursue right-of-ways.

Commissioner Barnett then asked whether it makes sense to eliminate some of it, as it is money not budgeted and includes staff time. He would like to pare it down and minimize the scope.

Mayor Tully, referencing Mr. Newlon's exhibit, asked how many of the "yellow" areas are right up to the street, and Ms. Newlon said staff can review that. Mr. Fieldman said that redevelopment activities allow for the installation of proper sidewalks.

Commissioner José agreed with minimizing the costs and impact. This may be a good way to repurpose sidewalk funds when the matrix is completed.

The Manager asked if staff should prepare the professional contracts to move forward on this by the end of 2014 in terms of the budget and professional services contracts.

The consensus was yes, with the exception of Commissioner Barnett.

Marge Earl asked whether the Ogden Avenue TIF funds could be used for this. Mr. Fieldman said they could; however, not all of Ogden Avenue is in the TIF.

Tom LeCren said people need to be able to cross at crosswalks. They won't be able to use the sidewalks for three months in the winter, and IDOT will plow the snow onto the sidewalks. It will be left to the property owners to clear those sidewalks.

Another resident said that it is a 3-season sidewalk. People generally stay on one side and will not cross over. They also won't go to the light when walking along Ogden.

Ms. Earl asked whether the construction grant is tied to Ogden Avenue, and Ms. Newlon replied that it was.

Mr. LeCren commented on the facilities costs and balancing the expenses.

There being no further discussion, Mayor Tully adjourned the Council meeting at 9:51 p.m.

Indexes: Ogden Avenue Sidewalks