

Approved 4/19/17

VILLAGE OF DOWNERS GROVE  
ARCHITECTURAL DESIGN REVIEW BOARD  
VILLAGE HALL - COMMITTEE ROOM  
801 BURLINGTON AVENUE

FEBRUARY 15, 2017, 7:00 P.M.

Chairman Pro tem Larson called the February 15, 2017 meeting of the Architectural Design Review Board to order at 7:00 p.m. and asked for a roll call:

**PRESENT:** Chairman Pro tem Larson, Ms. Chalberg, Mr. Lerner, Mr. Riemer

**ABSENT:** Chairman Davenport, Ms. Acks, Ms. Hollweck

**STAFF:** Senior Planner Rebecca Leitschuh and Planner Scott Williams

**VISITORS:** Kathy and Tom Nybo, 5253 Blodgett, Downers Grove; Chris Gumm-Sexton, 6001 Pershing, Downers Grove; Amy Gassen, 5320 Benton Ave., Downers Grove; Rich Kulovany with Friends of the Edwards House, 6825 Camden, Downers Grove; Lois Sterba with Downers Grove Historical Society; Michael Matalis, 4500 Florence, Downers Grove; Chuck and Byron Holtzen, 5226 Carpenter St., Downers Grove; John Palis, 5314 Victor St., Downers Grove; Christine Martin, 701 Maple Ave., Downers Grove

**APPROVAL OF JANUARY 18, 2017 MINUTES**

**MOTION BY MS. CHALBERG, SECONDED BY MR. RIEMER TO APPROVE THE JANUARY 18, 2017 MINUTES, AS REVISED. MOTION CARRIED BY VOICE VOTE OF 4-0.**

**PUBLIC HEARING**

**A. 17-ADR-0001: A petition seeking a Historic Landmark Designation for the property commonly known as 5099 Fairview Avenue, Downers Grove, IL (PINs 09-09-502-002 & -003). The property is the train station located at the intersection of Fairview Avenue and Burlington Avenue. Village of Downers Grove, Petitioner and Owner.** Planner Scott Williams thanked the historical society and Friends of the Edwards House for doing the research on this petition. Mr. Williams reviewed the site on the overhead, noting the surrounding character of the area which included four sides of commercial use. A history of the Fairview Train Station followed noting it was constructed in 1890 by Mr. Victor Fredenhagen as part of the Fredenhagen Subdivision started in the 1850's. Mr. Fredenhagen would draw people to the village by offering them free train rides and milk (he operated a dairy farm) to get them to purchase land and develop in the village. The station that is being landmarked replaces that of the original station built in 1890.

A diagram of the Fredenhagen Subdivision plat (dtd. 1886) was placed on the overhead by Mr. Williams, followed by a more current plat which reflected a village street named after

Mr. Fredenhagen. Historical images of the station were referenced, noting it looked like a cottage with its high gambrel roof and masonry construction. A canopy was added later in 1916.

Viewing a current photograph, Mr. Williams noted that not much has changed except for the canopy overhang. He did point out the multi-model aspects depicted in the current photograph: the train, cars in the commuter parking lot, the parking meter, and the digital update of the train schedule. Mr. Williams stated the station was a gateway to the community. Other interesting facts shared about the station included the ticketing agent who lived on the second floor until 1977 and served coffee and other sundries; the fact that the station was located in two of the village's special downtown zoning districts, which resulted in a second downtown arising around the station which would not have happened without it being there. Lastly, he referenced a photograph of the plaque from the historical society which summarized that residents at the time wanted the train station/cottage to portray the rural image that the community wanted to convey at the turn of the century.

Mr. Williams reported how the structure met the standards for approval under Section 12.301A and B of the village's Historic Preservation Ordinance and the fact that the station celebrated its centennial birthday last year. Staff recommended that the ADRB submit a positive recommendation for landmark status of the Fairview Train Station.

Questions followed as to what was the status of the second floor currently, wherein Senior Planner Leitschuh stated it was not being used currently but that it still resembled the original apartment. She further confirmed the station was owned and maintained by the village and the basement still contained a large boiler. Asked if there were any prior plans to replace/enlarge the station, Ms. Leitschuh indicated there were no such plans and given that it was part of the Fairview Concentrated Business District, under the village's current comprehensive plan and draft update, the focus was to continue to develop mixed use development around the station and for it to be a second unit of a downtown corridor. Ms. Chalberg believed some opportunity existed to add more investment in the building's trim, new paint on the trim, along with additional landscaping to make it more attractive.

Chairman Pro tem Larson opened up the meeting to public comment and swore in those individuals who would be speaking.

Ms. Kathy Nybo, 5253 Blodgett is a member of the Friends of the Edwards House. She also assisted in the Main Street station landmarking application and stated that once that application was completed she decided to do the Fairview application with the assistance of many others. For this application, she said not much information existed on it as compared to the Main Street station, which she felt actually benefited the station. She thanked the village and the railroad "for not messing with it." Ms. Nybo commented on the difficulty it must have been for the ticketing agent to sleep there with the trains passing through, how many commuters traveled through the Fairview station over the past 100 years, and the happy and sad memories made there. She emphasized the station has been a "faithful servant" for the past 100 years and it needs to be recognized.

Ms. Lois Sterba with the Downers Grove Historical Society (DGHS), read the wording that would be on the historical plaque for the Fairview Station.

Ms. Chalberg pointed out that in 2016 the DGHS did choose the Fairview Station as their historical site for the year which coincided with the village's landmarking of it. A dedication ceremony will be planned when the plaque is installed at the train station.

Mr. Rich Kulovany, 6825 Camden Rd., shared some of his memories of the station, being that he grew up three blocks away from it. He elaborated on the various businesses that were operating near the station at that time (early 1960s) and the time he spent selling newspapers inside the station as well as his observations of the time.

Mr. Michael Matalis, 4500 Florence, Downers Grove, believed the station was not only a historic asset but an economical asset. He pointed out that while a few other villages had to set up dedicated parks for train enthusiasts, the village did not have to. Mr. Matalis discussed some of the rich railroad history of the village, the delivery of Sears homes to the area, and the general economic income that results from the train enthusiasts that come to the area.

Ms. Amy Gassen, 5320 Benton Ave., stated both she and her husband thanked everyone who researched the Fairview Station and commended the village for going through the application process. She hoped this encouraged other government entities to do the same.

Mr. John Palis, 5314 Victor Street, Downers Grove, said he moved to the village to be near a train station and the village had three stations. He was not a proponent of saving something for the sake of saving it. He voiced concern that there were many train stations and the upkeep of the Fairview station could be substantial. While he supported keeping the station he was concerned about energy and progress and whether energy or technology improvements could be made to the building or whether the maintenance would be limited. He did support improving the immediate area with landscaping.

Chairman Pro tem Larson believed that if the application was recommended for landmark designation, he envisioned that energy improvements such as those discussed above would be discussed with the council. However, he stated that landmarking does protect the building from being torn down. Ms. Leitschuh clarified that the entire building will be landmarked but only the portions of the building facing a primary street will be considered. In this case, the north façade and the Fairview facade would have to be reviewed more closely if improvements were to be made to those facades. She elaborated on how the replacement of windows would be considered as well and explained that the building's interior could receive insulation because the preservation ordinance did not affect its interior.

Mr. Joseph Lemay, 1912 Hitchcock Avenue, Downers Grove, also grew up watching the trains pass through the Fairview station. He is a locomotive engineer for the railroad now and supported the preservation of the building for future generations, possibly inspiring future engineers and train enthusiasts. He commended the commissioners.

Hearing no further comments Chairman Pro tem Larson entertained a motion.

**MR. RIEMER MADE A MOTION THAT THE ADRB FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO RECOMMEND HISTORICAL LANDMARK DESIGNATION FOR 5099 FAIRVIEW AVENUE.**

**MR. LERNER SECONDED THE MOTION. ROLL CALL:**

AYE: MR. REIMER, MR. LERNER, MS. CHALBERG, VICE CHAIR LERNER  
NAY: NONE

MOTION CARRIED. VOTE: 4-0

**B. 17-ADR-0002: A petition seeking a Historic Landmark Designation for the property commonly known as 4836 Middaugh Avenue, Downers Grove, IL (PIN 09-07-211-015). The property is located at the northwest corner of Middaugh Avenue and Franklin Street. Patrick and Christine Sexton, Petitioner and Owners.** Mr. Williams reviewed the architectural features of this 1893 two-story home, located at Franklin and Middaugh. The home is a Gabled-Ell with Queen Anne characteristics. A photo of the original home was depicted, with staff noting the projecting gables facing each street and the Queen Anne characteristics, i.e., steep pitched roofs, wood clapboard, wood bargeboard and elaborate porches with spindle work.

Per the Historical Society, the home's first family was the Chilvers family from 1893 to 1898 and Mr. Chilvers was known to be a volunteer fireman on the first Northern Volunteer Fire Brigade and was a trustee who publicly voted down a pay raise requested by a policeman. He was also scammed by a "gold finding machine."

Photos of the current home were depicted on the overhead with Mr. Williams pointing out the projected gables, the screen porch (dating from 1900s), the original stone foundation with a wheel (design feature), wood scaling at the peak and double-hung windows. He noted that a particular feature he was able to photograph on-site included the second-story corner windows with cornice brackets, which was a unique feature. Another picture reflected the new portion of the home, dating from the 1930s. Mr. Williams shared photos of the home's interior – the original fire place including original decorative tile, wood etching around a doorway, and the corner window from the interior's perspective.

Staff recommended approval for landmarking since the structure and addition were more than 50 years old and the architectural style was Gabled-Ell with Queen Anne characteristics.

Chairman Pro tem Larson added that the home is located on a brick street and he enjoyed the interesting Halloween themes that the owners put on display. He found the building interesting, specifically with the wrap-around porch. The home was well maintained.

Petitioner, Ms. Chris Gumm Sexton thanked Cindy Zaeske (historical society) who helped her with the home's research. She shared that she and her husband lived in the home since 1983 but in 1989 she noticed a woman in a car that would park by her house. She came to find that the woman in the car stated her grandfather built the home and his last name was Winter. The woman also lived in the home with her grandparents when she was a child. Ms. Sexton invited the woman into her home who provided some background on the home, such as the back of the home was an addition and the kitchen was not there but there was the dining room, living room and the parlor (with fireplace) and that the upstairs had remained the same in the front.

Ms. Sexton stated the woman started corresponding with her in 1989 and gave her much information about her grandparents and that her grandfather had built the home. However, through research, it was determined he had purchased the home in 1903 and lived there after the

Chilvers. Originally, she thought it was the Winters' home. Ms. Sexton shared that the woman's correspondence discussed the wonderful memories she had in the home as a child and sent her old photographs of the home as well as photos of her grandparents and extended family. Ms. Sexton asked whether it was required to call the home the Chilvers home when, in her mind, it was the Winters House since the Chilvers built it but only lived in the home for five years, whereas, the Winters spent time in the home from 1898 to 1944, until the owner's death.

With regard to the name, Ms. Chalberg explained that from the Historical Society's perspective, the society preferred to have the original owners or builder as the name of the house. However, the village could choose to do it differently. Regarding the letters, Ms. Chalberg suggested holding onto the originals, or, place them in a file permanently with the museum where files were kept on landmarked homes.

Regarding the fireplace, Ms. Sexton stated it was grandiose with its relief pictures and pastoral scene and, after some research, she found the tile was created by William Galamore for Trent Tiles of Trenton, New Jersey, where the company produced such relief tiles from 1890 to 1910. She elaborated how beautiful the fireplace tile really was. As to the corners of the home facing Franklin and Middaugh, Ms. Sexton reported there was some work that still needed to be done on a half wheel configuration and they were in the process of doing that work. She wanted to fix that prior in hopes to not come before the board. However, Ms. Leitschuh explained that she would need a Certificate of Appropriateness (COA) for the work.

In discussing the corner detail, Ms. Sexton believed the detail was original. She explained that in the fret work there were holes in it that indicated to her there were some form of dowel rods to hold the detail. Someone pointed out that it could be somewhat seen in the original house photograph. Because it was a change to the home's exterior, Ms. Leitschuh stated that Ms. Sexton would have to return to the board.

Lastly, Ms. Sexton provided some personal comments about the Cashell (phonetic) homes that were being constructed next to her property.

Mr. Reimer?? appreciated the additional historical information and photos provided by the petitioner. He supported scanning the letters and them being part of the record. However, per staff, a permanent paper file and digital file of the material submitted with the application was kept.

Asked if Mr. Winter was a trained engineer, Ms. Sexton reminded the board that when the woman moved there she was 4 or 6 years old and was basing it off of that recollection. She also said her grandfather participated in the construction of the train station but Ms. Sexton had no knowledge of that. Ms. Leitschuh clarified for Ms. Sexton that she will choose the wording for her landmarking plaque. Again, Ms. Sexton asked for board input, recalling that the woman was so passionate about the home that she wanted to give the Winter family credit.

Board member suggestions included having a different plaque for the Chilvers family or having both names on the plaque using a hyphen.

Ms. Cindy Zaeske, 1130 Franklin St. recommended the home for landmarking status since it was "a gem" amongst a very changing street. It was a "wonderful gift the owners were giving the village." Ms. Zaeske provided a brief history about the Chilvers family who arrived in

the early 1800s and lived in Barbers Corners for a bit, which was Bolingbrook. The Chilvers moved to Downers Grove and Mr. Chilvers constructed many homes in the village. The Chilvers then moved from this home to a corner home on Saratoga, where Mrs. Chilvers lived until she died. The Chilvers' son also lived on Middaugh, and possibly built the prairie-style home a block down. Ms. Zaeske also shared the story about the policeman in more detail. Ms. Zaeske, personally felt that the Chilvers may have hired Mr. Winters to work for him which was why the woman may have thought her grandfather built the home because he was a woodworker and Chilvers constructed homes. Per Zaeske, Mr. Winters may have rented the home for a while from Chilvers. As for the train station, Ms. Zaeske also shared some insight into the letter that was written by the woman.

Ms. Christine Martin, 701 Maple Ave. also has a landmarked home and was thrilled the owners were landmarking their beautiful home. She felt it was important due to the rapid changes occurring in neighborhoods now. She supported naming it the Winters House.

Ms. Amy Gassen, 5320 Benton Ave., thanked the Sextons for making the decision to landmark their home and protecting it for the future. She noted their home was recently recognized by the Downers Grove Historical Society and Museum's Historic Home program. Last comments were that while the historical society preferred the original owner's name to be on the plaque, Ms. Gassen explained there were exceptions, including the name she used for her own home. She also recommended that the owners put "circa" on their plaque unless there is a definitive document stating when the home was constructed. Lastly, she supported all of the research and documentation that was done on the home but stated that type of information was not required for landmarking a home.

Mr. Rich Kulovany, 6825 Camden, for Friends of the Edwards House, commended the Sextons for seeking landmarking designation and preserving the home for future generations. He loved the history that came out during these meetings and agreed it was not required to prove the exact date of a home, just that it was 50 or more years old. Finally, he added that with the new Historic Preservation Ordinance, homeowners were free to rehab the interiors of their home. He explained the reasons windows and doors were included in the ordinance was because they were more complex and human intervention was necessary. He asked the board to consider the request.

**MR. LERNER MADE A MOTION THAT THE ADRB FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO RECOMMEND HISTORICAL LANDMARK DESIGNATION FOR 4836 MIDDAGH AVENUE.**

**MR. RIEMER SECONDED THE MOTION. ROLL CALL:**

**AYE: MR. LERNER, MR. REIMER, MS. CHALBERG, MR. LARSON**

**NAY: NONE**

**MOTION CARRIED. VOTE: 4-0**

**NEW BUSINESS**

Ms. Leitschuh recalled at the last meeting there was some questions from the public and staff about a couple sections of the Historic Preservation Ordinance and what does it mean when

a building is landmarked. She explained that when a building is landmarked it is the entire building that is landmarked but not the property it sits on unless during the nomination process staff identifies specific things that can be historic on the property. Examples followed. While the entire building is landmarked, she explained the ordinance calls out that it is the primary façade that is the portion that comes in for a Certificate of Appropriateness, typically. She read the definition for a primary facade and cited an example.

Citing another example of whether the demolition of part of a building occurs, which is not a primary façade, would it have to come before the board, Ms. Leitschuh stated it did not require being seen by the board. However, if an addition was being added, it would have to come before the board to ensure that it met the criteria. Ms. Leitschuh proceeded to explain the three different levels of review and how a case would trigger a review by the board or just staff.

Mr. Lerner explained that his interpretation of the preservation ordinance was same as staff's, commenting his question on a petition last month had to do with whether the outside basement entrance would be counted as part of the primary façade and be protected. To him it would be because it was visible from the street and met the formal definition from the code.

Other questions followed on what occurs with a demolition by natural causes and whether something like that would come before the board, wherein Mr. Williams read from the ordinance that a COA would be needed prior to reconstruction. Certain life safety changes, however, did not require a COA. Mr. Riemer also pointed out that one could apply for an economic hardship.

**A. Review Sample of Architectural Style Brochure** – Ms. Leitschuh referred to the first brochure (out of 4 brochures) that was put out to the public discussing the village's historic preservation program. The second brochure, entitled "Architectural Styles – What is your Home?" was a group effort between staff, the board, the historical society and the museum. A summary of how the brochure was created followed. Ms. Leitschuh reported the brochure's focus will be on two distinct styles – the true architectural style, or, "high style" of a building as well as the vernacular building type. As an example, she explained that a Mid-Century Modern would be the architectural style; the Ranch would be the vernacular form of it. Examples within the brochure were explained and why they were added to the brochure. Ms. Leitschuh pointed out the two purposes of the brochure were to be 1) a resource for property owners potentially interested in landmarking their property; and 2) a resource for people who just love architecture and history.

Staff asked for feedback on the brochure and asked to proof the text portion, time permitting. Mr. Lerner offered to take feedback comments via email and combine them as one for staff. Overall, positive comments followed regarding the brochure. She stated that if members knew of other architectural examples in the village, to let her know as soon as possible.

Questions/comments followed regarding the brochure's final format and it being a resource for realtors. Per staff, the brochure was on the village's web site. It was suggested to add a brief explanation of what is true architectural style and what is vernacular building type. Last comments included removing those styles that depicted only one example within the village.

Discussing the next two brochures, Ms. Leitschuh stated staff's goal was to get a draft to the board members of both brochures by the April meeting – one to include the Sears Home tour

and the other to include the Downtown walking tour. Examples of the Sears home brochures – current and from 2007 -- were handed to members. Ms. Leitschuh said the updated brochure will have the same text but included the updated surveys and updated pictures.

Regarding the Downtown Walking Tour brochure, Ms. Leitschuh presented on the overhead various photos of buildings she wanted to include in the brochure. Members were asked to provide feedback and to email her by February 24<sup>th</sup> if they want to include other buildings. Ms. Leitschuh walked through those buildings she felt important for the brochure. Asked if staff was looking for historic pictures or before and after photos for these buildings, Ms. Leitschuh shared her dilemma and asked for guidance. She stated she liked showing the current state of a building and comparing it to prior.

Other structures that Ms. Leitschuh thought could be interesting to add to the brochure were some apartment buildings around town but she was not sure to include just one or multiple pictures. Ms. Chalberg offered to assist her. Asked if the board was comfortable with staff featuring structures that were not consistent with their integrity as to what was original or should the brochure feature structures that were truly pure to their architectural intent, Ms. Chalberg indicated that regarding the historic homes, the brochure was featuring homes that still had some of the architectural integrity on two or three sides yet changed how a home looks overall. She would have to review the samples to see how altered a structure has become.

Mr. Larson suggested adding points of interest to the walking tour and listing what important events may have occurred at a site. Ms. Chalberg suggested that Ms. Leitschuh contact Sarah Konzen and Ashley Grude for more information and input.

## **PUBLIC COMMENT**

Mr. Rich Kulovany, 6825 Camden Rd., as chairman of the Friends of the Edwards House, announced he had the agenda for the March 11, 2017 Chicago Suburban Preservation Alliance meeting, which starts at 9:30 a.m. at Avery Coonley School. Members of the ADRB were invited to attend. Agenda topics and speakers were shared. Mayor Tully will be presenting the Certificate of Landmarking for the Pierce Downer Home in the afternoon meeting.

Ms. Amy Gassen, 5320 Benton Ave., Downers Grove, provided an update on her Four-Square initiative. She stated she and Ms. Leitschuh met with Karen Robbins, the GIS mapping specialist for the village, who will be assisting in the project and will be getting the village's Four Squares on the Historic Resource Application GIS map on the village's web site, along with better photographs. She also stated the Downers Grove Historical Society was sponsoring another American Four Square presentation for April 5, 2017, 7:00 PM at Emmett's. ADRB members were invited and asked to spread the word about the presentation.

## **ADJOURNMENT**

**MR. RIEMER MOVED TO ADJOURN THE MEETING AT 9:15 P.M. MR. LARSON SECONDED THE MOTION.**

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 4-0.**

/s/ Celeste K. Weilandt

(As transcribed by MP-3 audio)

APPROVED 5/1/17

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

APRIL 3, 2017, 7:00 P.M.

Chairman Rickard called the April 3, 2017 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Mr. Boyle, Ms. Gassen, Ms. Hogstrom, Ms. Johnson, Mr. Kulovany, Mr. Maurer, Mr. Quirk

**ABSENT:** Ms. Rollins, Ex-Officios Davenport, Livorsi, Menninga

**STAFF:** Community Development Director Stan Popovich; Village Senior Planner Rebecca Leitschuh and Village Planner Swati Pandey

**VISITORS:** Marvin and Dawn Schaar, 909 Rob Roy Place, Downers Grove; Sargent McQuillan, 827 72<sup>nd</sup> St., Downers Grove; Doris Maag, 823 72<sup>nd</sup> St., Downers Grove; Jerry and Adriane Holman, 834 72<sup>nd</sup> St. Downers Grove; John Hanson, 833 Old Orchard Ave., Downers Grove; Emil and Susan Lesniak, 912 Applegate Ave., Downers Grove; Eugene Poulin, 907 Applegate Ave., Downers Grove; Richard Weglarz, 1036 73<sup>rd</sup> St. Downers Grove; Sharif Takikhi; 348 Brentwood, Downers Grove; Thomas Klouda, 1516 Centre Circle; Downers Grove; Beth and Jim Schloss, 814 Old Orchard, Downers Grove; Mary Ellyn Mercy, 7209 Webster, Downers Grove; Cindy Tory, 7217 Webster, Downers Grove; Elanta Schmengda, 7220 Orchard Place, Downers Grove; Toby Marx, 1019 Claremont Ave., Downers Grove; Doris Chelman, 7216 Orchard Pl., Downers Grove; Barbara Goldenstein, 7221 Webster, Downers Grove; Scott Richards, 1130 Warren Ave., Downers Grove Ken Lerner (Architectural Design Review Board), 4933 Whiffen Pl., Downers Grove; Mike Davenport, 6636 Blackstone Dr., Downer Grove

Chairman Rickard reviewed the protocol for tonight's meeting.

**APPROVAL OF MINUTES**

**FEBRUARY 27, 2017**

**MOTION BY MR. KULOVANY, SECONDED BY MS. GASSEN TO APPROVE THE MINUTES. MOTION CARRIED BY VOICE VOTE OF 8-0.**

APPROVED 5/1/17

### **MARCH 6, 2017 MINUTES**

The chairman stated his name was spelled incorrectly on page 25, near bottom, of the March 6, 2017 minutes. **MOTION BY MS. GASSEN, SECONDED BY MS. JOHNSON, TO APPROVE THE MINUTES AS CORRECTED. MOTION CARRIED BY VOICE VOTE OF 7-0-1 (MS. HOGSTROM ABSTAINS.)**

Chairman Rickard explained the protocol for the public hearings and swore in those individuals that would be speaking on the following two (2) public hearings:

### **PUBLIC HEARINGS**

**FILE 16-PLC-0054:** *(hearing continued from the February 27, 2017 meeting)* A petition seeking approval of a Planned Unit Development, Zoning Map Amendment, and a Right-of-Way Vacation. The property is zoned M-2, Restricted Manufacturing and O-R-M, Office Research and Manufacturing. The property is located at Brook Drive between Centre Circle and Downers Drive, commonly known as 1500, 1509, 1515, 1516, 1525, and 1528 Brook Drive, and 1429, 1503, 1505 and 1515 Centre Circle, Downers Grove, IL (PINS 06-30-402-003, -004, -009, -020, and 06-30-403-016, -017, -022). Flavorchem Corporation, Petitioner and Owner.

Chairman Rickard referenced staff's memorandum asking the commission to continue the public hearing to the May 1, 2017 Plan Commission meeting.

**WITH RESPECT TO FILE 16-PLC-0054, MS. GASSEN MADE A MOTION THAT THE PLAN COMMISSION CONTINUE THE PUBLIC HEARING TO A DATE CERTAIN, THAT DATE BEING MAY 1, 2017, PER THE PETITIONER'S REQUEST.**

**SECONDED BY MR. KULOVANY. ROLL CALL:**

**AYE: MR. BOYLE, MS. GASSEN, MS. HOGSTROM, MS. JOHNSON, MR. KULOVANY, MR. MAURER, MR. QUIRK, CHAIRPERSON RICKARD**

**NAY: NONE**

**MOTION PASSED. VOTE: 8-0**

**FILE 17-PLC-0005:** A petition seeking approval of a Special Use to allow an animal boarding facility. The property is zoned B-2, General Retail Business District. The property is located south of Lemont Road, 220 feet southwest of the intersection of Lemont Road and Main Street, commonly known as 7221 Lemont Road, Downers Grove, IL (PIN 09-29-110-007). Pete & Mac's Pet Resort, Petitioner; Kimco Realty, Owner.

Village Planner, Swati Pandey, reviewed her staff report regarding the special use for an animal boarding facility and located the site on the overhead map and referenced the plat of survey with surrounding zoning. The site map was referenced.

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Proposed is a daycare/animal boarding/grooming and training facility in the existing 12,000 sq. foot former Walgreens building. The business is proposed to be open 7 days per week, 8:00 AM to 5:00 PM with 24 hour staffing and a maximum occupancy of 35 pets. No changes will occur to the building's façade or parking lot. An outdoor pet play area is proposed on the west side of the building. Specialized turf and noise baffles will address noise. A new trash enclosure is proposed that meets compliance. The proposed use meets the parking requirements, per the zoning ordinance. A new entry doorway is planned for the north façade and a floor plan depicts occupancy for 88 units for pet occupancy. A review of the building's interior followed by staff. Elevations of the building also followed, noting no significant changes.

Reference to the village's zoning map and land use map were noted, with Ms. Pandey explaining that the property is zoned B2 General Retail Business and is identified as Corridor Commercial in the village's Future Land Use Map and no major land use changes were being proposed in the near future. It was pointed out was that one of the goals for the property was to attract a mix of uses that provide services to local residents and the region, as cited in the Comprehensive Plan and its draft update. The standards for approval for Special Use Criteria Section 28.12.050H have been met. Staff recommended a positive recommendation to the Village Council subject to staff's conditions.

The chairman invited commissioner questions.

Ms. Gassen asked for clarification of an animal boarding facility within the zoning ordinance, as it relates to daytime boarding versus overnight boarding. Ms. Pandey stated the zoning ordinance distinguishes between grooming (a permitted use) and does not distinguish specifically daycare, but discusses overnight boarding.

Asked how long the building space was vacant, Ms. Leitschuh stated a couple of years. Asked what the noise decibel level rating is at the lot line, Ms. Pandey stated for daytime at the residential property, maximum allowable decibel level was 65 and for night time it was 50 decibels. If the noise ordinance was violated, could the applicant lose its special use permit, wherein Ms. Pandey indicated they could, as with anything applied as part of the special use application.

Regarding the outdoor covered area and runoff from the soiled turf, Chairman Rickard inquired of staff where it was collected, i.e., the storm sewer? Ms. Pandey deferred to the applicant but surmised it was part of property maintenance. Ms. Leitschuh indicted that such disposal would have to meet approval from the sanitary district.

Mr. Quirk inquired about the location of the sound baffles which staff addressed.

Petitioner, Ms. Gay Barwald, President and Chief Operating Officer for Pete & Mac's Pet Resort reviewed some statistics of the growing industry as well as the story behind Pete n Mac's and its five current locations. Her business was not a franchise. Ms. Barwald described how her managers move up through the business and the training they receive. Tours of the facility are always open and client hours are from 6:30 AM to 7:00 PM, Monday thru Friday; Saturdays 8:00 AM to 5:00 PM and Sunday 8:00 AM to 6:00 PM. Further details of her business were shared.

Services available included overnight (short & long-term) lodging, daycare, theme parties, Paws & Crafts Days, full service groom and spa, and obedience training – a full service pet resort. Ms. Barwald described the levels of staff training, surveillance of the facility, emergency evacuation

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plans, and a van on-site for transport. The outside play area included six-foot walls with a turf system and will be used as an emergency evacuation area. Details of the interior followed. There will be a flush system installed within the building which will tie the daycare flush into the building so that it is flushing into city sewers. Hospital grade/EPA registered cleaning products will be used and an air ventilation system will turn the air in the building four to six times per hour.

Photographs of the “suites” were shown on the overhead. An explanation followed on how the turf would be cleaned, how the noise baffles were constructed, and end of day slow downs. Ms. Barwald stated she has done noise studies noting traffic noise from a quarter mile was 70 decibels; outdoor pet noise was 62 decibels. Photographs followed. Grooming and spa services were explained.

Ms. Hogstrom asked how many dogs were typical to be outside, wherein Ms. Barwald indicated it depended upon the day, knowing that it gets busier toward the end of the week. Maximum number allowed outside was 35 pets from 8:00 AM to 3:00 PM.

Ms. Barwald explained that the automatic flush system (trench drain) will be added and tied into the building with waste in order to flush it out of the daycare area and into the sanitary sewer. Ms. Leitschuh proceeded to correct her previous answer and explained that if the applicant has a system that is going to be tied into the sewer system, the village’s stormwater engineer will be reviewing it prior to permit.

Asked whether the other facilities were all located in shopping centers, Ms. Barwald explained her building was in “the heart” of retail in Avondale, Arizona and residential in Gilbert, Arizona. Asked if noise complaints were ever issues, Ms. Barwald indicated in the negative.

Mr. Maurer shared some decibel data he “Googled” from Purdue University and asked the applicant if she could provide some data (or anecdotal) from the manufacturer of the sound baffles. Ms. Barwald said she could provide it but did not have it handy, stating she has used the baffles before and have hung them inside the boarding area. Her staff is trained to control the barking.

Asked how many of the 88 rooms are occupied for daycare, Ms. Barwald stated 35 are occupied. Asked what percent was used for long-term boarding, short-term, etc., Ms. Barwald explained that boarding was seasonal. During Christmas, 80% of the rooms will be for long-term boarding\.

Asked who would enforce noise issues, Ms. Leitschuh explained that it would be a neighbor complaint with the police to respond. Further details followed on how the special use would be removed if it became a consistent offense. Neighbors were the enforcement.

Mr. Maurer, referring to the baffles product included in the applicant’s packet, pointed out the product was used for interior spaces and that the applicant was using the product for outside, wherein Ms. Barwald indicated she has used them at their Arizona facility because they sit within the overhang of the roof and fence line.

Per a question, Ms. Barwald confirmed the exterior roof was a solid material.

Per Mr. Boyle’s question about daily vehicle trips, Ms. Barwald confirmed that the parking was on the north side of the building in order to drop off the dogs and contain them in that area.

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Chairman Rickard invited public comment.

Ms. Marvin Scharr, 909 Rob Roy Place, Downers Grove, read his notes opposing the petition because the petition created an outdoor play area enclosed by a fence and was located east of the building. He shared his concern for noise, its negative effect on the residents, home values, and the large number of dogs allowed. He shared that once the commissioners make their decision it will permanently shift the neighborhood from being quiet to one of noise and the homeowners will have the burden to ask for compliance. Having walked his neighborhood, he stated many homes will be adversely affected by the noise coming from the outdoor play area, specifically those 27 homes located directly across the outdoor play area. He asked the commissioners to change places with those homeowners.

As for the criteria to approve the special use, Mr. Scharr discussed the third criteria and explained that the commission not only looks to the welfare of the shopping center tenant but to all of its citizens. He and his wife believed the petition, as drafted, was “significantly detrimental” to their welfare and they were permitted to enjoy their outdoor space during daylight hours, especially during the weekends without barking dogs. In support of the second criteria of the special use, Mr. Scharr, stated the criteria discusses providing a community need for quality care for dogs in the area. He stated the company could provide the same service to the community by providing an indoor play area versus an outdoor. He cited, as an example, the Pet Smart located at 75<sup>th</sup> and Lyman which had four indoor play areas. Given the cold weather here, he stated an indoor play would be a positive.

He respectfully opposed the petition, but stated that if the facility were to have an indoor play area, as a condition, he and his wife would not oppose the petition.

Ms. Judy Marks, a resident on Claremont Drive, Downers Grove, near Pinewood Drive, shared a story about a dog that was barking in her neighborhood and how the sound carried throughout the area with her thinking the dog was in her backyard, which it was not. She voiced concern about noise in her quiet neighborhood, additional traffic to the site, it being a strange location for a dog grooming/daycare facility and sewer/drainage backup. She opposed the facility.

Ms. Mary Ellen Mercy, 7209 Webster, lives behind the proposed facility, stated she has two dogs, one of which is louder than the other. She appreciated her neighbors’ patience. However, she stated if an animal runs across her yard or if the dog behind her home starts barking, her dog will “wake up the whole neighborhood.” She also could not imagine how 88 boarded dogs could not go out to eliminate after 8:00 PM. She noted other dog spas existed around the village that were in non-residential areas, except for Cedar Lanes, which was in a residential area and the dogs could be heard barking. Lastly, she stated her neighborhood was at the end of Downers Grove and asked that the commissioners respect the established neighborhood. She did not want the residents to lose their property value, be upset with barking dogs, nor having to call the police.

Mr. Jerry Hollman, 834 72<sup>nd</sup> Street, Downers Grove reiterated their neighborhood was wonderful and the residents wanted to maintain the quality of the neighborhood. He pointed out a number of dog owners were negligent in handling their dogs when they transport them to different places. He suggested the commissioners visit the Pet Smart store in Darien and view the parking lot. The store offers boarding, dog care and vet care. He did not believe such businesses should be located in strip

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malls due to health issues, especially near a grocery store. He believed they should be located in a stand-alone building for those reasons.

Mr. Jeff McGill, 1040 Pinewood, lives about two doors shy of the north entranceway and mentioned he ran into the petitioner and the architect today. He stated that at today's meeting there were some concerns raised that he was not aware of, such as the hours of operation and the number of dogs allowed. He now shared concerns that from 6:30 AM to 8:00 AM it would be noisy across the street from him. He supported the idea of an indoor play area but it did not solve the entry problem. While he believed it was a wonderful business, there was something that needed to be said about vacancies in strip values, which also affected property values. He did not support the petition.

Mr. James Schloss, 814 Old Orchard Avenue, confirmed with staff that there was no veterinary service on site. He asked the commissioners to describe how the village planned to make revenue from the business, wherein the chairman relayed that was not part of the commission's purview. Mr. Schloss stated that if the business generated low revenue then the petition should be denied. He further explained that the area businesses were retail and there appeared to be a challenge with the strip mall west, on Lemont Road, and would continue to be a challenge. He also asked the commission whether the businesses in the same mall were aware of the petition. The chairman stated businesses within 250 feet are notified and staff pointed out that two signs were advertising the public hearing. Mr. Schloss asked the commissioners to oppose the petition as it was inconsistent with the other businesses and it was an agricultural business. If the petition were to move forward he asked that the outdoor play area be fully enclosed to ease residents' concerns.

Mr. Richard Weglars, 1036 73<sup>rd</sup> Street, said he is a disabled Vietnam veteran with PTSD and any unexpected or loud noises lands him in the hospital and back to Hines Veterans Hospital. He expressed concern about the ventilation of the proposed facility going into the Shop & Save grocery store next-door and did not want that store to move out because they were harmed by a business that should not be next-door to them. He has been a realtor in town for 41 years and stated the proposed business would negatively affect property values in the area.

Mr. Eugene Poulin, 907 Applegate Avenue, Downers Grove, lived in the village for 86 years and had many dogs over the years -- indoor and outdoor for security -- and also had a poultry and livestock feed business on Ogden Avenue opposite the Omega restaurant. He shared the same concerns raised by the residents, concern about the safety of the animals, the residents, and their comfort. He pointed out that there was no mention of a sprinkler system being retrofitted for the building and there was only one proper exit at the north end of the building, should an emergency evacuation occur.

Ms. Cindy Tory, 7217 Webster St., Downers Grove, discussed the location of her home in relation to the outdoor play area and stated there were several homes on Webster where there was nothing blocking the homes from the proposed outdoor play area. She opposed the facility due to the noise and because she works from her home and it would be a challenge. Her husband, who was a veterinarian, but not in attendance, opposed the facility. She shared the same concerns as stated tonight, voiced concern about negative property values, and potentially losing the Shop & Save grocery store. The facility would also negatively affect the nearby women's shelter.

Ms. Elanta Schmengda (phonetic spelling), 7220 Orchard Place, moved to her home three years ago and if she knew there was a nearby dog facility she would not have purchased her home. She

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moved to Downers Grove from Chicago to have peace and quiet. She voiced concern that many truck deliveries take place at the Shop & Save and the dogs will hear those deliveries and be making more noise. She voiced concern about smell, traffic, the costs associated with a “resort” facility and the people who will use such service, and property values. She opposed the facility.

Mr. John DeWolf, 10600 W. Higgins, Rosemont, IL on behalf of Kimco Realty, and owner of the shopping center, explained that he was the one who negotiated the lease with Shop & Save. He has spoken with the grocery store owner about the proposal to ensure that the owner was “on board” and had no major concerns. Some of the concerns were already resolved by relocating the entrance to the north of the proposed facility and speaking to references of Pete & Mac’s. Furthermore, Mr. DeWolf added that he has been involved with real estate for 20 years and with Kimco Realty for 10 years, focusing mainly on grocery-anchored shopping centers. He said he is seeing more grocery-anchored shopping centers going to the service side versus retail. He supported the proposed facility.

Ms. Susan and Emil Lesniak, 912 Applegate, were strongly opposed to the proposal because currently Applegate was “really quiet” and would not be quiet anymore with the proposed facility. The location did not make sense. Her concerns included noise, health issues, rodents, smell, quality of life, the burden being on the residents to call the police, traffic, allergies, food storage, property values, and security should a dog get off its leash.

Mr. Lesniak, 912 Applegate, inquired as to how much waste does 88 dogs generate daily and how would it be disposed – inside or outside? He also voiced concern about the smell from that waste, property values, and additional traffic.

Mr. Jeff McGill, 1040 Pinewood, returned and stated that 65 decibels was meaningless in the absence of any other sound. By itself, however, 65 decibels was significant. He also stated he did speak to the grocery store manager last week who was concerned about the proposal.

Ms. Barbara Goldenstein, 7221 Webster, agreed with her neighbors’ statements and added that the neighborhood has a lot of dogs and when one barks it sets off the rest of them. Regarding health and drainage, she emphasized that Applegate Street is constantly flooded, along with Webster, and she believed it was an unhealthy plan.

Ms. Doris Chalman, 7216 Orchard Place, agreed with the comments being stated and she and her husband opposed the proposal. Her first thought was the noise issues and the other being the facility being located next to a grocery store. She believed it should be a stand alone business.

Mr. Jerry Hollman, 834 72<sup>nd</sup> Street, returned and, again, stated his concern about dog waste in the parking lots. He corrected an earlier statement regarding flooding on Applegate, noting it was not flooding but was designed storm water overflow and anything on the ground that gets into the stormwater system was a health risk.

Mr. Emil Lesniak, 912 Applegate Ave., pointed out that in the applicant’s presentation there was mention that an owner could pick up a dog anytime. He asked what exactly did that mean?

Hearing no further public comment, the chairman invited the petitioner to respond.

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Mr. Bill Styczynski, 221 Eighth Street, Downers Grove, architect, stated he did visit the Avondale, Arizona facility which was located in a shopping center and adjacent to residential uses, stating it worked well. He understood a lot of fears were expressed tonight but it was not what would be perceived, commenting he was before the commission for the Doggie Depot application about 6 months ago, which was an established business with an outdoor play area that was much closer to residential than the proposal. He stated Doggie Depot was relocating further down the street and there was no public concern regarding their facility. Mr. Styczynski also stated that if he had known there was this much public attendance for the proposed facility he would have held a neighborhood meeting prior.

Regarding the comment that the proposed facility was not right for its location, Mr. Styczynski reported that The Dog Spot was located on Ogden Avenue with their outdoor area adjacent to a residential property 22 feet away, which he thought was too close, and he did not know if there were issues with that location. Doggie Depot was 147 feet to the closest property line and 258 feet to the rear of the closest home. Regarding the proposed facility, Mr. Styczynski stated looking at the property on Main Street it was 386 feet to the property line and 421 feet to the home. On Pinewood Place to the north it was 433 feet to the property line and 445 feet to the townhome. He stated the distances were greater for the proposed facility and the other dog facilities did not have sound baffling like Pete & Mac's, which also included a roof to contain the sound

Mr. Styczynski shared that he personally used Doggie Depot for his dog and he did not see the perceived chaos or barking that was mentioned when he dropped off his dog. While he understood there were concerns by the residents, he wanted the Plan Commission to understand that he was not aware of any constant phone calls regarding the facilities being nuisance properties. As to the sanitary concern, he stated trench drains will be throughout the facility with automatic flushes which will drain into the sanitary sewer. The outside area will drain to a central drain and flow into the sanitary sewer. He reiterated he will be working with the sanitary district and building department to meet sanitary conditions.

Applicant, Ms. Barwald returned and discussed that negligent pet owners do exist and people do police her facilities' parking lots, but her business is on top of it so complaints are not received. Further elaboration followed. As for picking up dogs 24/7, her lobby closes at 7:00 PM and will not open until the next morning. Any waste from the evening will be picked up and placed in the dumpster, which is picked up every two days by a contracted waste management company. She emphasized that she wanted to be that "good neighbor." The play area, as being proposed, was basically almost an entirely enclosed area. The roof would be solid with the baffles to fill in the empty spaces to mitigate the noise back to the building.

Ms. Barwald reiterated that she wanted to ensure the grocery store was fine with the proposed facility. Upon visiting the store, she explained the wall that backs up to the proposed facility has 24 inches of solid wall before it touches the proposed facility's wall. Mr. Barwald confirmed the facility has a sprinkler system and a door existed to the outdoor yard from the building so the dogs would never leave the building to get out to the outdoor yard. She asked that the commissioners consider her discussion, stating she is a reputable business that cares about its neighbors.

Asked how necessary was the outdoor play area, Ms. Barwald explained the indoor play area was for the small and older dogs while the larger dogs ran outside. It was for the health of the animals.

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She asked that the commissioners take into consideration everything she was willing to do to be that good neighbor and be a part of the village.

Mr. Bill Styczynski, project architect, returned providing last comments on the sanitary concern, pointing out that the health department is at the grocery store and full separation exists between the two facilities. The dogs arrived on the north side and did not share the same sidewalk as those patrons going to the grocery store. Lastly Mr. Styczynski stated there were separation requirements for fresh air/exhaust off the property lines.

Mr. Maurer asked for Mr. Styczynski to describe in more detail, the outdoor enclosure, wherein Mr. Styczynski stated the solid roof will be translucent (fiberglass material) to allow light in and to provide shelter from rain. Six feet of fence will exist and the space between the fence and roof will have offsetting baffles.

A resident indicated he wanted to discuss the ventilation issue, wherein the chairman explained that unless it was something new, such questions about ventilation and sprinklers would be reviewed during the building permit process and that the public would have other opportunities to voice their concerns, since the Plan Commission was a recommending body. The chairman and a couple of the commissioners explained to the inquiring public, the commission's purview, the next steps in the review process, and the available opportunities to voice their concerns on this matter.

Chairman Rickard closed the public hearing and invited commissioners to speak.

Per Mr. Quirk's question as to the last three special uses issued within the past five years for animal boarding facilities and how many complaints were logged against them, Ms. Leitschuh explained she had not received any code compliance issues for Cedar Lane, Doggie Depot or The Dog Spots. Even prior to Doggie Depot's relocation, she could not recall of complaints received which was across from residential. Mr. Quirk shared his own comments about violation reporting.

Responding to Ms. Johnson's questions, Ms. Leitschuh proceeded to explain how the police will refer violations of the zoning ordinance to the Code Enforcement department. There, issues will be addressed by the village code enforcement officers. Details followed.

Responding to Mr. Kulovany's question, Community Development Director Stan Popovich explained how decibel readings will take place if the village is called for one. He also explained how such violations are followed up with the last step being the revocation of the special use.

Mr. Boyle questioned the noise reduction ability of the PVC fencing and whether improvements or other options could be considered for the 80 lineal feet of PVC fencing if the noise was not reduced as well as consideration for a policy to address idling of guest vehicles.

Mr. Kulovany, referred to the meeting that took place regarding the dog facility on 63<sup>rd</sup> Street and that comments were made for it to relocate to 71<sup>st</sup> Street or to the empty Walgreen's building. He reminded the public the commission had no power to tell a private owner or tenant that they have to move to a different location but instead the commission's purview was to consider whether the applicant met the code and met the special use requirements.

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Ms. Hogstrom, adding to her last comment, stated that much noise could be mitigated by landscaping the vacant lot that was for sale. In addition, a new building in the vacant lot would also mitigate noise between the proposed facility and the homeowners' homes.

Mr. Quirk shared his thoughts on how he felt the standards for approval were being met, as it relates to Standard Nos. 1 and 2. As for Standard No. 3, he asked for the commissioners to provide input.

Chairman Richard supported Standards Nos. 1 and 2. As for Standard 3, he indicated that 15 people spoke who felt the proposed use was detrimental based on noise and other concerns. He also shared the fact that if there was a violation, the special use could be revoked.

Mr. Quirk believed Standard No. 3 was being met, the sound level was measurable, and a significant amount of people used such facilities and there was a need for such facilities. In passing Doggie Depot, he stated he has never heard dogs barking or seen dogs loose near the facility on Ogden Avenue. And if the standard was not met, he believed items were easy to document and there were ways to take corrective actions. He believed if noise issues existed the applicant would work to mitigate them.

Mr. Kulovany referenced the information in the petitioner's packet and suggested the public read it, but he also believed the petitioner was "earnest" in trying to address the issues raised by the residents. Regarding traffic concerns, he believed Walgreens had to have more than 88 customers. He believed Standard Nos. 1 and 2 were met. As for Standard No. 3, he believed the petitioner was putting up a significant amount of money to risk losing its special use and believed that if residents were not happy they would call in to report issues. He believed the petitioner met the standard.

Regarding Standard No. 3 and the lowering of property values, Ms. Hogstrom added that brick and mortar buildings were, unfortunately, struggling to get tenants and there was such a demand for doggie daycare that she believed it was a better use than having a vacant building for so long.

Chairman Rickard referenced the six letters that were included in the packet, noting all six were opposed to the facility. [Ms. Leitschuh noted they were received after the packet was put together.] The chairman referenced staff's recommendation and its three conditions. Ms. Hogstrom recommended adding a 4<sup>th</sup> condition subject to monitoring the noise level. Dialog followed that such recommendation was addressed under the zoning ordinance and also addressed by staff.

Ms. Gassen agreed with the above comments and believed most of the concerns were addressed. If there were noise issues she encouraged the residents to take action.

The chairman entertained a motion.

**WITH RESPECT TO FILE 17-PLC-0005, MS. GASSEN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE SPECIAL USE REQUEST TO ALLOW THE ANIMAL BOARDING FACILITY, SUBJECT TO THE FOLLOWING THREE (3) CONDITIONS:**

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; ARCHITECTURAL DRAWINGS PREPARED BY STUDIO21ARCHITECTS DATED MARCH 3, 2017, EXCEPT AS SUCH**

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**PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES;**

- 2. THE APPLICANT SHALL APPLY FOR ALL SIGNAGE UNDER A SEPARATE PERMIT AND SHALL COMPLY WITH THE SIGN ORDINANCE; AND**
- 3. THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.**

**SECONDED BY MR. KULOVANY. ROLL CALL:**

**AYE: MS. GASSEN, MR. KULOVANY, MR. BOYLE, MS. HOGSTROM, MR. MAURER, MS. JOHNSON, MR. QUIRK, CHAIRPERSON RICKARD**

**NAY: NONE**

**MOTION PASSED. VOTE: 8-0**

(The commissioners took a five minute break at 9:20 p.m.; reconvened at 9:25 p.m.)

### **COMMISSIONER TRAINING**

Attorney Scott Day, with the firm of Day Robert & Morrison, handed out a packet (attached to minutes) to the Plan Commissioners and attending board members. Mr. Day reviewed the purview charged to the Plan Commission, discussed how to make a motion in the affirmative, and explained how to evaluate various Plan Commission entitlements according to the village's ordinances and case law.

General questions followed.

**THE MEETING WAS ADJOURNED AT 10:50 P.M. ON MOTION BY MR. KULOVANY. SECONDED BY MR. BOYLE. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 8-0.**

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



VILLAGE OF DOWNERS GROVE  
Stormwater and Flood Plain Oversight Committee Meeting  
May 12, 7:00 p.m.

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

**I. CALL to ORDER**

Chair Gorman called the meeting to order at 7:10 p.m. A roll call followed and a quorum was established.

**II. ROLL CALL**

Members Present: Chair Gorman, Mr. Ruyle, Mr. Scacco (arrived 7:25 pm), Mr. Schoenberg, Mr. Wicklander

Members Absent: Mr. Civito, Mr. Crilly

Staff Present: Karen Daulton Lange, Village Engineer / Stormwater Administrator

Public Present: Patrick & Sharon Brogan, Robert Schlaf

**III. APPROVAL of February 11, 2016 Minutes**

Mr. Schoenberg made a motion, seconded by Mr. Wicklander to approve the February 11, 2016 minutes. Motion carried by voice vote of 4-0.

**IV. PUBLIC COMMENTS**

None.

**V. NEW BUSINESS**

**A. Petition for Variance**

The public hearing was opened and all members of the public were sworn in to tell the truth and the whole truth. Mr. Schlaf, engineer for the Brogan's, summarized the property's characteristics, including that it is almost entirely within an LPDA, lower than 63<sup>rd</sup> street, and has a portion of a wetland in the backyard. Mr. Brogan has owned the property for nearly 30 years and has never experienced flooding in the home or garage.

Mr. Schlaf summarized the proposed engineering plan. A reduced footprint of the detached garage is proposed, and that the top of block for the floodproofing elevation should read 739.2, which is 1.1 higher than the base flood elevation (BFE) of 738.1. If the garage were to be elevated above the BFE, a 'bridge' would need to be built since the driveway is sloped down from 63<sup>rd</sup> St. This would necessitate much more fill and compensatory storage. The

small amount of fill they are proposing to have the garage floor at 737.0 will be compensated for in a proposed rain garden to the rear of the garage.

The Brogan's provided pictures of the dilapidated existing garage, and stated that the new garage would add to the property value and look nicer than the existing garage. They said they would store any materials such as gas and oils above the block waterproofed wall.

Mr. Ruyle inquired as to the construction of the sealed concrete block wall, and was concerned that the sealing would not be done properly, thus minimizing the flood proofing effects. He suggested a poured concrete wall, and Mr. Brogan said his contractor already told them it would cost an additional \$2,000 for the block wall, and that poured concrete would add considerably to the cost. Mr. Ruyle said his concern was not with the Brogan's maintaining the wall, but a future owner.

Mr. Wicklander asked if flow-through vents would be appropriate, and Mr. Schlaf said he could add them to the three walls, but Chair Gorman pointed out that the wetland and LPDA fill up very slowly from the rear of the property, so the vents would not be effective.

Mr. Ruyle suggested having a hinged ramp where the lawn mower and other gas-powered equipment could be stored at a higher elevation, but after further discussion it was decided that it was a good idea if a larger garage and flashier flooding potential, but it would not be a requirement.

Several of the committee members expressed concerns with future owners of the property not being aware of the flooding potential and asked Staff if LPDAs were recorded. They are not, but information on them is available on our Village website and our codes regulate them similarly to flood plain. It was agreed that a large, permanent sign affixed to the interior back wall of the garage would be required with a horizontal line at the BFE with a statement on the sign to the effect of "storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored above this line".

The Brogan's agreed to these conditions and the committee thanked them for improving their property and being concerned that future owners be made aware of the BFE and the precautions needed to help protect the water quality, especially since there is a wetland in the rear of their property.

The committee noted the following findings as outlined in Section 26.1900.J of the Village code:

1. Granting the variance shall not alter the essential character of the area involved, including existing stream uses; and
2. Carrying out the strict letter of the provisions of this Ordinance would create an undue or particular hardship or difficulty on a specific developer or owner; and
3. The relief requested is the minimum necessary and there are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit the reasonable continuation of the development; and

4. The applicant's circumstances are unique and do not represent a general condition or problem; and
5. The subject development is exceptional as compared to other developments subject to the same provision.

**Mr. Scacco made a motion, seconded by Mr. Schoenberg, to recommend to the Village Council to approve the variance to Section 26.505.B. of the Village Stormwater and Flood Plain Ordinance, allowing the garage floor elevation to be at 1.1 feet below the Base Flood Elevation of 738.1 (NAVD88), rather than one foot higher, with the following conditions:**

1. The sealed concrete block floodproofing shall extend to the elevation of 739.2 or higher.
2. A note to title shall be required as part of the permit process stating that the property is within an LPDA, including the garage, and that storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored at an elevation above the concrete block wall in the garage.
3. A large, permanent sign affixed to the interior back wall of the garage would be required with a horizontal line at the BFE with a statement on the sign to the effect of "storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored above this line".

**Motion passed by roll call vote 5-0.**

Due to a previous commitment, Mr. Scacco had to leave the meeting at 8:07.

#### **B. Discussion of Detention Requirements for Single Family Lots**

Chair Gorman pulled the item from the agenda.

#### **VI. STAFF REPORT**

See Attachment.

#### **VII. PUBLIC COMMENTS**

No further public comment.

#### **VIII. OLD BUSINESS**

##### **A. Lot Coverage / Zoning Code**

Staff reported that they were not ready to present findings based on guidance received from the committee regarding lot coverage discussions that began last year. Chair Gorman reported that he is Chair of an Ad Hoc committee regarding lot coverage.

Mr. Schoenberg made a motion, seconded by Mr. Wicklander to adjourn the meeting at 7:55 p.m. Motion carried by voice vote of 6-0.

## Staff Report May 12, 2016

### **A. High School Students Glue the Town**

Students from both North & South HS will be gluing the “No Dumping! Drains to River” medallions next week on Village storm structures. They have chosen high pedestrian intersections, school bus stops, and other areas that could benefit from the medallions. Staff is meeting with the students from South HS tomorrow morning to drop off ½ of the 500 medallions and safety vests for the students. The medallions were donated by SCARCE through a grant with the DuPage Foundation.

### **B. NPDES AFIR & NOI**

The IEPA issued a new General National Pollutant Discharge Elimination System (NPDES) Permit which became effective on March 1. Staff is preparing the Annual Facility Inspection Report (AFIR) along with a revised Notice of Intent (NOI) which is due by June 1.

### **C. EMI - CRS**

Staff was notified in January that she had been accepted for the Emergency Management Institute course, E0278: National Flood Insurance Program/ Community Rating System. The class and transportation was paid for by FEMA for the four-day course in Emmitsburg, MD

### **D. Departure**

Staff is ending her service at the Village of Downers Grove at the end of the month. It has been a pleasure working with you all over these past 4 ½ years. Nan Newlon will be your contact in the interim until a new Stormwater Administrator is assigned.



VILLAGE OF DOWNERS GROVE  
Stormwater and Flood Plain Oversight Committee Meeting  
July 20, 2016, 7:00 p.m.

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

**I. CALL to ORDER**

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

**II. ROLL CALL**

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

Members Absent: Mr. Wicklander

Staff Present: Nan Newlon, Director of Public Works  
Julie Lomax, Development Engineer  
Kerry Behr, Development Engineer  
Susan Quasney, Development Engineer

Public Present: Mr. Phillip Shaw, 5117 Brookbank, Downers Grove  
Mr. Jim Boves, 1325 Gilbert, Downers Grove

**III. APPROVAL of June 23, 2016 Minutes**

Modifications to the minutes as follows:

Dan Schoenberg made motion to adjourn, Mr. Scacco made the second. Meeting adjourned at 9:30pm.

Modify that Committee members had engineering concerns with requiring top of foundation requirements.

Grammatical errors, page 7; second last paragraph, remove the work "is". Last page second paragraph, modify "look into required discharges points" to "look into requiring discharge points".

Spelling of Mr. Schoenberg's last name.

Mr. Crilly made a motion, seconded by Mr. Schoenberg, to approve the June 23, 2016 minutes as modified above. Motion carried by a voice vote 6-0.

#### **IV. PUBLIC COMMENTS**

None – except those as part of New Business, Public Hearing, Appeal below.

#### **V. NEW BUSINESS**

##### **A. Public Hearing – Appeal of a Notice of Violation**

Chair Gorman asked to begin with the Public Hearing for Appeal of a Notice of Violation at 5117 Brookbank.

Mr. Phillip Shaw of 5117 Brookbank explained the history of his property. In 1977, they built the home and developed the property. They had to obtain a topographic survey and soil borings. The Village had to give a permit. After he moved in final grading was approved. And for all this time, we've maintained the property pretty much as it is today; however, there's a lot of trees. We planted the lot of trees, and a lot of trees have just grown. And I've been very reluctant to cut trees down.

Mr. Shaw continued, when we did the final grading, we sloped the yard down to bank the creek, not into it, but in general along this line. And it worked pretty well for a few years, and then we got a series of very heavy rains flooding almost up to the house and a result a lot of silt. The flooding caused undercutting of the banks. As a result, in the late 80's I approached the village about putting in a retaining wall along our property. The village said you have to get a permit from the Corps. Obtained permit through the Corp and built the wall which has functioned very well. For all these years they have maintained the wall.

Mr. Shaw explained that as part of maintenance, they have also had to regrade the yard every 5-7 years due to siltation; not the entire yard, but wherever the silt builds up. The deposits of silt cause problems with mowing the lawn. For the service crew, 6-8" it was causing a safety issue of slipping into the creek. During the late 90's, we were getting ponding here, and it would last for days after a rain, and then it would last for weeks. So in 2004, needed to regrade again. He cut a ditch around the trees and brought it over to the low part of the headwall of the box culvert. The ditch worked very well. It was almost flat, but it worked. However, in two years, the ditch quit flowing. Now he explained the standing water was back. In 2010, we had to grade again, and I cut, re-cut the ditch. In under a year, the water quit flowing. When 2013 came, the ditch was gone. It wasn't just not there, you could not find the ditch. It was gone.

Mr. Shaw continued, in the fall of 2015, we had to regrade again. In order to access the property, because it bermed up around, they had to construct a access point so they regraded a portion of the yard. They also pulled out a lot of silt and dead grass. He explained that they also reestablished the slope of the yard here, and then we sodded it. It was during this time that Village staff informed Mr. Shaw you are doing development in the floodplain which requires a permit. Mr. Shaw explained, he was just doing maintenance under my agreement with the Corps of Engineers, as he will continue to do.

Mr. Shaw explained that he can't tell you how much fill he's put in because of the erosion behind the wall there, but it causing a problem with all the stone from the street getting washed downstream.

Chairman Gormas asked, have you not had anything trucked into your property; is that right?

Mr. Shaw stated, we do, on occasion.

Mr. Boves of 1325 Gilbert stated: My name is Jim Boves, and I live just north of the property. And rather than touch on the numerous inaccuracies that I've heard tonight, I will just touch on a couple that I think are maybe more appropriate to what you're dealing with. First of all, the ditch was covered over last year. Until then, it worked just fine. And now, when it retains all the water because the ditch is no longer in existence, and it was covered over with new dirt, it enters into my property.

Ms. Lomax explained, we have no problem with the maintenance that has been done. The issue is placing fill, whether it's silt or dirt that's brought in, within that ditch, which now creates a pool of water in the right-of-way. And that really is the issue. Ms. Behr said staff has received complaints from residents where the water is getting so deep, it's starting to come up over the road, and it's becoming a safety issue for residents who need to get through on this road. There is always maintenance that happens as part of living on a creek because of its dynamic, but there's a difference between maintenance and regrading your property.

Mr. Boves stated that he has lived there since 1974, and the recent work done has blocked drainage. He has lived there several years longer than Mr. Shaw has, and never seen the ditch silt up. Early last year Mr. Shaw's driveway was redone, and a pipe was put under it as a form of continuation for the ditch. And the pipe is where it was before, and the ditch was where it was before. He's just filled it in.

Ms. Behr explained, the violation sent out cited Section 26.504. which states, development shall not result in unreasonable new or additional expense to any person other than the developer for flood protection, stream uses, functions or attributes; nor unreasonably increase flood elevations or decrease flood conveyance upstream or downstream in the area. So that was what we had cited was the drainage issues.

Mr. Scacco asked if other solutions have been considered? Staff stated the possibility to convey flow within right-of-way, but homeowner did not want trees removed so this option was not a potential solutions in previous discussions.

Chairman Gorman stated, if that's the sole issue and it's in the village right-of-way, and it's somewhat related to a lack of maintenance on the ditch, and largely related to filling – regrading or pushing the silt, I think rather than a violation, we should be looking at maybe a village maintenance action also, as far as regrading the ditch, restoring the ditch. But I think

the violation comes into play certainly. It was regrading without a permit. It blocked the drainage, that's why it's sitting here with all this algae in there.

Mr. Shaw explained that the whole point of this is that since the late 90's, the water hasn't flowed, so he took it upon himself to dig a ditch.

Ms. Behr explained that drainage throughout the village is variable. Our ditches go within the right-of-way, then they go onto private property in some cases, as was here. Ms. Newlon stated, Denburn Woods is a very special kind of unique place in the village. It has limited right-of-way. The drainage kind of winds its way through. It's unique in that you have distinct private property and public property drainage with ditches and culverts. There's many properties where the homeowners maintain the ditches because they have special cobbles and walls and all kinds of unique features. And it does go in and out of private and public property because of the unique nature of the area. So we try to do our best to maintain the paths of drainage and respecting what private properties have graded as well, so it is a rather challenging and unique area.

Mr. Schoenberg felt it wasn't so much a floodplain issues, but a conveyance issues. This is kind of a special area where the rights-of-way have been treated casually, that the landscaping choices of the residents there have been pretty much allowed to expand around these rural-looking streets. So as a result, the drainage relies heavily on the wise landscaping choices of the residents. The drainage path that he saw did not look natural. Water wants to get to creek, but can't. I do think Mr. Shaw has some responsibilities for having made some of those choices in the past. This is part of the mix.

Mr. Schoenberg continued, I think there's a violation there. And, similarly, there's an obligation by the village that we'll keep our rights of way in good repair, too. Rather than pursue the violation in this specific case, and I do think there is a violation, I think it is more appropriate to negotiate some type of new conveyance path. Ideally, it would be in the public right-of-way where the village could then take over maintenance in the future. I do think the cost of this must be borne significantly by Mr. Shaw, because I think, again, some of his past choices have a direct bearing on what we have here today.

Mr. Scacco stated, Mr. Shaw created a problem here. Right now it's placing this dam basically in the creek, but at the same time, there's no real way for water to get back to where it wants to go.

Mr. Ruyle stated that he has a different take. A topographic survey would show where the ditch was located, but it has not been maintained by the village, regardless of the fact that he planted a tree on the property line. Mr. Shaw needs to be able to access the rear yard. Although he should have gotten a permit for the work done. He is going to have on-going maintenance and needs access. And the road is already higher than it was originally. With or without the fill, the water would not flow to the creek. If Mr. Shaw is willing to spend money, possibly on a cross culvert? Or relocating the trees, this could be a solution.

Mr. Ruyle stated we should work out a technique that is going to allow the village to have a ditch on its property and maintain it. He would like to see if Mr. Shaw would be willing to spend the money to take and have those two trees moved back onto his property, so as not to change the appearance of the entrance to Denburn Woods.

Chairman Gorman stated some issues are probably with the ditch not draining well to begin with. So it seems yes, the violation is valid. But also there's a need for village maintenance. A right-of-way permit could be issued for him to do the work, and be inspected and accepted by the village. I would like to see some sort of middle ground resolved.

Ms. Newlon stated it necessary to have some fallback for the village to negotiate with Mr. Shaw on a resolution, so perhaps maybe still have the violation, but in lieu of the daily penalty, would be to uphold the violation but in lieu of the fine or the fee, that the village work with Mr. Shaw to compensate the village for the cost of reestablishing the ditch in the right-of-way.

Chairman Gorman clarified, that the final solution would be to keep the temporary roadway with a culvert running along the drainage line to allow access for equipment for maintenance.

Staff expressed concerns that other residents have requested similar things and that we have denied such request and only allow access via a driveway.

Mr. Scacco made a motion that committee recommend to the Village Council that the appeal be granted with the following modification: Mr. Shaw will enter an agreement by September 1st with the village to restore the drainage in the right-of-way along Brookbank, with Mr. Shaw bearing all costs for the work, otherwise the appeal is denied. Seconded by Mr. Schoenberg. Motion carried by a voice vote 6-0.

#### **VI. STAFF REPORT**

Chair Gorman recommended that staff report and new business be tabled until next time.

#### **VII. OLD BUSINESS**

Mr. Ruyle made a motion, seconded by Mr. Crilly to adjourn the meeting at 9:24 p.m. Motion carried by voice vote of 6-0.