

# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

11/10/2015

7:00 PM

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In order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting by 9:00 p.m., please limit your comments to 5 minutes in length, unless further time is granted by Council. Thank you.

## 1. Call to Order

Mayor Martin Tully 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 Tully led those present in the Pledge of Allegiance to the Flag.

## 2. Roll Call

**Council Attendance (Present):** Commissioner Waldack, Commissioner White, Commissioner José, Commissioner Olsen; Mayor Tully

**Absent:** Commissioner Vattimo, Commissioner Barnett

**Non-Voting:** Village Manager David Fieldman; Village Attorney Enza Petrarca; Village Clerk April Holden

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 past meetings, an opportunity will be given for public comments and questions of a general nature. 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 Active Agenda and the First Reading.

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

Mayor Tully 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

**MIN 2015-6501** — A. Minutes: Council Minutes – November 3, 2015

**Motion:** Commissioner Olsen, seconded by Commissioner White moved to approve the minutes as presented.

Mayor Tully declared the motion carried by voice vote.

Council Meeting

Village of Downers Grove

November 10, 2015

## Proclamation

Mayor Tully proclaimed Veterans Day, November 11, 2015, as Downers Grove Salute to Military Veterans Day in the Village of Downers Grove, honoring and recognizing the veterans from Downers Grove who served their country in the military. He noted Village staff who are veterans or on active duty. The Mayor asked that the Proclamation be displayed in the front entrance to the Village Hall.

## 4. Awards Presentation

Jeff Pindelski, Deputy Fire Chief, said the Fire Department is fortunate to have members of the community step forward at times to assist those in need. He asked John Stoeber to announce the awards and Mayor Tully to assist in the ceremony.

Lt. John Stoeber said he is the Chair of the Awards Committee. Lt. Stoeber asked Trisha Novak to come forward. Ms. Novak began CPR on a patient prior to the arrival of the Fire Department. The positive outcome of this patient's treatment can be directly attributed to the early CPR initiated by Ms. Novak. Lt. Stoeber introduced Ms. Novak as well as the woman she saved.

Lt. Stoeber then asked Tim Boland, Rob Boland, Tom Bondi and Javier Palomo to come forward. These men attended to a man suffering full cardiac arrest. They initiated care and began CPR prior to the arrival of the Fire Department. The positive outcome of this patient's treatment can be directly attributed to the early CPR initiated by these by-standers. Lt. Stoeber introduced Tim and Rob Boland, Mr. Bondi and Mr. Palomo as well as the man they saved. This incident occurred at the Midwest Judo and Jujitsu and many members were in attendance at the meeting.

Lt. Stoeber then asked VOC Operator Mike Chuffo to come forward. Mr. Chuffo answered a 911 call for help in regard to a woman in labor. Mr. Chuffo instructed the father-to-be who was able to perform the delivery prior to the arrival of the Fire Department. Lt. Stoeber introduced Mr. Chuffo, the baby and the baby's father.

## 5. Public Comments

This is the opportunity for public comments.

Dr. Gordon Goodman, 5834 Middaugh, spoke about the Ad Hoc Subcommittee on Historic Preservation and the Architectural Design Review Board and their work regarding Historic Preservation. He asked about the schedule and activities planned to deal with the adjustments to the Zoning Ordinance.

Mayor Tully replied that the question was posed at last week's meeting. The report will be taken up in early December, which will then include the next steps to take.

Dr. Goodman commented that the zoning review involves many things that are not part of historic preservation. He commented that the public often does not pay attention to items on the Zoning Ordinance as it relates to proposed developments, special uses and rezonings. He thinks the Zoning Ordinance is not properly considered.

Mayor Tully thanked Dr. Goodman for his comments.

## 6. Consent Agenda

Mayor Tully asked that Item 6C, a motion to dispose of tapes of previously approved Executive Session minutes be removed from the Consent Agenda. He asked for a motion to approve the Consent Agenda as amended.

**Motion:** Commissioner Olsen moved to approve the Consent Agenda as amended. Commissioner White seconded the motion.

Council Meeting

Village of Downers Grove

November 10, 2015

**BIL 2015-6521** — A. Bills Payable: No. 6226, November 10, 2015

**RES 2015-6549** — B. Resolution: Authorize a Grant Application to the US Department of Homeland Security for 2016 Assistance to Firefighters Grant Program

**Summary:** This authorizes submission of a grant application to the Department of Homeland Security requesting federal funding in the amount of \$405,000.00 to support the purchase of self-contained breathing apparatus respiratory protection.

**A RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE US  
DEPARTMENT OF HOMELAND SECURITY FOR 20106 ASSISTANCE TO FIREFIGHTERS GRANT  
PROGRAM**

**RESOLUTION 2015-76**

**RES 2015-6510** — D. Resolution: Reject the Illinois Department of Transportation Bicyclist/Pedestrian Improvement Program

**Summary:** The Illinois Department of Transportation (IDOT) has requested this resolution related to the Village's cost participation for the construction of an asphalt path on the north side of Butterfield Road between Gray Avenue and Lloyd Avenue.

**A RESOLUTION REJECTING THE ILLINOIS DEPARTMENT OF TRANSPORTATION  
BICYCLIST/PEDESTRIAN IMPROVEMENT PROGRAM**

**RESOLUTION NO. 2015-77**

**RES 2015-6519** — E. Resolution: Authorize an Agreement with iTouch Biometrics

**Summary:** This authorizes the purchase of a Livescan/Mugshot system from iTouch Biometrics for a cost of \$22,960.

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE  
OF DOWNERS GROVE AND iTOUCH BIOMETRICS**

**RESOLUTION 2015-78**

**MIN 2015-6524** — F. Minutes: Note Receipt of Minutes of Boards and Commissions

**Summary:** Plan Commission - October 5, 2015 and October 12, 2015

**Votes:** Yea: Commissioners Olsen, White, Waldack, Hosé; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

## **7. Active Agenda**

**MOT 2015-6523** — C. Motion: Dispose of Tapes of Previously Approved Executive Session Minutes

Council Meeting

Village of Downers Grove

November 10, 2015

**Summary:** Executive Session minutes have been approved for the following dates and the corresponding tapes are to be destroyed: August 22, 2000; September 4, 2004; September 28, 2004; October 5, 2004; October 19, 2004; November 23, 2004; December 7, 2004; January 4, 2005; February 1, 2005; April 19, 2005; May 17, 2005; May 24, 2005; June 7, 2005; June 28, 2005; July 5, 2005; July 12, 2005; July 26, 2005; August 2, 2005; August 16, 2005; August 18, 2005; August 25, 2005; August 26, 2005; September 13, 2005; September 20, 2005; October 4, 2005; October 25, 2005; November 22, 2005; December 6, 2005; January 3, 2006; May 2, 2006; May 9, 2006; May 16, 2006; June 27, 2006; July 18, 2006; July 19, 2006; July 22, 2006; August 1, 2006; August 2, 2006; September 5, 2006; September 26, 2006; October 3, 2006; October 24, 2006; November 14, 2006; March 6, 2007; April 10, 2007; April 23, 2007; June 5, 2007; June 19, 2007; July 3, 2007; August 7, 2007; August 21, 2007; December 11, 2007; February 5, 2008; February 25, 2008; March 18, 2008; March 25, 2008; April 15, 2008; April 22, 2008; May 6, 2008; May 20, 2008; June 10, 2008; July 15, 2008; August 12, 2008; September 9, 2008; September 10, 2008; September 16, 2008; September 23, 2008; October 7, 2008; October 21, 2008; December 16, 2008; April 14, 2009; July 14, 2009; August 11, 2009; October 6, 2009; December 15, 2009 March 2, 2010; July 6, 2010; July 20, 2010; September 7, 2010; October 5, 2010; December 7, 2010; January 11, 2011; January 18, 2011; February 15, 2011; March 15, 2011; April 12, 2011; June 7, 2011; June 10, 2011; September 6, 2011; December 6, 2011; February 21, 2012; April 3, 2012; April 10, 2012; June 5, 2012; January 15, 2013; February 5, 2013; February 12, 2013; February 19, 2013; May 21, 2013; June 18, 2013; July 9, 2013; August 6, 2013; September 3, 2013; December 17, 2013.

**Motion:** Commissioner Olsen moved to table this item. Commissioner White seconded the motion.

**Votes:** Yea: Commissioners Olsen, White, Waldack, Hosé; Mayor Tully

Nay: None

Mayor Tully declared the motion to table carried.

**ORD 2015-6474** — A. Ordinance: Rezone Certain Property Located at 2515 Haddow Avenue

**Summary:** This rezones 2515 Haddow Avenue from R-1, Residential Detached House 1 to R-4, Residential Detached House 4.

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 2515 HADDOW AVENUE**

**ORDINANCE NO. 5492**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Rezoning Certain Property Located at 2515 Haddow Avenue," as presented. Commissioner White seconded the motion.

**Votes:** Yea: Commissioners Olsen, White, Waldack, Hosé; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

**ORD 2015-6475** — B. Ordinance: Authorize a Special Use for an Animal Boarding Facility at 941 63rd Street

**Summary:** This authorizes a Special Use including conditions 8 and 9 as outlined in the Council questions for 941 63rd Street to permit an animal boarding shelter.

**AN ORDINANCE AUTHORIZING A SPECIAL USE INCLUDING CONDITIONS 8 AND 9 AS OUTLINED IN THE COUNCIL QUESTIONS FOR 941 63RD STREET TO PERMIT AN ANIMAL BOARDING SHELTER**

**ORDINANCE NO. 5493**

Council Meeting

Village of Downers Grove

November 10, 2015

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Authorizing a Special Use Including Conditions 8 and 9 as Outlined in the Council Questions for 941 63<sup>rd</sup> Street to Permit an Animal Boarding Shelter," as presented. Commissioner White seconded the motion.

Commissioner Olsen said that the motion he made would add two conditions that were outlined in the Council questions. He noted that the questions are available on the Village's website. He read the conditions:

8. At no time shall more than sixty (60) dogs be boarded overnight at the facility.

9. At the discretion of the Village Manager, Petitioner may be required to submit a report detailing compliance with section 28.10.040.B of the Downers Grove Zoning Ordinance (Operational Performance Standards - Noise), including but not limited to the duration and decibel levels of the noise emitted from the property. Any violation of this section or of the Downers Grove Zoning Ordinance shall be deemed grounds for revocation of the Special Use granted herein and shall be subject to the remedies and enforcement powers afforded the Village in Section 28.13.020.D of the Downers Grove Zoning Ordinance.

Commissioner Olsen said this motion with the additional conditions is in response to concerns Council has heard from the public. There is concern about noise which led to Condition 9. regarding compliance with the Noise Ordinance. Noncompliance will be deemed grounds for revocation of the Special Use for animal boarding. The petitioner stated on a number of occasions that they intended no more than 60 dogs be boarded overnight at the facility. Council has added that as a condition. Commissioner Olsen noted there are concerns specifically regarding the number of dogs being increased significantly from what the petitioner is currently presenting, so this condition was added. Both of these conditions are directly related to the Special Use that is before the Council tonight. Commissioner Olsen said he believes that these conditions help to address some of the issues that concern the neighborhood.

Mayor Tully asked for questions or comments from the public on this item which now contains the two additional conditions that would be place a maximum number of dogs that can be boarded, and would require compliance with the Noise Ordinance. Failure to do so would subject the petitioner to lose the ability to operate a boarding facility.

1. Joan Moore, 6201 Chase, asked about the Noise Ordinance.

Village Manager Dave Fieldman said the Noise Ordinance establishes maximum noise levels that can be emitted from the subject property of 65 decibels, dB(A), during daytime and 50 dB(A) during evening and overnight hours. The hours are also specified in detail in that section of the ordinance.

Ms. Moore asked for an example of what the noise would sound like.

The Manager said the levels are fairly standard across the country. He said 65 dB(A) represents the typical noise in a residential neighborhood during daytime hours and accounts for traffic passing by; 50 dB(A) is the ambient noise level in a residential neighborhood in the evening.

The Mayor said the limits are what would be normally expected in a neighborhood if there was not a boarding facility.

Ms. Moore said that when she spoke last week she forgot to mention that she has two cats that she has brought to the facility. They get good care and attention when they are boarded there.

Mayor Tully explained to her that comments made need to pertain to the Special Use.

Ms. Moore added that her understanding is that the cats will be housed upstairs and the dogs downstairs. She thinks the noise level will be easy to live with.

2. Nancy Janis, 948 Weatherbee Place, said her husband, Robert, has worked with zoning commissions and building for 30 years. With regard to the special use, the comments made are irrelevant as are the signature petitions presented. The fact that this facility will not contribute to the welfare of the neighborhood is relevant to the Special Use. She commented that additional traffic is also relevant to the Special Use. According to DuPage

Council Meeting

Village of Downers Grove

November 10, 2015

County Department of Transportation an average total of 54,000 cars travel east and west on 63<sup>rd</sup> Street daily. The increased traffic will encourage pass through traffic down Meadowlawn and Weatherbee. The expected decrease in property value is relevant to a Special Use. The proposed site is far different than merely replacing the structure. This is a boarding facility. The current site is 3,200 square feet versus 10,250 square feet proposed. The existing facility is one story versus two stories. There is presently no open area for the dogs versus proposed open areas. She asked how sound can be contained in an open area. The current practice is 4-5 employees, while the new facility will have 13 employees. An article said that it originally was intended for 18 employees. This facility will board up to 60 dogs, and the proposed hours are 77 hours per week. The Zoning Commission minutes said that the owner would prefer 24 hours per day. Traffic will increase. He husband is angry at the response he has been given from the Council members. She said that the Council has not heard the voice of the people. He has sent numerous emails to the Council over the past few days and he received a response from Commissioner Barnett that the needs of the special use have been met. She urged the Council to vote "no."

Mayor Tully said that the amendments made were precisely due to the comments heard by the Council over weeks of emails and public comments. The two conditions proposed were directly in response to comments made at the podium last week as well as emails received over time. He encouraged people to focus on the Special Use aspect of this.

4. Gary Pullar, 1041 Hobart Avenue, said he wanted to speak in favor of the facility. The major issues raised are related to traffic and noise. However, he sees the most important issue as the tax base and economic development. Mr. Pullar then asked how many vacant storefronts are in the Village today, and he thinks that sets the context for discussion. He stated that it is his opinion that the Council should pay attention to the tax base and the businesses. With regard to traffic and noise, Main and 63<sup>rd</sup> Street has heavy traffic. The major reason is because Main and 63<sup>rd</sup> are each major thoroughfares. This facility has 30-40 cars per day by his estimate, and the increase may be 60 cars per day compared to 60,000 in the intersection. This is a minor impact. As regards noise in the outdoor play area and the facility itself, Mr. Pullar said that except for the outdoor play area, all dogs would be in the facility. This facility will be built with noise deadening materials. The noise will not be significant. Concerning the outside area, the facility owners have said that this will be fully staffed, and if there is noise they will bring the dog into the facility.

5. Alan Main, 5921 Ridgewood Circle, said he is a practicing veterinarian in Westmont. It is possible to have a successful practice without a boarding facility. A clinic is not a tax generating business, as it is a service industry. Mr. Main said that logic should prevail and this will create noise and odor pollution. He is against this special use for a boarding facility. Dr. Merkin's facility gets complaints about noise with a capacity of only 12 dogs. Dr. Main asked whether the Council will protect the character, and value of the adjacent neighborhood. The Village's Comprehensive Plan is the bible for the Village and provides guidelines. The greatest treasure of the Village is its neighborhoods. This facility will not protect or enhance the neighborhood. It is contrary to the Comprehensive Plan. The Village places a high value on its existing housing stock. This does not increase the values of the housing stock.

Mayor Tully replied that the Comprehensive Plan and the Zoning Ordinance permit this type of use. Many issues being raised by the speaker are already allowed in the Zoning Ordinance. Without the Special Use, this would not come before the Council. He and many of his colleagues worked on the Comprehensive Plan. Most of the comments being made are, "I don't like it there," "I don't like how it looks," "I don't like it in my neighborhood" etc. He then asked that the speakers keep their comments to the 3-5 minute range.

6. A resident said that the Council should vote for the special use. It works in Countryside. She consulted a real estate person and appraiser, and they do not think it will devalue the property. High technology allows for the use of materials that will cut down the noise levels, as opposed to boarding in an old building.

Mayor Tully responded that the Council understands that there is an expectation of noise, which is why the earlier amendment was proposed. If noise exceeds the decibel levels, the Special Use will be revoked and they will not be able to board animals.

Council Meeting

Village of Downers Grove

November 10, 2015

7. Ed Krzeminski of Countryside said he was the former Mayor of Countryside. They went through the same process as the Council is going through now. There is residential property directly behind the veterinary clinic in Countryside, and in two years they have had no issues. There was no impact regarding increased traffic. Mayor Krzeminski said that this is a service that the community needs. He was not asked by anyone to speak, but wanted to let the public know what happened in Countryside. They have had no problem with the clinic, which is a 24-hour clinic, and he thinks it is a service; it will be a plus to the Village.

8. Bob Pinelli, 925 Meadowlawn, said he sent an email to the Council early today, noting that the subject property was built 1951. Lot 10 is zoned commercial and Lot 9 is residential. Meadowlawn subdivision was supposed to be residential, and he asked why this is being considered. He explained that his lawyer sent them the email.

Mayor Tully said that this is a private deed restriction. The Village doesn't enforce private deed restrictions. Mr. Pinelli asked if that affected another proposed property along that same development.

Village Attorney Enza Petrarca said that was a different issue. Mr. Pinelli said he thought when that was put into effect in 1951 it could not change. Ms. Petrarca said it was a private deed restriction that the Village does not enforce. The petitioner is aware of this and is signing a waiver and a release. It was not County or Village restrictions, but a private deed restriction. Mr. Pinelli said the document he has found says the Village of Downers Grove. Mayor Tully said that his guess is that the private deed restriction was recorded in Wheaton. It is a private issue, outside of governmental limitation. Mr. Pinelli spoke to hiring an attorney to look into this further. He has a problem with this and he doesn't appreciate what's being done to the residents. He feels that it's being ramrodded on them. He has no problem with a veterinary facility, but they don't have to board dogs. Mayor Tully said that the petitioner has made a request.

9. Janet Storjohann, 635 67<sup>th</sup> Street, said she lives about a half mile from the facility. She doesn't know Dr. Gus, his care or the Downers Grove animal clinic. She noted that the Countryside Clinic is not a Kremer facility, although it is the same builder. The resident behind the facility in Countryside did not speak against the facility. The only concern was a flooding issue for the neighbors, and she has that letter. Regarding the special use, she said the emphasis was placed on the boarding. The petitioner quoted Countryside saying there were no complaints. There are other businesses in the Countryside area that are open as late as 2:00 a.m. She then spoke to operations based on her experience. It is impossible for three technicians to care for boarding dogs, cats, hospitalized and surgical patients. All the dogs will start barking as soon as they hear staff arriving at 6:30 a.m. She said the dogs will bark and exceed the decibel levels. She also commented on the fact that dogs will be kept in the facility overnight on weekends without being allowed to go outside, and they will start barking.

Mayor Tully replied that they will then will lose the Special Use. The conditions placed are designed to revoke the Special Use if the owner doesn't follow the conditions.

10. Kim Echert, 901 Meadowlawn, said she lives directly behind the proposed facility. She commented about Section 6.160, Veterinary Care, of the Zoning Ordinance regulations for supplemental use, referenced all medical care and boarding must be conducted within a completely enclosed area. The subject plan has an outdoor play area that is not within the principal building. As to the noise issue, regarding decibels, she found a chart showing 50 decibels as a quiet street, quiet office; 70 decibels is an average office, conversational home; 65 decibels is moderate to high risk, which can cause heart issues; 85 decibels may cause permanent hearing loss. She then referenced a number of studies addressing the decibel charge. She asked where measurements are taken and at what hours.

11. Doug Dvorak, 6861 Ticonderoga Road, said that the bottom line is that this could be a thriving business and community asset. This is a leading edge boarding facility, and he thinks that the Village needs this. There is a gas station that generates a considerable amount of noise on the corner that is hauling cars, fixing cars and towing. The current building is 40 years old and obsolete. If this doesn't pass they will have a 40-year old building sitting vacant on vacant property, and he doesn't think anyone wants that. He feels that all of the conditions established have been met.

Council Meeting

Village of Downers Grove

November 10, 2015

12. Mary Paulius, 4635 Woodward, said she has seen the rendering that will provide upgraded services to pets and their owners. The open area will be away from the homes to the west of the site, as well as a new parking lot that will increase the distance between the new building and surrounding homes as well. She hoped the Council votes for the request.

13. Peter Gabor of Cedar Lane Kennels, 6901 Dunham Road, asked how the number of 60 dogs came up. He spoke about the facility size that is only boarding on the first floor. The first floor can only accommodate 30-35 dogs. He asked who would inspect the facility on Christmas Eve and Christmas Day. He then asked Commissioner Olsen to see who will inspect the facility to assure there are only 60 dogs on the holidays.

Mayor Tully replied that the number came from the amendment and proposed cap made tonight. Concerns were raised that there would be more than 60 dogs. Operational issues such as days that they are opened do not relate to the Special Use. There are many things in the community that Code Enforcement inspects. The issue is that at all times the decibel level must be adhered to.

Mr. Gabor said that the traffic and noise are pertinent issues. There will be only one way in and one way out. DuPage will not widen the lanes for that facility. Traffic will be horrendous. This brings no economic value to Downers Grove.

14. Justin Grimm, 930 Meadowlawn, said he opposes the Special Use permit based on property value decreases. There are three documents from realtors that state that the homeowners can expect a 3%-5% decrease in property values. He appreciates that the Council is trying to help with the sound. He asked how they can bring his property values back up which will take a large decrease.

15. A resident said he hopes this will not go through. You can't unbuild a building. There is no income from this to the Village. Dr. Kremer picked the perfect spot to put this as it needs no rezoning. However, residents can hear a train two miles away in their neighborhood. He does not believe they will not hear the dogs. There are many other places this could be built and he asked the Council to vote against this.

Mayor Tully said that with the exception of the Special Use, this would not even be before the Council. If the conditions are not met, the Village will pull the Special Use permit.

16. Christine Hardy, 911 Meadowlawn, said that this facility does not meet the criteria of the Special Use. There are similar services in the area, and this is not necessary since there are many other similar businesses in the area. Ms. Hardy asked the Council to vote no on this. She then asked about light pollution. Her main concern is property values, with her other concern being traffic. She then asked what could be done regarding cut-through traffic. There is no proof that property values will not go down.

17. Ms. Moore commented on the noise issue. She asked what the likelihood is of 60 dogs being in that location at one time. If that number is so objectionable perhaps they should then lower the number further.

18. Michelle Johnson, 2034 Howard Avenue, said she favors the Special Use. She noted that dogs will not be outside unsupervised, and if they do present a problem, they will be brought back into the facility.

19. Carol Keane, 962 Meadowlawn, said she has been a neighbor of Dr. Jobe for 40 years. The fact that there will be 60 dogs is horrible. They belong on a farm.

20. Tim Damis, a realtor from Willowbrook, said this is a progressive Village. The residents bought behind a commercial property, and there will always be traffic there. The value of property changes based on the time of year or other situations, such as neighbors with broken down garages, or boats in their driveway. He thinks they need to stick to the Special Use. Property values can change yearly. This will be a better-looking building. He thinks progress improves things. He said 63<sup>rd</sup> Street is a commercially zoned street.

21. Bob Merkin, owner of the Downers Grove Animal Hospital, asked about the amendment, and as to the Village's history of pulling Special Use permits.

Mayor Tully commented that usually people do not want a Special Use pulled, so they comply with the requirements. It is against their best interest to have the Special Use pulled.



Council Meeting

Village of Downers Grove

November 10, 2015

22. Robert Nolan, 922 Meadowlawn, said he is against the Special Use permit. They should concentrate on safety as this would bring more traffic. Meadowlawn is used as a bypass, and he asked what would be done about that.

Mayor Tully said that they have the ability to address cut-through traffic through traffic mechanisms.

Mr. Nolan said he has concerns regarding traffic, regardless of this business.

23. Ms. Janis asked about the Board's ability to vote with two members absent. Mayor Tully replied that there is a quorum present, and they are able to take action.

24. Bob Aument, 4721 Wallbank, said he is the personal corporate attorney for Dr. Kremer. He said he came to address the two conditions and said that they can live with the two conditions.

Mayor Tully said that all conditions have to be met.

Mr. Aument said that he feels that the Countryside facility is very relevant with the same builder, architect, state-of-the-art facility, business model, etc.

25. Cindy Ryan, 718 72nd Street, said that she is concerned about noise compliance. Even 30 dogs will be too many. She can hear the trains from 72<sup>nd</sup> Street and has friends in the area. People complain about drivers driving too fast.

26. A resident asked how they measure the sound. He also mentioned that there are coyotes that go through the area.

Mr. Fieldman said they would look at 24-hour measuring at the property line, measuring decibels at various times and for several days. This would be done at the Manager's discretion and staff would consult with sound engineers.

27. Mr. Matthys, representing the petitioner, spoke to property values, saying there is an existing use on the site that already does some boarding. There will not be a single room housing 60 dogs. They are going to be placed in several rooms. As for sound, they had a sound engineer project that they are looking at 26-28 decibels from within the building to the property line. They are confident that they can meet all the conditions established. The petitioner is committed to meet the ordinance regarding the outdoor area. There are never more than 10 dogs in the playgroup, and usually 5-7 dogs at a time.

28. Sue Coaker, 904 Prairie, said that they are in a pet-loving community. She thinks that the Special Use should be passed and supports the facility.

29. Ms. Echert spoke again regarding property values saying that they have presented reports from two realtors not related to any of the residents. She pulled the values of property on her street from the Internet, saying they would lose \$122,000 in property value on Meadowlawn for the 18 homes. She said that they have been told this will impact property values. She finds it incomprehensible that the Council would vote yes on this.

30. Beth Charvat, resident of Westmont, said she spoke last week. She spoke with the Mayor of Countryside and asked him to come to the meeting. She has done some research to understand the issues. The dogs will remain inside and will use a special turf. This is a special material that will clean the area. Ms. Charvat was invited to visit the Countryside facility. She appreciates the concerns expressed about property values; however, she noted there are many things that go into home values. She addressed the traffic problems, patterns and solutions. Ms. Charvat asked about the noise in Countryside and addressed the noise issues. She said that she cares about her pets and the pets of others.

31. Mr. Gabor spoke again saying the location is prime property and is not a hopeless situation.

Mayor Tully said he believes that no one in the room wants to be regulated, although there are people who want to regulate their neighbors. Property owners can do what they have a right to do on their property.

Council Meeting

Village of Downers Grove

November 10, 2015

32. Roger Kern said he has lived in the Village for 55 years, and if this Special Use is approved, he will have to sell his house and move, not because he doesn't like dogs. His wife can't stand the barking.

33. Colleen Parkhurst has worked at Downers Grove Animal Clinic since 1997. She said that their clients deserve this. They never wanted to upset neighbors or cause discord. Their clients have supported this.

34. A resident at 6323 Washington said that she would hear the dogs barking. If this is approved, she asked whom they would call at 2:00 a.m.

Mayor Tully replied that they would call in a complaint to the Village. The business owner might reach out to the neighbors.

35. Cinda Lester, 644 67th Street, said that she very much supports this Special Use permit. She is an architect and planner. She understands the concerns of people who have spoken. There is no data that goes against the Special Use, particularly with the conditions added tonight.

36. Elaine Milner, 944 Lancaster Place, said she's against the Special Use. She has lived there 25 years and it has been a wonderful neighborhood. She doesn't want the building to be enlarged, and this will impact their whole neighborhood. She spoke about the cut-through traffic in her neighborhood, saying this will make the traffic worse. She noted that the Council will probably vote for this anyway.

37. Dan McCormick, 5205 Washington, said he sent an email to the Council regarding this subject. There is a deed restriction regarding Lot 9. Approving this would be a violation of the deed restriction. To circumvent the deed restriction is contrary to the law as it pertains to the Plat of Subdivision approved by the Village back in 1951. He requested that the Council reconsider approval of the project because they would be circumventing the restriction on the Plat of Subdivision.

Mayor Tully said this is a private deed restriction and it is a private issue. The Village does not enforce it per the Village's legal counsel. He stressed that it is a private, civil matter.

38. Dr. Tony Kremer said that the phones at this facility will be answered 24/7 by a live person. If there were any issue, he would hope that the people would call them. His personal email is on their website. The Countryside facility is twice the size of this and closer to the residential area. This existing facility is failing so traffic will increase. As for property values, he hopes the facility will beautify the area and increase property values. He asked what a vacant building on a vacant lot does to add to property values.

Mayor Tully thanked the residents for all of their comments, equating about five hours of public comment. There are a lot of opinions and great disagreement. He said that they have not had this kind of response to discussions on the Village budget or on the operating facilities.

Commissioner Olsen said he made the original motion, and he concurred with the Mayor regarding the comments that have been made on both sides of the issue. He especially appreciates the comments that were directly relevant to the Special Use. He thanked his Council colleagues for their thoughtfulness in considering this in order to address the additional conditions, particularly Commissioner José with respect to the number of dogs and Commissioner White regarding the Noise Ordinance. The community presented these issues, they are directly relevant to the conditions of the Special Use and he hopes that these two additional conditions are included if the Council chooses to move forward with this, as they are very important.

Commissioner Olsen then addressed statements regarding concerns in the area. Regardless of what happens tonight, he feels some of the concerns can be addressed. Regarding issues related to cut-through traffic, he noted that there is almost no impact on cut-through traffic as a result of this proposal in that the property sits on the south side of 63<sup>rd</sup> Street, west of the street that would be the cut-through. However, cut-through traffic is a relevant issue in the neighborhood, but not as a part of this matter. Regarding issues raised by realtors, he appreciates the letters that have been shared with the Council. Two letters were shared and one statement was made. Included in the statement was a comment that a realtor drove to the site and viewed the homes and stated that the facility would decrease property values, which is all it states. Commissioner Olsen said the next letter discusses the size of the building, its proximity to the south lot line and the height of the building all of which are

Council Meeting

Village of Downers Grove

November 10, 2015

outside the purview of this Special Use. The issue concerns a Special Use as it relates to the boarding. The other issues have been addressed through the Zoning Ordinance, which has designated this property as commercial use.

The first letter has two major points, the second point being the two-story building, which is outside of the purview of this discussion tonight. The first point, concerning the noise level, is relevant. The point was that the noise level may possibly create a decrease in property values which is why he appreciates the 9<sup>th</sup> condition to the Special Use ordinance. We want property owners to use their property as they see fit as long as it is within the Code. We don't want property owners to cause effects injurious to their neighbors, within reason. He hopes that Condition 9 will address that issue. Only the first letter addresses a condition at issue here – the noise concern. The Special Use conditions proposed will help to address that.

Regarding the proposal, Commissioner Olsen said he appreciates the fact that property owners are looking to redevelop their properties. As to the Special Use, he believes that the criteria have been met. He will support the Motion with the additional conditions in order to address some of the concerns that have been raised. He hopes these additional conditions will balance the concerns of the neighborhood and the interests of the property owners and the residents. He urged the Council to support this Motion with the two additional conditions.

Commissioner José also thanked the people for attending meetings, calling and sending emails regarding their opinions. Protecting our neighborhoods is vitally important and is always a top concern, particularly when a commercial property abuts a neighborhood as it does here. He said that the subject property has been commercial for many years and has operated, apparently, without complaint, despite the fact that the building is located about as close to the neighboring residential properties as it can get. The proposed building will be relocated further from the neighborhood to the south and west than the existing building and it will be a state-of-the-art building. These are both factors that should have a positive, or at least neutral, impact on the property values of the surrounding property. He agreed with Commissioner Olsen that the letters that have been provided are not persuasive. One of the letters speaks directly to traffic and states that traffic is not an issue because it is located near one of the busier intersections in the area and the streets to the south and east are a good distance away. He feels this is detrimental to the case the neighbors are trying to make. However, he feels noise is a valid and important concern. They have heard testimony from the petitioner that the sound level expected outside is 28 decibels and he hopes they will do everything they can to mitigate the noise coming out of the building. The limitation on the number of dogs being proposed and the additional condition with regard to the noise regulation go a long way to allowing the Council to have additional protection and be responsive to neighbor concerns in the enforcement of the Code. With these additional conditions, the negative impacts are mitigated and the petition is brought into it compliance with the ordinance. He will vote in favor of this.

Commissioner Waldack expressed his appreciation to the public for expressing their opinions. He noted that reasonable people can disagree. Comments expressed outside the Special Use were inappropriate. Commissioner Waldack discussed the conditions under which his dogs bark, including when the air conditioning goes on, or the mailman or delivery man appear, or when one dog barks, and the other one relays the message. Dogs bark—some more than others. The Special Use is for boarding, and boarding would not seem to be appropriate for the neighborhood. He likes the added conditions but it is doubtful that the Special Use would be pulled.

Commissioner Waldack commented that property values could be adversely affected. Once built, it would be an uphill battle to pull the Special Use. He said there is a sizeable opposition from the neighborhood. He said that in his experience property values are always expressed as a major concern. He lives a couple of blocks from a kennel and there is noise. There is also noise from dumpsters, trucks and shopping center noises. He doesn't believe there is strong enforcement after the fact and he will not support this proposal.

Commissioner White said that he strives to focus on interests rather than stakeholders. All homeowners are entitled to the quiet enjoyment of their property. They have the right not to have sound levels in excess of what the ordinance provides impede or intrude upon their property. That noise could be from a kennel, a car wash, dogs barking, planes, snow blowers, traffic, etc. That being said, he said that property owners are entitled to develop their property in a way allowed by the Village's Zoning Code. For him the question is whether this property can be developed in a way to prevent the intrusion of sound onto adjoining properties in violation of our ordinance. As for traffic, he hopes it will generate 60 cars a day which will mean there is good business. He has

Council Meeting

Village of Downers Grove

November 10, 2015

heard there are currently 50,000 to 60,000 cars per day on 63<sup>rd</sup> Street and 60 cars will not materially impact traffic. As for property values, they will decrease if there are noise levels consistent with loud, barking dogs. If that were to happen, the petitioners could lose their Special Use. If sound levels exceed what's allowed by the Zoning Ordinance, citations can be written and the ordinance can be enforced. He gave an example of the decibels generated by various noises. If the clinic fails to mitigate the noise, the Special Use will be revoked. The decline in value would be due to noise. He is not proposing that they trust, but rather he is proposing that they verify because we have the technology to do so. He is willing to give the petitioner the opportunity to operate his clinic. He will vote in favor of the Special Use.

Mayor Tully stated that the Council strives to be facilitators and not regulators. He said that the Council is always balancing competing interests which is why we have criteria for a Special Use and also the ability to place conditions on the Special Use. He has seen many instances where about half of the people are for something and half are against it. He said that the Council must apply the rules as best as they can. The Special Use criteria are clear, and this Special Use is allowed in the zoning district in which the facility will be constructed. As to necessity or desirability, he is convinced that this is more likely than not desirable for the community because it provides a service that a number of people utilize. Further, our country's free market system promotes competition. As to the ordinance regarding the proposed use being detrimental to the community, the Village has to focus on this one particular case, and not Countryside or some other similar kennel. In this case, the petitioner is not asking for any type of variation or exception. The issue then becomes noise, and if it were not mitigated he would be against this. He noted that it is up to the petitioner to fix the noise or lose their Special Use. Staff will attempt to work with them before that event occurs; however, if the petitioner does not comply, the Special Use will be revoked. The noise issue has been addressed by the condition proposed earlier.

As for traffic, Mayor Tully noted that they approved the Special Use for the drive-through across the street for Chase Bank without any traffic concerns. He agrees with Commissioner White as to volume, since the bank has a 24-hour ATM.

Regarding property values, the Mayor said that the letters sent to him address the size of the building, and that it is in a residential neighborhood. The other reason expressed is the noise level. The building size is not relevant to the Special Use, and the issue of noise has been addressed by inclusion of an additional condition.

As modified, the Mayor said that he believes this proposal passes muster under the Village's rules.

Mayor Tully asked for a roll call.

**Votes:** Yea: Commissioners Olsen, White, Hosé; Mayor Tully

Nay: Commissioner Waldack

Mayor Tully declared the motion carried.

**ORD 2015-6477** — C. Ordinance: Rezone Certain Property Located at 904-910 Curtiss Street

**Summary:** This rezones 904-910 Curtiss Street from DB, Downtown Business District to DB/PUD #54, Downtown Business District with a Planned Unit Development Overlay.

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 904-910 CURTISS STREET**

**ORDINANCE NO. 5494**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Rezoning Certain Property Located at 904-910 Curtiss Street," as presented. Commissioner White seconded the motion.

Dr. Goodman spoke regarding the disappearance of commercial space in the downtown business district. It is being replaced with high-density residential use. He noted that Plan Commissioner Thoman voted against this recommendation to the Council with respect to density and parking issues. Dr. Goodman said he would play an audio excerpt of Mr. Thoman's reasoning from the October 12 Plan Commission meeting.

Council Meeting

Village of Downers Grove

November 10, 2015

Mayor Tully asked that he not do so. The Council has the minutes from the meeting. Dr. Goodman said those minutes do not correctly characterize what Mr. Thoman said. Mayor Tully said the Village has the meeting recordings available to them as well. He does not want to start a precedent here.

Dr. Goodman then referred to the Council responses at the November 3 meeting regarding staff's comments about allowed density of the Village's ordinance, and those of surrounding communities. Several of the communities use the same criteria as the Village, and others use floor area coverage and height. Dr. Goodman said that the Village allows 54 units per acre, while some other communities allow 29-35 units per acre. The proposal for 904-910 Curtiss Street has a deviation requesting an increase per density per acre. The ordinance requires 800 square feet, while the proposal allows 599 square feet or 1/3 greater than the ordinance allows, which would correspond to our ordinance allowing 72 units per acre. He noted that to deal with this a PUD is proposed. The Council can impose more restrictions in a PUD. Dr. Goodman said that Mr. Thoman pointed out that there was no unique situation or hardship brought to the Plan Commission for a variation, and the variation was requested to increase the value of the development. According to Dr. Goodman, by creating a PUD, there would be more flexibility and would be setting a precedent. Dr. Goodman commented that if the Council requires compliance with the Zoning Ordinance it would reduce the residential units to 36, and parking requirements could be satisfied with a reduction of 15 spaces. Those 15 spaces correspond with the parking currently proposed for the Washington Street ground floor. This would allow for a residential and commercial usage for this development. Dr. Goodman then said that in order to develop the two properties out of the five properties in Catalyst Site #13, they would have to orphan the middle property. He commented that this proposal does not satisfy the public interest and criteria have not been met. Dr. Goodman said to the Council that it is important to tighten up the procedures or change the wording in the Zoning Ordinance.

Sandra Agee, the owner of the Washington Street barbershop, said she would be greatly impacted by this without being given any financial help. There are seven businesses in that building and one has already left. Six more will have to move yet they have been given no funds to facilitate a move. She expects the Council to work for her, along with the petitioner. She said if the Council wants this to go forward they should take it down all at once, thereby guaranteeing them a buy-out. These businesses have been involved in the Village for 30 years, and she wants the Council to work with the owner of the property to help them maintain their business.

Mayor Tully asked Ms. Agee whether it is the phasing of the proposed construction that they have issues with. Ms. Agee said it is, as they will not survive with construction going on. If this happens with the smaller building being demolished first, her business will not survive as people will not drive into a lot with construction, demolition and trucks moving in and out. The Mayor asked whether they can work with the landowner and reach out to the Downtown Management Corporation to act as a facilitator. Ms. Agee said Ms. Kunze has been an advocate for businesses in downtown Downers Grove. None of the options presented by her will work. They will have to close their doors. Mayor Tully said he is not sure that the Council can change the phasing of the construction project.

Chris Lavoie thanked the Mayor for the Proclamation for our veterans. He said that he remembered October 26, 2006, the day that Sgt. Tommy Gilbert was killed in action. He said that there is Downers Grove blood in Iraq. He thanked the Council for its support of the veterans, and he appreciates the sacrifice made by Tommy Gilbert.

Mr. Lavoie then addressed the comments made by Mr. Thoman, saying that he took those as a suggestion to look further at the Code to determine whether it addresses the need. The density is within the limitations of what's been approved. Mr. Lavoie said that they have a balance between density and parking and that this is a solid project. As for phasing of the project, Mr. Lavoie said that Mr. Penavic is willing to work with all of the tenants. There is still time for things to gel. He said that they would work with the tenants with little impact to the residents.

Ms. Agee replied that if this goes to 2017 they will not survive with the construction and parking. She would like compensation for the loss of business.

Mayor Tully replied to Ms. Agee, saying that would be a private matter.

Council Meeting

Village of Downers Grove

November 10, 2015

Ms. Agee reiterated that if they take both buildings down, the small businesses don't have a problem.

Jon Povlivka, 6016 Washington, commented that the business owners had four weeks to prepare to speak before the Plan Commission, while the developer has had six months to a year. He thinks the system is wrong. He has mentioned before that perhaps residents and business owners should have an advocate. No one is advocating for the business owners and the residents. He feels the building is too big for the site.

Mayor Tully commented that oftentimes staff works with the petitioner to find a proposal that would work for all concerned.

**Votes:** Yea: Commissioners Olsen, White, Waldack, José; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

**ORD 2015-6476** — D. Ordinance: Amend the Zoning Ordinance to Designate Adriatic Grove Apartments at 904-910 Curtiss Street as Planned Unit Development #54 and Authorize Construction of a Mixed-Use Structure with Apartments with Deviations

**Summary:** This designates Adriatic Grove Apartments at 904-910 Curtiss Street as Planned Unit Development #54 and authorizes construction of a mixed-use structure with deviations.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO DESIGNATE ADRIATIC GROVE  
APARTMENTS AT 904-910 CURTISS STREET AS PLANNED UNIT DEVELOPMENT #54 AND  
AUTHORIZE CONSTRUCTION OF A MIXED USE STRUCTURE WITH APARTMENTS WITH  
DEVIATIONS**

**ORDINANCE NO. 5495**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Amending the Zoning Ordinance to Designate Adriatic Grove Apartments at 904-910 Curtiss Street as Planned Unit Development #54 and Authorize Construction of a Mixed Use Structure with Apartments with Deviations," as presented. Commissioner White seconded the motion.

Commissioner José commented that a good point was raised by Dr. Goodman and Mr. Lavoie, and noted by Mr. Povlivka in terms of how the Village is dealing with density in the downtown area. There appear to be more projects coming in that are denser than what the Code currently allows and petitioners are seeking variances or requesting Planned Unit Developments. He believes it is important to have a long and involved conversation about what the Village wants in the downtown area. He noted that this type of development that seems to fit with the Comprehensive Plan, but asked if this is what is wanted. Commissioner José said that the Council needs to engage the Plan Commission and the community to figure out if this is the kind of development we want moving forward or if the ordinance needs to be amended.

Mayor Tully agreed that they should have further conversations.

Commissioner White said that he shares the concerns of Dr. Goodman and others. Increasing density in some areas will be good. He doesn't think that a PUD is the way to increase density in the downtown area. He stated that he would support this action. Commissioner White commented that discussion to amend the Comprehensive Plan and Future Land Use maps and the Zoning Ordinance are necessary and he would like to see that done. He thinks setbacks may be appropriate for Main Street, but not for this area. He shares Dr. Goodman's and Mr. Thoman's concerns but they don't rise to the level to stop this project. He would like to see a more proactive method to implement the Comprehensive Plan. He said he would have preferred to see the entire Catalyst site included in this project.

**Votes:** Yea: Commissioners Olsen, White, Waldack, José; Mayor Tully

Council Meeting

Village of Downers Grove

November 10, 2015

Nay: None

Mayor Tully declared the motion carried.

**ORD 2015-6478** — E. Ordinance: Authorize a Special Use for 904-910 Curtiss Street to Permit Construction of a Mixed-Use Building

**Summary:** This authorizes a special use for 904-910 Curtiss Street to permit construction of a mixed-use structure with apartments.

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR ADRIATIC GROVE APARTMENTS AT 904-910 CURTISS STREET TO PERMIT CONSTRUCTION OF A MIXED USE STRUCTURE WITH APARTMENTS**

**ORDINANCE NO. 5496**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Authorizing a Special Use for Adriatic Grove Apartments at 904-910 Curtiss Street to Permit Construction of a Mixed Use Structure with Apartments," as presented. Commissioner White seconded the motion.

**Votes:** Yea: Commissioners Olsen, White, Waldack, Hosé; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

**MOT 2015-6472** — F. Motion: Estimate 2015 Aggregate Tax Levy for the Village of Downers Grove

**Summary:** This estimates the 2015 Aggregate Tax Levy for the Village of Downers Grove.

**Motion:** Commissioner Olsen moved to find and determine that the aggregate levy for the Village of Downers Grove, as defined in the Illinois Truth and Taxation Law, estimated to be necessary to be raised by taxation for 2015 upon the taxable property in Downers Grove is \$25,792,310.76. This amount is based upon an estimated levy of \$3,968,669 for corporate and police; \$2,850,000 for fire; \$2,664,454 for police pension; \$2,820,461 for fire pension; \$4,826,000 for library operating; \$620,658 for Library 2013 Series debt service; \$809,100 for Stormwater 2008A Series debt service; \$108,000 for Central Business District 2008B Series debt service; \$1,049,475 for Central Business District and Fairview Avenue 2009 Series debt service; \$438,150 for Central Business District 2010 Series debt service; \$753,200 for Central Business District 2010B Series debt service; \$1,937,418.76 for Capital Projects 2012 Series debt service; \$1,644,050 for Central Business District 2013A Series debt service; \$786,625 for Refunding Bonds 2014 Series debt service; and \$516,050 for Refunding Bonds 2015 Series. The estimated levy for Special Service Area #2, CBD Special Service Area, is \$247,000. The estimated levy for Special Service Area #4, Green Acres Special Service Area, is \$0. The estimated levy for Special Service Area #5, Atwood Special Service Area, is \$0. The estimated levy for Special Service Area #6, Fairview Fire Protection District Special Service Area, is \$72,082. The estimated levy for Special Service Area #7, Dunham Subdivision, is \$0. The estimated levy for Special Service Area #8, Nelson Meadow Subdivision, is \$0. A public hearing will be held on these proposed levies on December 1, 2015, at 7:00 p.m. in the Village Council Chambers. Staff is also directed to prepare ordinances to abate certain 2015 tax levies.

Commissioner White seconded the motion.

Dr. Goodman said he appreciates the Village's policy regarding abatement, and asked about abating a portion of the Library Debt service.

Mr. Fieldman said that the last payment is due in January 1, 2017. Over the years slightly more has been levied than necessary to make the payments, allowing the Village to abate a portion of the last payment.

Council Meeting

Village of Downers Grove

November 10, 2015

**Votes:** Yea: Commissioners Olsen, White, Waldack, José; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

## 8. First Reading

### **ORD 2015-6511** — A. Ordinance: Amend Parking & Traffic Provisions

Mr. Fieldman explained that this ordinance includes amendments to sections of the Municipal Code concerning parking and traffic restrictions to various streets, including Washington Street south of 63<sup>rd</sup>, East-West Access Road, Belle Aire Lane, and Highland Avenue. It also includes amendments to match field conditions. The Parking and Traffic Commission have supported these, and many of these are responses to neighborhood concerns.

Kenneth Rathje of Rathje Planning Services said that he brought a petition to the Village at 4245 Belle Aire. The owner manufactures tool and die products and occasionally needs a truck to back into his property for deliveries of steel supplies. The people at 4248 Belle Aire have complained about Mr. Nosich's use of his driveway. Parking and Traffic created a no parking zone, however, the properties across the street were built under the County Code. Some tenants are parking and encroaching into the travel lane, which narrows the travel way of Belle Air Lane, preventing delivery trucks from moving into Mr. Nosich's driveway. Under Section 14.92 of the Municipal Code, traffic must be parallel within the right-of-way. People need to be able to make safe entries and exits. Basically, Mr. Nosich is seeking help for his deliveries.

### **RES 2015-6517** — B. Resolution: Approve the Final Plat of Subdivision with Exceptions for 5307 Victor Street

Community Development Director Stan Popovich showed photos of the area in question, stating that the property is a 101' wide lot which the petitioner is requesting to subdivide into 50' lots requiring exceptions as 75' lots are required. Mr. Popovich said that staff does not believe exception standards have been met, and does not support this petition.

Mr. Fieldman said that the Plan Commission's finding was similar to that of staff.

Mr. and Mrs. Osmani, the owners of the lot at 5307 Victor, stated that they do not need as large a piece of land. The couple said that across the street from their property are homes with 50' wide lots. Those properties are zoned R-3, and there are 12 homes that are 50' wide. Mr. Osmani said that they meet the lot depth and area. Most of the homes meet the width but not the depth or area. He indicated that there is a building in the area that is new construction on a 50' lot. There are smaller houses in the area, and they are trying to match the neighborhood. Mrs. Osmani indicated that there are 50' wide lots across the street with new construction going on. They are not looking to do damage to the neighborhood.

Mayor Tully said that he understands what they want to do, and empathizes with their reasoning. He explained that the Village is trying to get away from lot splits as they have caused many problems which are not in the best interests of the community including ingress/egress issues, stormwater issues, runoff, etc. With regard to setbacks, stormwater runoff issues, etc., the trend has been toward 75' wide lots, and the Village has been trying to get away from this trend of lot splits and flag lots. They are not in the best interest of our community. The lesson he has learned from years ago is that lot splits did not bode well for the community.

Mr. Osmani said that they have lot depth and area and are not in a flood plain. They've lived in Downers Grove for 20 years. They are being lumped in with bad areas.

Mayor Tully said that with respect to existing lots, the Village can't force people to combine their lots but we can resist splitting lots.



Council Meeting

Village of Downers Grove

November 10, 2015

Commissioner Olsen said that in his neighborhood there was a lot consolidation of 60' lots. This is the trend the Village has moved toward. He said that they constantly hear that we've allowed massive houses on small lots. He agrees with 75' width and shares the Mayor's concerns.

Commissioner Waldack also said he understands the concerns, but he also has to agree with the Mayor. They spent months moving away from the 50' lots, and it was a thoughtful process.

## **9. Mayor's Report**

Mayor Tully congratulated new Police Chief Kurt Bluder, saying this was a tough decision and he couldn't be happier.

## **10. Manager's Report**

Mr. Fieldman said that the Police Chief swearing-in ceremony will take place in December. Chief Bluder started with the Village in 1986 and they look forward to his continued leadership.

Mayor Tully expressed his appreciation to Deputy Chief Budds for serving as the Interim Chief.

Mr. Fieldman noted that looking at the leadership material in the Police Department, the Village could have chosen from a good-sized roster.

## **11. Attorney's Report**

Pursuant to Section 2.5 of the Downers Grove Municipal Code, the following are presented for Village Council consideration:

1. An ordinance amending parking & traffic provisions

## **12. Council Member Reports**

## **13. Adjournment**

Commissioner Olsen moved to adjourn. Commissioner White seconded the motion.

**Votes:** Yea: Commissioners Olsen, White, Waldack, Hosé; Mayor Tully

Nay: None

Mayor Tully declared the motion carried and the meeting adjourned at 11:09 p.m.

Respectfully submitted,  
April Holden  
Village Clerk