

**VILLAGE OF DOWNERS GROVE
ARCHITECTURAL DESIGN REVIEW BOARD
MINUTES OF APRIL 18, 2018 MEETING**

In the absence of Ch. Davenport, Ch. Pro Tem Larson (hereinafter Ch. Larson) called the April 18, 2018 meeting of the Architectural Design Review Board to order at 7:02 PM and requested a roll call.

1. ROLL CALL

PRESENT: Ms. Acks, Ms. Chalberg, Ms. Hollweck, Mr. Larson, Mr. Lerner, Mr. Riemer

ABSENT: Ch. Davenport

STAFF: Planning Manager Rebecca Leitschuh
Sr. Planner Scott Williams

VISITORS: Kathy Nybo, FOEH, 5253 Blodgett
Chuck & Byron Holtzen, 5226 Carpenter St.
Amy Gassen, 5320 Benton Ave.
Carol & David Miller, 1323 Maple Ave.
Rich Kulovany, 6825 Camden

2. APPROVAL OF FEBRUARY 21, 2018 MINUTES

Ch. Larson noted under Old Business on page 4 that it should read: "The owner intends to replace the skylight and to remove and replace the existing front door. They will have to provide material samples of the new front door for Staff's review."

**Ms. Chalberg moved, seconded by Ms. Hollweck, to approve the minutes of the February 21, 2018 meeting as amended.
All in favor. The Motion passed unanimously.**

3. PUBLIC HEARING

Ch. Larson called upon Planning Manager Rebecca Leitschuh to review New Business. Ms. Leitschuh explained that there is a petition on the Agenda seeking landmark designation, and information regarding that petition is available on either side of the meeting chambers. Staff will make its presentation followed by discussion with the Board members, Staff, the Petitioners and anyone wishing to speak with regard to the petition. Following

discussion, the Board will make a recommendation that will be forwarded to the Village Council for its final consideration.

Ch. Larson called upon anyone intending to speak at the meeting to rise and be sworn in.

PUBLIC HEARING FILE 18-ADR-0002: A petition seeking Historic Landmark Designation for the property commonly known as 1323 Maple Avenue, Downers Grove, IL (PIN 09-07-409-009). The property is located on the south side of Maple Avenue, approximately 415 feet southwest of the intersection of Brookbank Road and Maple Avenue. David and Carol Miller, Petitioners and Owners.

Scott Williams, Senior Planner for the Village of Downers Grove, identified the property located on the south side of Maple Avenue, approximately 415 feet southwest of the intersection of Brookbank Road and Maple Avenue, as a single family detached structure with a rear detached garage. The structure was constructed around 1924, and referring to a map from 1933, Mr. Williams said that there have been no major changes. The home is a custom designed bungalow with a collection of features from a variety of bungalow styles. He noted that bungalows were a dominant building form in the Village from 1890 to 1930 and were an affordable high quality housing style for a growing middle class of that period.

Mr. Williams said that the subject home has a gently hipped roof with large overhangs with tiered groupings of eaves. The brick home is one-and-one-half stories in height and made of dark brick. It has a recessed side entryway, with a door made of mahogany with beveled glass. There are stained glass windows on either side of the chimney and 3 over 1 windows framed by a sill detail. He noted the Jerkin-head dormers on the building as well. The detached garage is a miniature version of the primary building with the overhanging eaves, and double-hung windows. Mr. Williams then referenced many of the interior architectural features including leaded glass built-in bookcases flanking the fireplace, natural finished hardwood floors, beveled glass doors and woodwork.

Mr. Williams said the house was constructed around 1924 and Staff believes the structure to have various movements and combinations of bungalow styles and meets the criteria established for landmark designation. He said that Staff recommends a positive recommendation be forwarded to the Village Council for landmark status for the home at 1323 Maple Avenue.

Mr. Lerner said that the description includes, in addition to the term Jerkin-head, the term Tapestry brick. He asked for an explanation of that term. Mr. Williams replied that was the terminology received from the State and he didn't have a definition of that term. Ms. Leitschuh agreed, saying it came

directly from the State's Historic Preservation office and she did not know the meaning of the term. She suggested that perhaps the Petitioners and other local experts would be able to address that in their presentation. It could relate to a variation in color or simply be a decision by the builder.

Ms. Leitschuh said the landmarking process does not weigh the interior of the building into the decision, and does not affect the compliance with the Ordinance.

Mr. David Miller of 1323 Maple Avenue, owner of the subject home, said they moved from Michigan and looked for homes in the western suburbs. His wife was concerned because they hadn't seen anything she liked, and interest rates were very high. They were able to purchase the home at an interest rate discount and have grown to love the home. They moved there in 1980. They were recently contacted by someone and asked if they would consider landmarking their home. He said they went through the process because they feel it is proper to preserve some of the older architecture in the Village. It is a well constructed home that shows the workmanship that was done back in time. By going through the process, they felt they were part of keeping the history of the building going. He mentioned a trip he and his wife took long ago to North Carolina and a woman who told them how much she loved Downers Grove because of the streets, trees, diversity of the homes, etc. Another time he spoke to a company in Minneapolis and the woman told him how much she loved the town of Downers Grove. There has been a repetition through their lives here of people who appreciate the diversity of homes in the Village. Being involved in the architectural preservation of their home has been good for them. Mr. Miller said there is a lot of history in the development of this area. He and his wife want to look up additional history of their home including architectural history and former owners.

Ms. Chalberg thanked the Millers for coming with their petition. She commented on the interior of the home and how well it has been maintained. It adds much to the home.

Mrs. Miller said they have moved a few times due to her husband's work, and in the past it has always been someone else making the decision. But today she can say she is looking for a home with design integrity and trees, and she has found it. She thanked the Village for the opportunity to landmark their home.

Ch. Larson also thanked the owners, noticing how many of the original features of the home the Millers have preserved to keep the home appropriate to its original character. He also enjoyed reading all of the information presented by the Millers about the building's history.

In response to a Board member, Mrs. Miller said they are also landmarking the garage.

Amy Gassen of 5320 Benton Avenue expressed her gratitude to the Millers for bringing their home to the landmarking process. As far as the Tapestry brick, she has not heard that term before, but it apparently has to do with the texture of the brick from the little research she did on that term. She indicated that the Millers could join in the historic home program with the Downers Grove Historical Museum to obtain further information on the home's previous owners and history.

Rich Kulovany of 6825 Camden supported this petition, saying they have gone to several homes encouraging people to participate in the landmarking program, and they are strangers to these homeowners. The Millers knew enough about their home where they wanted to protect it for future generations. One of the first things you notice about the home is that it is brick all the way around with a deep texture, which differs from what has become known as the Chicago Bungalow that has common brick on the sides. A lot of thought went into the construction of this home.

Chuck Holtzen of 5226 Carpenter Street said it is exciting that there are two landmarked homes almost directly across the street from each other. She supports this petition.

Kathy Nybo of 5253 Blodgett of Friends of the Edwards House commented that the efforts done to preserve homes on Maple Avenue are wonderful. This home is a custom home where the builder took the extra effort. The Millers have given a gift to the community by landmarking their home.

There being no further comments, Ch. Larson called for a Motion on the petition.

Mr. Lerner moved to make a positive recommendation to the Village Council to approve historic landmark status for Petition 18ADR0002, property located at 1323 Maple Avenue, Downers Grove. Mr. Riemer seconded the Motion.

AYES: Mr. Lerner, Mr. Riemer, Ms. Acks, Ms. Chalberg, Ms. Hollweck, Ch. Larson

All in favor. The Motion passed unanimously.

Ms. Leitschuh said that the First Reading of this petition would be before Council on Tuesday, May 8, 2018.

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4. OLD BUSINESS – There was none.

5. NEW BUSINESS

Ms. Chalberg said that there are ten events related to Founder's Day coming up over a period of 13 days. She reviewed the upcoming events and encouraged people to attend.

6. PUBLIC COMMENTS

1. Amy Gassen of 5320 Benton Avenue provided an update on the property at 5325 Fairmount Avenue, which is owned by her in-laws and was landmarked in June of 2017. A lot of renovation has been done to the interior of the structure, including replacement of all of the windows. Construction on the home is complete. She showed a slide presentation of the work that was done, and the condition of the home after renovation. They will submit their costs to the State in the hopes of obtaining a tax freeze on the property.

Ms. Gassen said the tax freeze it is a tax assessment freeze for eight years, at which time it gradually steps up for the next four years. The freeze will be at the level of assessment that was established prior to the start of renovation work. Certain aspects of the renovation had to be kept to meet the design of the house as originally built. As to the tax assessment freeze application there is no fee.

Ms. Gassen said that they had to work to assure that the public areas of the house remained within the boundaries of the original design to maintain the home's character.

As for meeting energy codes of today, Ms. Gassen said that they did add insulation to the attic.

Ms. Leitschuh said landmark properties are sometimes given more flexibility in terms of meeting energy codes.

Ms. Gassen said they do have a Four-Square mapping now set up on the Village's GIS system. The maps are also available on the Downers Grove Historical Society's website.

2. Chuck Holtzen of 5226 Carpenter Street said she held a kit-homeowners meeting this past week. The homeowners were excited to be there and shared photographs of their homes. There were about 45 people present and she hopes to hear from some of them and pursue a thematic landmark district.

Ms. Leitschuh introduced Flora Ramirez who has joined the Staff as a planner.

7. ADJOURNMENT

There being no further discussion, Ch. Larson called for a motion to adjourn.

Mr. Riemer moved, seconded by Ms. Acks to adjourn the meeting. The Motion passed unanimously by voice vote.

Ch. Larson adjourned the meeting at 8:00 PM.

Respectfully submitted,

/s/ Tonie Harrington

**VILLAGE OF DOWNERS GROVE
ARCHITECTURAL DESIGN REVIEW BOARD
MINUTES OF JUNE 20, 2018 MEETING**

Ch. Davenport called the June 20, 2018 meeting of the Architectural Design Review Board to order at 7:01 PM and requested a roll call.

1. ROLL CALL

PRESENT: Ms. Acks, Ms. Chalberg, Mr. Lerner, Mr. Riemer,
Ch. Davenport

ABSENT: Ms. Hollweck, Mr. Larson

STAFF: Planning Manager Rebecca Leitschuh
Planning Intern Devin Kamperschroer

VISITORS: Pamela Shaw, Petitioner, 1514 Thornwood Dr.
Chuck & Byron Holtzen, 5226 Carpenter St.
Amy & David Gassen, 5320 Benton Ave.
Rich Kulovany, 6825 Camden

2. APPROVAL OF APRIL 18, 2018 MINUTES

Mr. Riemer moved, seconded by Ms. Chalberg, to approve the minutes of the April 18, 2018 meeting as presented.

Ch. Davenport abstained from the vote, as he was not present at the meeting.

The Motion passed 4:0:1 by voice vote.

3. PUBLIC HEARING

Ch. Davenport explained that there was one public hearing before the Board seeking landmark designation for property located at 1514 Thornwood Drive, Downers Grove. He described the procedures to be followed for the hearing, and asked anyone intending to speak at the meeting to rise and be sworn in.

PUBLIC HEARING FILE 18-ADR-0004: A petition seeking Historic Landmark Designation for the property commonly known as 1514 Thornwood Drive, Downers Grove, IL (PIN 09-18-201-042). The property is located on the north side of Thornwood Drive, approximately 300 feet east of the intersection of Plymouth Street and Thornwood Drive. Pamela Shaw, Petitioner and Juanita Shaw, Owner.

Planning Manager Rebecca Leitschuh introduced Devin Kamperschroer, Planning Intern, who is working with the Village for the summer. Mr. Kamperschroer, recent graduate of Iowa State University, said his degree is in Community and Regional Planning.

Mr. Kamperschroer explained that the subject property is located at the intersection of Thornwood Drive and Plymouth Street. The applicant purchased the home in 1953. Characteristics of the home, which is a Craftsman style bungalow, include a low-pitched Jerkinhead clipped gable on the front elevation with wide eaves, dark tapestry brick, and a partial front porch. In the late 1960s the home underwent changes with the restoration of the partial height porch walls and brick stair wing walls. They also replaced the 3-over-1 double-hung windows with a single large picture window. Mr. Kamperschroer said that both restorations were consistent with the original appearance of the home. Features that remain from the original house are the porch window, address markers, front door and hardware. Although not part of the petition before the Board, the interior of the home includes the original floor plan, woodwork, plaster walls, doors, hardware, and original kitchen cabinets that have been moved to the basement. The detached garage, not included in the scope of the request for landmark designation, has been designed to complement the main house with a Jerkinhead gabled roof and similar siding.

Mr. Kamperschroer noted that the applicant's research indicates that the previous owner of the home, Gordon Bunge, worked as an attorney for his uncle, Gustav Bunge of the Tivoli Theater, and the house is located in the Bunge subdivision. Additional research from the applicant shows that members of the Bunge family owned several other homes in the area in the 1930s.

Based on criteria for the Standards of Approval, Mr. Kamperschroer said that the home is approximately 91 years old and holds true to many of the characteristic styles of the Craftsman Bungalow.

Ms. Chalberg said that restoring the windows and the front porch make a huge difference in the whole feeling of the home. She added that the brick match is remarkable and it looks wonderful.

Applicant Pamela Shaw said that she wanted to bring the original windows back to the home as well as the porch. They added the two-car garage and used the windows from the previous garage. They attempted to keep the integrity of the home's architectural design. They also attempted an update of the bathroom, but when they removed the floor tile the original ceramic tiles were too stained to be kept. She said they are only the second family to live in the home.

Ms. Chalberg commented that many homes are updated according to the times. Looking at the triple windows on the home now, there was obviously a purpose to those windows when the home was originally built.

There being no further comments from the Board, Ch. Davenport called upon any members of the public who wished to comment on the petition.

1. Rich Kulovany of 6825 Camden Road said he supports this petition and noted that a home does not have to be fancy or ornate to qualify for landmark designation. This home brings out the original representation of the Bungalow style. He said it was fun working with the applicants and learning why it was important to the owners to protect the home.
2. Chuck Holtzen of 5226 Carpenter Street expressed her support of the request and said she thinks it's awesome.
3. Byron Holtzen of 5226 Carpenter Street said he also supported this petition, especially because it is nice to see a house this size be protected. He is tired of seeing houses this size be torn down and he appreciates the owners applying for landmark status.
4. Amy Gassen of 5320 Benton Avenue thanked the homeowners for deciding to landmark this home. It's especially exciting that it is the first home in that neighborhood that they have seen for landmark designation. Hopefully this will encourage other homeowners of this type of building to landmark their homes as well.
5. David Gassen of 5320 Benton Avenue said he strongly supports this application.

There being no further discussion or comments, Ch. Davenport closed the opportunity for further public comment and opened the discussion to deliberation by the Board.

Mr. Lerner said he was pleased to see this come before the Board. It is exactly the type of home they have seen being torn down. The application is significant toward preserving this style of home. He's pleased to see the home being restored to its original state.

Mr. Riemer asked whether the second floor was finished. Ms. Shaw said it has not been finished. It is a small home and would have been torn down, especially because it's on a very large lot. She said her father used to comment about all of the big houses on postage stamp sized lots.

Ch. Davenport said that we need homes like this in Downers Grove and he is glad to see that this home will not be torn down.

Ms. Chalberg raised a question as to whether neighboring property owners are notified when a home receives "landmark status." She thinks it would be nice to send out information regarding the home's general history, why it was landmarked, and how to go about landmarking. The purpose of the landmark program is to promote landmarking buildings that meet the criteria. She suggested sending out about 100 cards to neighbors to promote the program.

Ms. Holtzen noted that when their home was landmarked, a new neighbor commented to her that they were so excited to know they were buying a house across the street from a landmarked home.

Ms. Leitschuh explained that whenever there is an application made to the Village, Staff mails notices of the Public Hearing directly to homeowners residing within 250' of the subject property. She described that mailing. Anyone interested would have been informed of the specifics of the proposed landmark through the direct mailing, with links for additional information. Ms. Chalberg said that the mailing does not include what is included in the Board's application packet.

Ms. Leitschuh said she thinks it is a good idea, but she is just cautious of the additional amount of work when neighbors are already through multiple avenues (onsite signage, direct mailers, website, newspaper). She said the State Statute does not require notifications within 250' of the subject property. She would discourage going beyond that standard radius as Staff often hears from people who are contacted asking why they are being notified about the petitions before the Village.

Ch. Davenport suggested they consolidate a narrative about the subject property as well as the legal information announcing the Public Hearing.

A question was asked as to how many homes would be contacted within a 250' radius, and Staff responded there would be about 50.

Ms. Chalberg said that even with the signage in front of the property, there is nothing that is being sent out to surrounding neighbors now that explains the rationale behind the landmarking process, although she acknowledged the Hometown Times, and other social media sites.

There being no further comments, Ch. Davenport called for a Motion on the petition.

Mr. Lerner moved to make a positive recommendation to the Village Council to approve historic landmark status for Petition 18ADR0004 for property located at 1514 Thornwood Drive, Downers Grove. Ms. Acks seconded the Motion.

**AYES: Mr. Lerner, Ms. Acks, Ms. Chalberg, Mr. Riemer,
Ch. Davenport**

All in favor. The Motion passed unanimously.

Ms. Leitschuh said that the First Reading of this petition would be before Council on Tuesday, July 10, 2018.

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4. OLD BUSINESS – There was none.

5. NEW BUSINESS

Downers Grove Historical Society: Historic Homes update and educational programming update

Amy Gassen of 5320 Benton Avenue commented about the follow-up postcards discussed earlier. She thinks it is a good idea but suggested that some of the organizations might be able to get together as a project.

Ms. Gassen explained that she was present to discuss the Downers Grove Historical Society and Downers Grove Museum Historic Home Program. She wanted to update the Board on what was once called the Centennial Home program that was active from about 1980 to 2015. There were about 35 homes, which were recognized for being at least 100 years old. When the Village began its changes to the Historic Preservation Ordinance, it occurred to the Historical Society it would be good to align the programs. That is when they switched to the Historic Home Program jointly with the Downers Grove Museum. The criteria was changed to include homes fifty-years old or more. She provided the names of people serving on the Committee.

Requirements for the Historic Homes Program are more intense as the owners are required to provide an application packet including all deed research, property tax records, and information on the original owners and year of construction. The Committee reviews the application to approve it or not. The homeowner then can purchase a plaque for their home to include general information. The program was unveiled in 2016 and since then 17 homes have been recognized. She described the 17 homes approved by the Committee, adding that there is a map on their website of the homes, including those landmarked. Everything including documentation is preserved for future generations to learn about the history of the homes.

Ms. Gassen noted that their Committee has been presenting an educational series and the third event takes place July 12th discussing Architectural Styles of Downers Grove presented at Emmett's at 7:00 PM. She noted that there is a wait list but recommended that people put their name on the list.

Mr. Lerner said he particularly liked that they are preserving the history by maintaining all of the documentation on the properties for future generations.

6. PUBLIC COMMENT

Chuck Holtzen presented an update on "Kit Homes" and establishing a "thematic district" in Downers Grove. She noted that since the April 13th meeting, there have been a couple of homes thought to be kit homes, but they have learned they are not. One of them has been owned since 1925 and the history indicates that the builder copied its design from a Sears' Home. Another home in town listed as a Sears' Home has been shown to be a copy as well. Ms. Holtzen said they have come a long way since the 90's when the kit home fever took hold, and even though they have lost two homes as copies, hopefully more will be gained. She said they will continue review of three homes that have applications under consideration. Ms. Holtzen said many people are concerned about the resale value of their property, which may be an issue in preventing them from applying. It is important that when homes come up for sale that it can be

shown that landmarking or placing a home in a thematic district does not create a negative impact.

Ms. Leitschuh said that a thematic district could have a combination of “contributing” and “significant” structures. The way the Village’s Ordinance is written, and individual landmark property could be included in thematic districts.

Ms. Holtzen referred to a Four Square that has had changes made to the front porch. The owners are very interested in applying as part of a thematic district.

7. ADJOURNMENT

There being no further discussion, Ch. Davenport called for a motion to adjourn.

Mr. Riemer moved, seconded by Ms. Chalberg to adjourn the meeting. The Motion passed unanimously by voice vote.

Ch. Davenport adjourned the meeting at 7:58 PM.

Respectfully submitted,

/s/ Tonie Harrington

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
REGULAR MONTHLY MEETING
JUNE 27, 2018, 7:30 P.M.
LIBRARY MEETING ROOM**

MINUTES

1. **Call to Order.** President Graber called the meeting to order at 7:30 p.m.
2. **Roll Call.** Members present: Trustee Ed Earl, Trustee Susan Eblen, Trustee Swapna Gigani, Trustee David Humphreys, Trustee Kim Stapleton, President Jonathan Graber. Absent: None.

Also present: Director Julie Milavec, Assistant Director Jen Fredericks, Executive Assistant Katelyn Vabalaitis, Downers Grove Public Library Foundation Treasurer Ed Pawlak, Friends of the Library President Joni Hansen, Dan Pohrte of Product Architecture + Design, John Shales of Shales McNutt Construction.
3. **Welcome to Visitors.** President Graber welcomed visitors and thanked them for their interest in the library.
4. **Approval of Minutes.**
 - a. May 23, 2018 Regular Monthly Meeting. It was moved by Earl and seconded by Eblen THAT the Minutes of the May 23, 2018 Regular Monthly Meeting be approved as presented. Motion passed by voice vote.
5. **Financial Matters.**
 - a. May 2018 Financial Report. Milavec presented the report. Tax revenue will begin posting to the library's account in June. On the expense side, the library is 40% through the year with about 35% spent.
 - b. June 2018 Invoices. It was moved by Earl and seconded by Eblen THAT the payment of June 2018 operating invoices totaling \$122,472.33, the acceptance of June 2018 credit memos totaling \$102.00, and the ratification of May 2018 payrolls totaling \$206,620.83 be approved. Roll call: Ayes: Earl, Eblen, Gigani, Humphreys, Stapleton, Graber. Nays: None. Abstentions: None.
6. **Public Comment on Agenda Items.** President Graber invited comment. There was none.
7. **Public Comment on Other Library Business.** President Graber invited comment. There was none.

8. **New Business.**

- a. Illinois Non-Resident Library Card Program. Milavec detailed the process behind the calculations of the yearly fee card rate. The new rate would go into effect August 1, 2018. It was moved by Humphreys and seconded by Earl THAT the library participate in the Illinois Non-Resident Library Card Program using the General Formula to calculate a rate of \$292.00. Roll call: Ayes: Earl, Eblen, Gigani, Humphreys, Stapleton, Graber. Nays: None. Abstentions: None.
- b. 2018 Furniture Replacement Proposals. The cost of the proposed furniture would come out of the operating budget and be classified as the annual replacement of furniture. The focus is on the soft seating that was not replaced in 2014 and the wooden chairs in the Kid's Room. It was moved by Humphreys and seconded by Eblen THAT the furniture replacement proposal of \$53,190.37 be approved. Roll call: Ayes: Earl, Eblen, Gigani, Humphreys, Stapleton, Graber. Nays: None. Abstentions: None.
- c. Authorization to Transfer Monies from Library Fund to Library Capital Replacement Fund. The Village of Downers Grove received and accepted their audit for 2017, which shows the Library Fund increased by more than \$270,000 by the end of the year. Last year, the Board budgeted a \$350,000 transfer to the Capital Replacement Fund in 2018. The Board discussed whether to transfer only the budgeted amount or to also transfer the excess from the Library Fund, which would be a total transfer of \$620,000.

It was moved by Earl and seconded by Stapleton THAT \$350,000 be transferred from the Library Fund to the Library Capital Replacement Fund. Roll call: Ayes: Earl, Eblen, Gigani, Humphreys, Stapleton, Graber. Nays: None. Abstentions: None.

Once the library's 2019 budget has been passed, the Board will revisit the possibility of a second transfer to the Capital Replacement Fund.

- d. Change of Budget Workshop Meeting Date from September 12 to August 8. The Village of Downers Grove requested that the library's 2019 Budget and Tax Levy request be submitted to them by August 31, 2018. The budget workshop that is currently scheduled for September 12, 2018 needs to be rescheduled to meet this new deadline. The Board discussed the difficulties of planning next year's budget so early in the year and President Graber offered to speak with the Village about extending the deadline.

It was moved by Earl and seconded by Eblen THAT the vote to reschedule the Budget Workshop be tabled until the July 25, 2018 Board meeting, pending further discussion with the Village. Motion passed by voice vote.

- e. 2019 Budget Framework. Milavec presented a 2019 budget framework based on the financial management plan, not on any actual projections. There were a couple of adjustments made, including a 2.5% increase on the personnel lines. The library's Illinois Municipal Retirement Fund rate will significantly drop in 2019, which should offset the increase in insurance costs. Milavec noted that the preliminary budget draft, which will be distributed next month, will reflect the numerous personnel changes that have occurred in 2018.

9. **Unfinished Business.**

- a. 2018 Capital Project Bid Specifications. John Shales of Shales McNutt Construction and Dan Pohrte of Product Architecture + Design were present to answer the Board's questions on the 2018 capital project plans. The Board had a detailed discussion on each component of the proposed project, highlighting possible cost reductions. It was noted that the project could go out to bid with the artwork lighting component called out as an alternate, which would allow the Board to remove it from the project or find alternate funding if the bids come in too high.

It was moved by Humphreys and seconded by Eblen THAT the 2018 Capital Project Bid Specifications be approved to bid, with the removal of the STEM Room lighting and with the artwork lighting bid as an alternate. Roll call: Ayes: Eblen, Gigani, Humphreys, Stapleton, Graber. Nays: Earl. Abstentions: None.

10. **Library Director's Report**. Milavec presented the report (attached). Attendance has been up significantly in the library during the month of June. The number of kids who have completed the Summer Reading Club by this time in June is up by hundreds over last year. There is a report on the first year of the restricted use cards in the meeting packet. Milavec will be speaking to the Rotary Club in July about supporting the restricted use card program.

11. **Trustee Comments and Requests for Information.**

President Graber noted that while walking through the library today, Teen Central was empty of teens. He asked if the area is still being used and if there is a way to get more teens into the library. Milavec commented that there is a definite ebb and flow to the use of the teen department, and much of that is dependent on weather, programming, and how many other teens are using it at a specific time.

Trustee Earl commented that Arlington Heights Memorial Library has a motorized scooter available to its patrons and asked if that is an issue commonly seen at Downers Grove Public Library. Milavec responded that most libraries do not own scooters and the ones that do have usually had them donated.

12. **Adjournment**. President Graber adjourned the meeting at 9:25 p.m.

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
JUNE 27, 2018**

AGENDA ITEM 10

Librarian's Report

Barb Powell to Retire July 12

Assistant Manager of Access Services Barb Powell has moved up her retirement date to July 12.

Public Relations Manager Search

After interviewing the finalists, the management team decided not to make an offer to either candidate. We are reviewing the position's job description and the library's needs.

Patron Incident Tracking Software (PITS)

Assistant Director Jen Fredericks is spearheading implementation of Patron Incident Tracking Software (PITS) to better document and share information about incidents of all types in the library. This secure, web-based application will help staff to create uniform incident reports and provide quick, easy access to reports and suspensions, including information such as warning letters and photos. Designated staff automatically receive notifications when reports are created. Jen is currently working with the vendor on configuration. Staff training is scheduled for July.

ComEd Energy Efficiency Program Rebates and Incentives

The check for \$4,419.64 in rebates and incentives for the Kids Room lighting replacement project was received from ComEd.

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE**

Thursday, June 7, 2018

I. CALL TO ORDER

Chairman Strelau called the June 7, 2018 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Ms. Flanagan, Mr. Krusenoski, Ms. Pietrucha (7:00 p.m.), Ms. Toerpe, Chairman Strelau

ABSENT: Mr. Clary, Mr. Jacobson

STAFF: Carol Kuchynka, Liaison to the Liquor Commission, Assistant Village Attorney Dawn Didier, Village Attorney Enza Petrarca

OTHERS: Basileos Megremis, Tracy Sinnott, Nicole Levesque, Esq., Eric Schmidt, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the May 3, 2018 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the May 3, 2018 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

IV. DISCIPLINARY HEARING FOR ALLEGED VIOLATIONS

Chairman Strelau made the following statements:

"Section 3-40 of the Downers Grove Municipal Code provides that the Local Liquor Commissioner may revoke or suspend any license issued if the Commissioner determines that the licensee has violated any of the provisions of this chapter or any State law pertaining to the sale of alcohol. Both under the Section cited above, and under Chapter 235, Section 5/7-5, Illinois Compiled Statutes, the Local Liquor Commissioner is required to hold a public hearing after notice to the licensee, in which the licensee is afforded an opportunity to appear and defend. Pursuant to Section 3-5 of the Downers Grove Municipal Code, this hearing is being conducted by the Local Liquor Commission at the request of the Local Liquor Commissioner."

"The Commissioner has the power to temporarily suspend a license without a hearing if there is reason to believe that continued operation of the licensed business would immediately threaten the welfare of this

community. Such was not done in these cases. The licensee may be represented by counsel, although he need not be for the purposes of this hearing."

Chairman Strelau asked if there was a signed stipulation in this case. Ms. Didier replied yes.

Chairman Strelau made the following statements:

"In view of the stipulation the order of this hearing will be substantially as follows:"

- A. Prosecution will read the signed stipulation into the record with the opportunity for the licensee to register its concurrence or non concurrence for the record.
- B. Prosecution may present any additional evidence in this case with the right of the licensee to cross-examine.
- C. Licensee may present any defense or mitigating evidence with right of prosecution to cross-examine.
- D. Summary of case by prosecution and defense."

"The prosecution should establish that timely notice of this hearing has been provided to the licensee."

"Witnesses shall be sworn."

"Strict rules of evidence will need not be adhered to although the Commission expects to exercise control over the hearing to ensure that irrelevant or repetitive testimony does not unduly prolong the hearing."

"A court reporter is present and will take the proceedings verbatim. Staff is also present for the purpose of summarizing the proceedings."

"The Commission will submit the findings and recommendations to the Local Liquor Commissioner regarding the existence and nature of any violation."

"Upon receipt of the recommendation of the Commission, the Commissioner will render a decision and the licensee will be notified in writing."

Familia Fresh - 2065 W. 63rd Street

Chairman Strelau stated that the next order of business was to conduct a disciplinary hearing for Familia Fresh Market No. 2, Inc. d/b/a Familia Fresh Market located at 2065 W. 63rd Street. She stated that the licensee has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

Chairman Strelau asked that any individual(s) representing the licensee step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Basileos (Billy) Megremis introduced himself as the owner and liquor manager for Familia Fresh Market. Mr. Megremis was sworn in by the court reporter.

Chairman Strelau asked the prosecuting attorney to present her case.

Ms. Didier stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. Familia Fresh Market No. 2, Inc. d/b/a Familia Fresh Market, 2065 W. 63rd Street, Downers Grove, Illinois, is the holder of a Class P-1 Liquor License #LQ-000169, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since September 5, 2013.
2. Notice of this hearing was served upon the Licensee by certified mail to its registered agent and by personal delivery to the manager of the licensed premises.
3. At approximately 6:15 p.m. on Tuesday, May 1, 2018, Downers Grove Police Officer Chapin and Downers Grove Police Officer Lylerly observed M.D., a special agent of the Downers Grove Police Department under the age of twenty-one (21), whose date of birth is October 16, 2000 (making her 17 years old), enter Familia Fresh Market located at 2065 W. 63rd Street, Downers Grove.
4. The special agent retrieved a six-pack of Bud Light beer and proceeded to the checkout counter where Ashley Gracia-Matos was working as a cashier.
5. That cashier Ashley Gracia-Matos, whose date of birth is March 14, 1994, then asked the special agent for her identification.
6. That the special agent produced her valid Illinois driver's license indicating her date of birth as October 16, 2000, and reading "Under 21 until 10-16-21" on the face of the license.
7. That cashier Ashley Gracia-Matos viewed the special agent's driver's license and returned it to her.
8. That cashier Ashley Gracia-Matos rang up the sale charging the special agent \$5.99.
9. That the special agent gave the cashier Ashley Gracia-Matos a \$20.00 bill and received \$14.01 in change.
10. Officers Chapin and Lylerly who witnessed the events in the foregoing paragraphs, identified themselves and advised that the delivery of an alcoholic beverage had been made to a minor.
11. Ashley Gracia-Matos was issued a Village ordinance administrative citation for delivering alcohol to a minor in violation of Section 3-25(a) of the Downers Grove Municipal Code.
12. The Officers advised that notice of further action would be forthcoming from the Downers Grove Liquor Commission.
13. That the Village was made aware that at the time of the sale, cashier Ashley Gracia-Matos did not possess a valid mandatory training certificate in violation of State and local ordinances.

Ms. Didier asked that the signed stipulation be entered into the record as Village's Exhibit #1.

Chairman Strelau accepted the signed stipulation as Village Exhibit #1.

Chairman Strelau asked the licensee to present its case.

Billy Megremis apologized for the violation. He stated that Ashley had only been employed for about 5-6 weeks and advised that management did not tell her that she was not to scan liquor without having a valid BASSETT or TIPS certification. He stated it was a bad mistake by both management and the employee.

Chairman Strelau requested questions from the Commission.

Ms. Flanagan asked how new employees are trained. Mr. Megremis replied they are trained over the course of a few weeks. He noted that the person who trained Ashley mistakenly gave her the ok to scan liquor, although she did not have a valid BASSETT or TIPS certification.

Ms. Flanagan asked how long certified training courses take. Mr. Megremis replied that it can be taken quickly as an on-line course.

Ms. Flanagan asked if Ashley was trained using their procedural manual. Mr. Megremis stated that management was supposed to properly train the employee.

Mr. Megremis noted that it is their policy to check id's of anyone appearing under the age of 40. He stated that they currently have 6-7 employees who scan alcohol and have their valid BASSETT certifications. He stated that they have not had any violations in the past five years in operation. He stated that Ashley fell through the cracks with training. He stated that he operates a few market locations and was not at the Downers Grove store during her training or the violation. He stated that he has stressed the importance of proper training and to make sure management follows their training policies.

Mr. Krusenoski stated that five years without a violation is not impressive as there are licensees with decades without violations. He asked Mr. Megremis if he had a chance to speak with Ashley about the violation and if she gave any reason for selling to the minor. Mr. Megremis replied that Ashley stated her mind went blank when reading the license. He advised that she is from Puerto Rico and did not have the BASSETT training.

Mr. Krusenoski stated that the vertical nature of the license and it reading "under 21 until XX-XX-XXXX" should have been very clear.

Mr. Krusenoski asked if Ashley was still employed at the store. Mr. Megremis replied yes. He stated that she is a good employee and decided to give her a second chance.

Mr. Krusenoski was disappointed and embarrassed that the licensee allowed this violation to occur. He stated that the law requires training and the sale of alcohol is serious business. He stated that managers must create an atmosphere of concern for liquor sales and have a zero tolerance policy when it comes to violations. He stated that it was absurd that this happened.

Ms. Toerpe was concerned about the violation. She asked Mr. Megremis about his certification. Mr. Megremis replied he is BASSETT certified.

Ms. Toerpe asked Mr. Megremis to explain his hiring procedure. Mr. Megremis stated that employees are trained over the course of a month. He stated that all employees must be 21 to scan liquor. He stated that there was no follow through by management in getting Ashley's certification.

Ms. Toerpe hoped that changes will be made to training policies as this is a serious violation and that they now aware that anyone without a valid certification cannot scan alcohol without the proper certification.

Chairman Strelau asked Mr. Megremis if they had other violations in any of their other stores. Mr. Megremis replied no.

Chairman Strelau asked Mr. Megremis how many hours a week he works at the Downers Grove location. Mr. Megremis replied fifty. She asked if he ever noticed that Ashley did not have a valid certificate and was scanning liquor. Mr. Megremis replied no.

Chairman Strelau noted a lack of management concern and noted it was a miracle that this was the first violation. She stated that they have a "too casual attitude" about the importance of training and the seriousness of liquor sales. She stated that there must be consequences for the sale of liquor to a minor.

Ms. Didier summarized by stating that Familia Fresh Market No. 2, Inc. d/b/a Familia Fresh Market located at 2065 W. 63rd Street, has stipulated to a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance which prohibits the sale of alcohol to a minor. She recommended that the licensee be found guilty of a violation.

Upon hearing the evidence presented in this case, Chairman Strelau requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-25(a) of the Downers Grove Municipal Code.

MR. KRUSENOSKI MOVED TO FIND FAMILIA FRESH MARKET NO. 2, INC. D/B/A FAMILIA FRESH MARKET LOCATED AT 2065 W. 63RD STREET GUILTY OF VIOLATING SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MS. TOERPE SECONDED.

VOTE:

Aye: Mr. Krusenoski, Ms. Toerpe, Ms. Flanagan, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

The Motion carried.

V. APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

"The next order of business is to conduct a public hearing for liquor license applications. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial

of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available liquor licenses within 60 days."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) discussion by the Commission, 4) comments from staff, 5) comments from the public, and 6) motion and finding by the Commission."

MOD Pizza - 1022 Ogden Avenue

Chairman Strelau stated that the next order of business was an application hearing for MOD Superfast Pizza, LLC d/b/a MOD Pizza located at 1022 Ogden Avenue. She stated that the applicant was seeking a Class "R-2", beer and wine only, on-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Nicole Levesque, Esq. of Webster Powell and Tracy Sinnott were sworn in by the court reporter. Ms. Levesque introduced herself as the attorney representing MOD Pizza. Ms. Sinnott introduced herself as the district manager for MOD Pizza and acting liquor manager for the Downers Grove location.

Chairman Strelau asked the applicant to present its case.

Ms. Levesque stated that MOD Pizza operates 370 restaurants across the United States, with 18 operating in Illinois. She stated that they serve beer and wine at all of their locations. She advised that the Downers Grove location has under 50 dining seats. She stated that the restaurant is a build-your-own pizza fast/casual dining concept.

Ms. Toerpe asked where the MOD Pizza will be located. Ms. Sinnott replied at the northwest corner of Main and Ogden in a new strip mall development.

Ms. Toerpe asked what percentage of alcohol sales they projected. Ms. Sinnott replied about 5%. She stated that a customer will typically have one drink, as it is primarily fast casual.

Ms. Toerpe advised the applicant of the vertical under 21 identification and warned them of their proximity to the high school. Ms. Sinnott replied that the Naperville location was similar and they do not get many attempted liquor purchase from anyone who is underage.

Ms. Sinnott stated that they walk through procedures with cashiers daily. She stated that cashiers are required to be certified and re-tested every three years. She stated that district managers audit employee certifications every month to ensure they are valid.

Mr. Krusenoski stated that it is always good for an applicant to hear a disciplinary matter. He stated that a violation is not only hurtful to the business, but costly with such a low amount of projected liquor sales. He stated that management should set the culture, tone and tenor of the importance of proper liquor sales. He was glad that there was daily reinforcement of liquor policies.

Mr. Krusenoski asked if they have software that scans driver's licenses. Ms. Sinnott replied no.

Ms. Flanagan asked Ms. Sinnott about her experience. Ms. Sinnott stated that she serves as the district manager and will oversee six stores in the area. She will be responsible for overseeing managers, record keeping, auditing and training.

Chairman Strelau stated that training is only as good as the effort management puts behind it. She stated that every day employees have to know the importance of proper liquor sales. She stated a violation can be costly for a store such as theirs with only 5% in alcohol revenue.

Mr. Krusenoski asked when they are scheduled to open. Ms. Sinnott replied there will be a soft opening on or about July 28th with friends and family events and then a formal ribbon cutting.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks, Certificate of Occupancy and employee certifications.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "R-2" liquor license application.

MS. TOERPE MOVED TO FIND MOD SUPERFAST PIZZA, LLC D/B/A MOD PIZZA LOCATED AT 1022 OGDEN AVENUE QUALIFIED FOR A CLASS "R-2", BEER AND WINE ONLY, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. KRUSENOSKI SECONDED.

VOTE:	Aye:	Ms. Toerpe, Mr. Krusenoski, Ms. Flanagan, Chairman Strelau
	Nay:	None
	Abstain:	None

MOTION CARRIED: 4:0:0

Motion carried.

Orange & Brew - 1027 Burlington Avenue

Chairman Strelau stated that the next order of business was an application hearing for Orange & Brew, LLC d/b/a/ Orange & Brew located at 1027 Burlington Avenue. She stated that the applicant was seeking a Class "WB", beer and wine only, on- and off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Eric Schmidt was sworn in by the court reporter. Mr. Schmidt introduced himself as the president and liquor manager of Orange & Brew.

Chairman Strelau asked the applicant to present its case.

Mr. Schmidt stated that his liquor sales percentages will be about 95%. He stated that Orange & Brew concept is similar to a wine boutique but will feature craft beer in lieu of wine for on-and off-premise consumption site. He stated that they will offer a few wines as well. He stated that he will have eight lines of tapped craft beer which will be available to sample along with offering bottles and cans both for on-premise and off-premise consumption. He stated that they will supply food prepared off premises from The Pinecone Cottage Tea Room and local restaurants.

Chairman Strelau asked staff if there was language for the license classification. Ms. Kuchynka replied that information is on the 2nd page of the staff report. Ms. Kuchynka advised that the Council voted that pre-packaged food items shall be available, but such items do not have to be prepared on the premises.

Chairman Strelau asked if the Cellar Door has the same classification. Ms. Kuchynka replied yes. She stated that Cellar 406 also holds the boutique license. She stated that she has an application on file for Downers Grove Wine Shop.

Ms. Toerpe was excited about the new concept. She asked how the product will be provided. Mr. Schmidt stated that he will be contacting local distilleries and breweries to offer their product in one convenient location.

Ms. Toerpe asked about the training policy. Mr. Schmidt stated that he will train employees in recognizing signs of intoxication, over service, carding procedures and require BASSETT training for all employees. He stated that typically a customer will have 1-2 drinks and take packaged product home.

Ms. Toerpe asked Mr. Schmidt about his liquor handling experience. Mr. Schmidt replied he has been employed in the industry since college, working in fine dining and has knowledge in the craft brewing industry.

Mr. Krusenowski stated that on the application he indicated his present experience and asked if he will cease working at his current job and be present full time at Orange Brew. Mr. Schmidt replied yes.

Mr. Krusenowski asked Mr. Schmidt how many employees he plans to hire. Mr. Schmidt said he will be on premises mostly himself and planned to have three employees.

Mr. Krusenoski asked what the atmosphere of Orange Brew will be promoted. Mr. Schmidt stated that the atmosphere will be like a coffee shop with craft beer.

Mr. Krusenoski asked about the floor plan. Ms. Kuchynka pulled the floor plan up on the large screen. Mr. Schmidt stated that the main entrance will be near the packaged product which are the shelving units located on the west wall.

Mr. Krusenoski asked about the projected opening date. Mr. Schmidt replied August 1st. He stated that he has building plans and permits submitted to the Community Development Department.

Ms. Flanagan had no questions, but was impressed on the continuing training he will have in place to reinforce policy.

Ms. Flanagan asked Mr. Schmidt if he was planning to hire older, experienced workers. Mr. Schmidt replied yes and that they have some craft beer knowledge.

Ms. Pietrucha noticed that Mr. Schmidt lived in Lemont and asked him why he decided to locate the store in Downers Grove. Mr. Schmidt stated that Downers Grove is centrally located and there are no similar business in the area. He stated that he also liked the proximity to the train, the downtown building location and the building's character. He anticipated customers that will be in walking distance from the store.

Ms. Pietrucha asked Mr. Schmidt if he was familiar with the control buy process or had any experience with them. Mr. Schmidt replied that he had seen them done while working in college bars.

Ms. Pietrucha asked if they have concerns with minors trying to purchase liquor. He stated that he does not believe so. He added this will be a family business and they cannot afford any mistakes and will be very cautious.

Chairman Strelau asked if they plan on having beer tastings on site. Mr. Schmidt replied yes and anticipated having some educational pieces as a part of their business.

Chairman Strelau wished Mr. Schmidt luck.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks, Certificate of Occupancy, annual fee, insurance and employee certifications.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "WB" liquor license application.

MR. KRUSENOSKI MOVED TO FIND ORANGE & BREW, LLC D/B/A/ ORANGE & BREW LOCATED AT 1027 BURLINGTON AVENUE QUALIFIED FOR A CLASS "WB", BEER AND WINE ONLY, ON-PREMISE AND OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. TOERPE SECONDED.

VOTE: **Aye:** Mr. Krusenoski, Ms. Toerpe, Ms. Flanagan, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Motion carried.

VI. OLD BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka discussed the month end reports. She stated she is currently processing renewals.

Ms. Kuchynka advised of the Mayor's intent to issue the license for Pierce's Tavern Class O outdoor liquor license.

Ms. Kuchynka advised that Downers Grove Wine Shop located at 1202 F- 75th Street currently holds a Class P-2 off-premise consumption license and has applied for the remaining Class WB license. She stated that the Mayor agreed to an expedited process, as the licensee has held a wine and beer on- and off-premise classification in the past and was seeking to upgrade again. She stated barring any objection, after being placed on file in the Village Clerk's office for a minimum of two weeks, the Mayor may grant the license.

VII. NEW BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka stated that there will not be a July Liquor Commission meeting due to the holiday and lack of quorum. She did advise that there will be an August meeting as she has applications on file.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

Concluding business for the evening, Chairman Strelau called for a motion to adjourn.

Mr. Krusenoski moved to adjourn the June 7, 2018 meeting. The meeting was adjourned by acclamation at 7:25 p.m.

APPROVED MINUTES

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

MINUTES FOR MARCH 5, 2018

Chairman Rickard called the March 5, 2018 meeting of the Plan Commission to order at 7:01 p.m. and led in reciting the Pledge of Allegiance.

ROLL CALL:

PRESENT: Ch. Rickard, Mr. Boyle, Ms. Gassen, Ms. Johnson, Mr. Kulovany, Ms. Majauskas, Ms. Rollins

ABSENT: Mr. Maurer, Mr. Quirk, Ex. Officio members Miller, Livorsi & Menninga

STAFF: Planning Manager Rebecca Leitschuh, Senior Planner Scott Williams, Planner Flora Ramirez, Community Development Director Stan Popovich

Ch. Rickard reminded everyone present to silence any electronic devices during the meeting, and noted that copies of the Agenda are available on the shelves at either side of the Chamber.

VISITORS: Jim Sideris, Interstate Construction, 477 E. Butterfield, Lombard, IL
Tim Benson, 2411 Ogden Avenue, Unit 10
Mark Gagliano, 5901 Woodward Avenue, Downers Grove
Kevin Shields, 3601 N. Runge, Franklin Park, IL
Jason Day, 100 Camelot Drive, Fond du Lac, WI

APPROVAL OF MINUTES: February 5, 2018 meeting

Mr. Kulovany moved, seconded by Ms. Gassen to approve the minutes for the February 5, 2018 meeting.

Ms. Rollins said that the comment attributed to Ms. Gassen on page 5 regarding Condition 9 was made by Ms. Rollins.

The Motion to approve the minutes as corrected passed, with Ms. Johnson and Ms. Majauskas abstaining.

Ch. Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body for the petitions on the Agenda. Staff will make its presentation, followed by the Petitioner. The Commission will raise questions on comment on the petition, and then the public will be given an opportunity to comment. Once the Public Hearing portion of the meeting is closed, the Plan Commission members will deliberate to recommend approval, recommend approval with conditions, or recommend denial of the individual petition. That recommendation

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will be forwarded to the Village Council with the minutes, exhibits and all documentation from the public hearing on the specific petition. The Village Council will make final decisions at a future date. He reviewed the subject matter of the three petitions on the Agenda, and then asked all individuals intending to speak during any of the public hearings to rise and be sworn in.

17-PLC-0014 (Continued from February 5, 2018): A petition seeking approval of a Planned Unit Development, Special Use for a fueling station and drive-through for a restaurant, and an alley vacation. The property is zoned B-3, General Services and Highway Business. The property is located at the southeast corner of the intersection of Ogden Avenue and Belmont Road, commonly known as 2125 Ogden Avenue, Downers Grove, IL (PIN 08-01-405-042). C.M. Lavoie & Associates, Petitioner, and Powermart Real Estate Downers Grove #3, LLC, Owner.

Rebecca Leitschuh, Planning Manager for the Village, introduced Ms. Majauskas as the newest member of the Plan Commission and thanked her for volunteering her service to the Village. Ms. Majauskas responded that she has served on the Zoning Board of Appeals for about twelve years, and is pleased to be serving on the Plan Commission.

Ms. Leitschuh then introduced Flora Ramirez, newest Staff member in the Community Development Department.

Ms. Leitschuh explained that the petition before the Commission relates to property located at 2125 Ogden Avenue seeking approval for a Planned Unit Development, two Special Uses for a drive-through facility for a restaurant and for a filling station, and the vacation of a 20-foot-wide unimproved alley at the south side of the property. The property consists of five lots, which will be consolidated at the time the building permit. Surrounding zoning is M-1 to the north, R-6 to the south, and B-3 to the east and west. Ms. Leitschuh noted that the property is a former gas station with a one-story vacant (around 8 years) commercial building, a vacant car wash facility and a surface parking lot. There are four curb cuts, two on Ogden Avenue and two on Belmont Road, with an unimproved alley that runs along the south side of the property. They are requesting vacation of the unimproved alley to allow for greater flexibility of site design, and adding depth to accommodate setbacks. Ms. Leitschuh noted that a similar petition came before the Commission in November of 2017 and was unanimously recommended for approval to the Village Council; however, after discussions with Council and Plan Commission, the petitioner decided to return to the Plan Commission to revisit a few items. The present petition is predominately the same as was previously submitted with changes to the architectural façade and the entitlements sought. After discussion before Village Council, it was determined that the request should be for a Planned Unit Development resulting in one lot for a comprehensive development, rather than two lots through a subdivision with variations. The special uses sought for a drive-through and fueling station, as well as the alley vacation remain the same. As stated in Staff's recommendation, a condition of approval will require that both buildings be developed concurrently, and that a certificate of occupancy could only be obtained for both buildings at the same time. A similar condition was sanctioned for Walgreens.

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Ms. Leitschuh described the materials that will be used in construction including a composite panel system with a fiber cement board exterior finish imitating brick and natural stone. She explained the two-story convenience store building will now be a one-story building, with a slightly smaller footprint. The restaurant will have a slightly larger footprint, enclosing what was previously an outdoor patio. The petitioner is proposing 23 parking spaces including two handicapped spaces, which surpasses the required minimum of 20 total spaces. Both buildings will share the parking spaces, and stacking for the drive-through and gas pumps is provided as required by the Zoning Ordinance. She displayed slides of the proposed site design, which is close to what was submitted in November. As for access, the petitioner is proposing one full access from Ogden Avenue, and the removal of one curb cut on Belmont Road while maintaining the second as a right-in/right-out turn. Pedestrian connection is provided across the entire site, from Belmont to Ogden. She reviewed site circulation as it meets the requirement of Fire Department and other emergency apparatus and fuel loading apparatus. Garbage pickup and fuel delivery will be restricted to off-hours as described in narrative by petitioner and supplemental letters from contractors. A fully screened trash enclosure will be placed at the southeast corner of the property as required by the Zoning Ordinance.

The petitioner proposes 22 percent open space including the alley, above the 10 percent minimum requirement, and the street yard open space also surpasses minimum requirement, furthering the Comprehensive Plan goals along Ogden Avenue. Staff recommended a condition to provide three shade trees in parking lot islands to conform to Village requirements. Ms. Leitschuh noted that the proposal meets the photometric requirements, and that a six-foot privacy fence is proposed to provide screening for the residential properties. She noted that signage is not part of this petition but will comply with the Village's Sign Code. She showed additional elevation drawings depicting the façade from various viewpoints and the fuel canopy. The restaurant is an L-shaped design, with the north façade facing Ogden Avenue, and explained a more standard building is proposed versus the previous shipping container proposal. She identified an outdoor cooler area to be constructed using the same primary building materials. The drive-through window is located at the east façade of the restaurant. Outdoor seating is under consideration although it requires additional review identical to all outdoor cafes. A second kitchen is proposed to serve as a preparatory kitchen and for larger catering events.

The Comprehensive Plan identifies the site as part of a catalyst site "D5" in the Ogden Avenue Key Focus Areas and recommends aesthetic and functionality improvements. She said that the intention is to serve both neighborhood and regional services. The Comprehensive Plan notes that the area should be redeveloped with attention to pedestrian circulation, reduced number of curb cuts, increase cross access between lots, and enhancement of the overall appearance of the building and through landscaping at what is considered to be an important intersection along the Ogden Avenue Corridor.

With regard to Zoning Ordinance compliance, Ms. Leitschuh referenced the table shown on pages 4-5 of Staff's report dated March 5, 2018, and noted that the proposed development complies with the majority of bulk regulations in the B-3 zoning district,

Plan Commission Meeting March 5, 2018

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although the drive-through setbacks are reduced along the south and east property lines. Staff finds the setback reductions to be a reasonable accommodation because the location is preferable behind the building, enhancing the site's appearance and limits drive-through traffic points of conflict.

Regarding approval criteria, Ms. Leitschuh said that Staff finds that the proposal meets the standards for a PUD, Special Use and Alley Vacation as outlined in its report of March 5, 2018, pages 6-9. The Village policy regarding alley vacation is to secure written consent for at least two property owners who abut the alley. This criterion has not been met, however, State law allows for the Village Council to determine the efficacy of the requested vacation. She noted that the petitioner provided an appraisal report for the alleyway prepared by Argianas & Associates, Inc., in August of 2017 stating the value of the alley as \$5,000. The petitioner is offering an amount higher than the appraised value at a final value of \$10,000. If the vacation is approved, there will be an easement placed upon that portion of the alleyway stating that no structure can be placed upon it.

Ms. Leitschuh said that Staff recommends approval of the requested PUD, Special Uses, and Alley Vacation, subject to 8 conditions listed on page 10 of Staff's report dated March 5, 2018.

Ms. Gassen understands it is not necessary to secure abutting property owners consent per state code, but asked what was the impression or understanding of the abutting property owners, and whether they understand that their consent is not required. Ms. Gassen questioned whether these property owners think their consent is required for the vacation to be approved, and if so perhaps that is why we are not seeing them at the meeting. She was curious what the notification process is and do the neighboring properties know we don't need their consent for Council to approve the vacation request. Ms. Leitschuh said she has not independently reached out to the property owners that this has the ability to be vacated without their consent. She said staff sent out mailers for the public hearing and received no inquiries, having received two inquiries for the previous petition. At the end of the day she does not know what decision Council will make regarding the policy.

Mr. Boyle raised a question regarding one of the site plans showing new sidewalk where the old curb cuts currently are, and whether the existing sidewalk wrapping around the corner of Ogden and Belmont will remain, and whether it will still open onto Ogden and Belmont for pedestrian access across the streets. Ms. Leitschuh said any current sidewalk connection for someone to cross the street will have to be replaced or remain if in acceptable condition. Mr. Boyle reiterated he wants people to continue to have the opportunity to cross Belmont and Ogden since the one site plan neglected to show the street cut for the sidewalk.

Ch. Rickard said he understands that the alley vacation meets the state ordinance and that the Village Council will make the final decision regarding the vacation policy, however, he clarified that the southern property owner was notified about the meeting with a description of what was under consideration and was invited to attend. That owner was given all proper notices, but that Staff did not specifically have a

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conversation with them that it could be vacated without his approval. Ms. Leitschuh said that was correct, and elaborated on the public notification process: highly visible public hearing signs were placed on the subject property, each individual surrounding property owner within 250' of the subject property received a direct mailing talking about the agenda item, a location map, and description of proposal in more layman's terms. She referred follow-up to the petitioner, but said the petitioner sent site plans to some of the properties in attempt to make contact. Staff keeps track of any mailers that did not make it to the taxable billing address, so if someone says they were not noticed, we can follow up. Mr. Kulovany asked if the neighbors were notified of the meeting last year, and were notified again about this meeting. Ms. Leitschuh responded yes. Ms. Gassen said she understood the notice process, but that she is concerned the abutting property owners do not understand their consent is not required. Mr. Kulovany further asked for clarification that the vacation process is a policy, not an ordinance. Ms. Leitschuh responded yes.

There being no further comments at this time, Ch. Rickard called upon the petitioner to make its presentation.

Mr. William McLaughlin, Chief Operating Officer for Powermart at 572 W. Lake Street, Elmhurst, stated he represented the Petitioner, and had no formal presentation as Staff covered most of the items. He did have clarification regarding neighbors' consent, stating that they received consent from the neighbor to the east, as well as a signature from one of the Board members of Creekside Condo Association. Chris Lavoie has had numerous conversations with the neighbor to the south, and the site plan and drawings were given to that neighbor. He was unaware whether the neighbor was informed that his consent was necessary for the vacation, but have had numerous conversations.

Ch. Rickard clarified with Mr. McLaughlin that they have consent from one property owner to the east, and one Board member from the condominium association but that does not qualify per the vacation policy. Ms. Leitschuh verified that the property to the east does not abut the alley so it does not qualify, and the consent from the Board member does not serve as the second homeowner's approval. Mr. McLaughlin added that the condo building has only 5 condo owners with 2-3 board members. Ch. Rickard added that he wanted to identify the consent provided did not qualify under the alley vacation policy.

Mr. Kulovany asked whether northbound traffic on Belmont would have to take a 175-degree turn to get into the drive-through. Will there be a traffic arrow indicating the turn? Mr. McLaughlin said that is correct. Mr. Kulovany asked if the turn was a concern. Mr. McLaughlin said they reviewed this with their Civil Engineer and there are no concerns. Mr. Kulovany said he trusts they will provide the pavement markings.

Mr. Boyle asked what caused the change in the materials being used, and Mr. McLaughlin said part of that decision was cost. He noted that the general contractor was present to address that question.

Jim Sideris of Interstate Construction in Lombard said the original intent for this project was to build it out of shipping containers, with issues of longevity, the environment and

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climate for the area. They chose to go with a design that was a more traditional product. He passed out material samples while describing the materials of choice as a more advanced technology with metal studs, preinsulated with a rating of R-31, receiving an energy star qualification. The material is made in Kenosha, WI and shipped to Chicago, and is commonly used around the country in structures up to 6 stories, mixed use housing, and currently a hotel by Midway Airport is using same pre-fabricated system, assembled by carpenters. The exterior is a Nichiha fiber cement board system that appears to be real stone and brick, however it will appear the same in fifteen years from now. He provided further details about its durability and long-term wear. Ch. Rickard clarified that the exterior of the building is not masonry, but appears as such, using different textures and patterns but 100 percent fiber cement board.

Mr. Boyle asked about the change of entitlement process to PUD. Ms. Leitschuh responded that it was previously a subdivision request for two lots instead of one with variations because of the site configuration. Mr. Boyle said as a PUD the two separate businesses will run as one development, and the certificates of occupancy and construction will run in conjunction with each other, also helping to alleviate previous concerns including a shared dumpster issue previously identified.

There being no further comments, Ch. Rickard called upon the public for any comments or questions. There were no comments.

Mr. McLaughlin said they are looking forward to developing this property and bringing some beauty to that corner, and thanked the board for their consideration.

Ch. Rickard closed the opportunity for further public comment.

Ms. Majauskas commented that whether the neighbors were or were not in favor, they had the ability to attend the meeting and they did not. Whether they personally were involved in asking questions or not, everybody had the notice to come here and nobody is here.

Ms. Rollins said she was not at the meeting in November but she read the minutes and she thinks this is an improvement and appreciates the thought about the building from the first time around.

Ms. Gassen said her concern is that the owners might believe their consent is required in order for the alley to be vacated. She supports the proposal, but she hopes Village Council will take the neighbors into consideration because it sounds like the Village has never done this before without neighbor consent, to which Ms. Leitschuh stated it had happened. Ms. Gassen said she is happy with the improvements made, and from her recollection of the last proposal, many challenges resulted from the two lots, and that it makes a lot more sense as a PUD and one lot.

Mr. Kulovany said he supports the petition and it meets the requirements of the PUD, Special Use and Zoning Map Amendment regulations. He likes that it is being improved after so many years, using better looking buildings and is pleased that they are using a more durable material, improving the appearance of that corner. He said it currently is

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an eyesore, and is a tough site, narrow, and the drive-through is what it is because of the limited space, and he wants to see the business succeed.

Ms. Gassen moved with respect to Petition 17-PLC-0014 that the Plan Commission recommend that the Village Council approve the request for a Planned Unit Development, Special Use for a fueling station and a drive-through for a restaurant, and an alley vacation subject to the conditions listed on Page 10 of Staff's report dated March 5, 2018. Mr. Kulovany seconded the Motion.

**AYES: Ms. Gassen, Mr. Kulovany, Mr. Boyle, Ms. Johnson,
Ms. Majauskas, Ms. Rollins, Ch. Rickard**

NAYS: None

Motion carried unanimously.

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18-PLC-0002: A petition seeking approval of an Annexation and Zoning Map Amendment to R-3, Residential Detached House 3, for a vacant parcel. The property is in unincorporated Downers Grove, and would be automatically rezoned R-1, Residential Detached House 1 upon annexation. The property is located at the southwest intersection of Boundary Court, Boundary Road, and Lee Avenue, unincorporated Downers Grove, IL (PINs 09-18-305-018 & -019). Mark and Sheri Gagliano, Petitioner and Owner.

Ms. Rebecca Leitschuh, Planning Manager for the Village, stated that the petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1 Residential Detached House 1 to R-3, Residential Detached House 3, upon annexation, under VODG Section 28.12.030. She displayed the Plat of Survey for the subject site that consists of two vacant parcels that will be consolidated for single-family construction. Because the petitioner is requesting rezoning differently than the default zoning upon annexation, this is being brought before the Plan Commission, otherwise it would only go before Village Council. Surrounding annexed properties are R-1 or R-3, both of which are single-family zoning classifications. R-1 is the default zoning assigned to a property upon annexation. The unincorporated areas are zoned R-4, similar to the Village R-3 zoning designation.

The petitioner in this case is requesting that the property come into the Village as R-3, rather than the default zoning. R-3 zoning would bring the property into the same zoning classification as neighboring properties to the east, which is more compatible with the subject property dimensions. Staff described the surrounding uses, bulk trends, and district standards. Staff agrees that R-3 zoning is the appropriate classification for the property.

Ms. Leitschuh stated that based on the findings in Staff's report dated March 5, 2018, Staff recommends that a positive recommendation be made to the Village Council by the Plan Commission, with conditions 1-5 as stated on page 5 of Staff's March 5, report.

Mr. Kulovany said Staff's report talks about the improvements including extending Boundary Road up to twenty feet southwest of the end of the proposed driveway,
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matching the width of existing pavements at no cost to the Village, approximately 75 feet in total per the petitioner's letter. He asked if the Village has any minimum requirements for how long a road has to be extended in front of a property. Ms. Leitschuh replied that Public Works Staff has met with the petitioner to make them aware of the expectations, so the homeowners would know what financial costs would be associated with building a home on the property. She explained it was to provide extra room for a turnaround and for a snow plow, relocating the guardrail so as to not block their driveway or anyone else's.

Ms. Gassen said the extension of the road appears to be parallel and very close to the walking path, and she asked if the walking path would remain saying that was her preference. Ms. Leitschuh replied that she was unsure but she assumed it would remain because the removal of the sidewalk was not discussed during the review process.

Ch. Rickard called upon the petitioner to make its presentation.

Mr. Mark Gagliano of 5901 Woodward Avenue said he was the petitioner for this property. He said they have no intention to have the sidewalk removed, and it is not on their property. He thanked the Plan Commission for considering their request.

There were no questions or comments from the Plan Commission to the petitioner.

Ch. Rickard called upon input from the public on this petition. There being none, he closed the public hearing.

Ms. Gassen asked if they are recommending only the rezoning, or the annexation as well. Ms. Leitschuh replied they are making the recommendation on the Zoning Map amendment.

Ms. Gassen moved in case 18-PLC-0002 that the Plan Commission forward a positive recommendation to the Village Council for the Zoning Map Amendment subject to the conditions listed on Page 5 of Staff's Report dated March 5, 2018. Mr. Boyle seconded the Motion.

AYES: Ms. Gassen, Mr. Boyle, Ms. Johnson, Mr. Kulovany, Ms. Majauskas, Ms. Rollins, Ch. Rickard

NAYS: None

Motion passed unanimously.

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18-PLC-0003: A petition seeking approval of a Zoning Map Amendment to rezone a portion of the property from M-1, Light Manufacturing to O-R-M, Office-Research-Manufacturing and a Final Plat of Subdivision. The property is zoned O-R-M, Office-Research-Manufacturing and M-1, Light Manufacturing. The property is located at the northwest corner of Warrenville Road and Finley Road, commonly known as 2200 Warrenville Road, Downers Grove, IL (PINs 08-01-400-004, 08-01-400-006 and 08-01-201-006). Green Bay Packaging, Petitioner and Arbor Vista, LLC, Owner.

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Mr. Scott Williams, Senior Planner for the Village, said the subject property is located at the northwest corner of Finley Road and Warrenville Road, which are both County roads. He said the property is vacant and prior to August of 2016 was zoned M-1 Light Manufacturing. It is presently zoned O-R-M, Office-Research-Manufacturing. The petition is proposing the construction of an approximately 166,319 square-foot warehouse and distribution facility for Green Bay Packaging. He showed a slide of the subject property, and proposed layout. The office area will be located in the northwest corner of the building so passenger vehicle parking will be located on the western side of the building, with truck parking on the east side. He noted that there were two types of paving material for the property for parking and pedestrian walkways.

Mr. Williams displayed the landscaping plan, which shows landscaping on all four sides of the site, with a total of 170 trees that meet or exceed the landscaping and screening requirements. The applicant has also submitted a Fire Department truck and semi-trailer turning radius to show that both types of vehicles can navigate the site. The petition has been granted preliminary approval from the DuPage County Department of Transportation.

The Village's Comprehensive Plan states that negative impacts on residential areas should be mitigated; however, there are no nearby residential uses. The north side of Warrenville Road has similar combinations of office and light industrial uses and large scale uses should be located in the tollway corridor. The proposed use and the proposed plan is consistent with the Comprehensive Plan.

Mr. Williams stated that Staff recommends a positive recommendation to the Village Council subject to the four conditions on page 5 of Staff's report dated March 5, 2018.

Ch. Rickard asked for clarification that the only things being recommended are the zoning reclassification and the lot consolidation. Mr. Williams said that was correct.

Mr. Kulovany asked if Staff knew what the congestion rating was for that intersection and Ogden Avenue, and Mr. Williams said he did not have information as to the level of service for that intersection.

Mr. Boyle said it appears to be a similar use to what was previously on that site.

Ch. Rickard called upon the petition to make its presentation.

Kevin Shields of 3601 N. Runge, Franklin Park, IL made a brief presentation about Green Bay Packaging. They are family-owned third generation and began their company in 1926. They are a fully integrated company and are one of the largest timberland owners in the country. He resides in Downers Grove and is happy that they have such a good location in the Village. Their total sales are \$1.7 billion with 3500 employees. There will be 32 employees at the Downers Grove location. Mr. Shields said they are primarily a Midwest company. They hope to make the Downers Grove location their showroom location, and have their graphics staff present at that location. This location in Downers Grove provides great exposure along the highways as well. They

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have been looking for a new location for a few years, and Downers Grove suits their needs.

Ms. Johnson said their report said they expect about a total of 35 employees and asked about future growth opportunities. Mr. Shields said they intend to expand the number of employees a little bit by including their graphics and design staff here as well. Mr. Kulovany asked about shift hours. Mr. Shields said their shift hours are usually 5 AM to 5 or 6 PM.

Ms. Rollins inquired into the difference between the anticipated number of employees and the required number of parking spaces. As for the parking, they have more than is necessary for the 32 employees. Mr. Williams clarified that the amount of parking is required based upon the square footage of the building. Ms. Rollins expressed concern with the stormwater implications. Mr. Williams stated the passenger vehicle parking will paved with permeable material. Ms. Leitschuh clarified that it allows for accommodating a long-term future user.

Mr. Kulovany asked if they are installing permeable pavers or permeable concrete.

Mr. Jason Day of Excel Engineering, Jason Day, 100 Camelot Drive, Fond du Lac, Wisconsin, said they are still working with the contractor to make the final decision as to the pavement. The sidewalks would be pavers. He thinks they are leaning toward permeable concrete with required sub-base drain tiles for the employee parking.

Ms. Leitschuh said that their Civil Engineer would be working with the Village's Public Works Staff to make sure that they provide the best surface for the site.

Ch. Rickard pointed out that the recommendation from the Plan Commission is for zoning reclassification and lot consolidation.

Mr. Boyle asked if the Nicor parcel is also part of the acquisition. He was told that it is. Ch. Rickard called upon the public for any comments or questions regarding this petition. There were none. The petitioner had no additional statements.

Ch. Rickard closed the public portion of the hearing.

Ms. Johnson said she saw no problem with the rezoning or resubdivision. This petition should not have a significant impact on traffic based on the use and the turning restriction emplaced by the county. She expressed support for the petition.

There being no further comments from the Commission, Ch. Rickard called for a Motion.

Mr. Kulovany moved with respect to 18-PLC-0003 that the Plan Commission forward a positive recommendation to the Village Council for approval of the Zoning Map Amendment from M-1 Light Manufacturing to O-R-M Office-Research-Manufacturing, and resubdivision from three lots into one lot. Ms. Johnson seconded the Motion.

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AYES: Mr. Kulovany, Ms. Johnson, Mr. Boyle, Ms. Gassen,
Ms. Majauskas, Ms. Rollins, Ch. Rickard

NAYS: None

Motion carried unanimously.

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There being no further business, Ch. Rickard called for a Motion to Adjourn.

**Ms. Gassen moved to adjourn the meeting, seconded by Ms. Majauskas.
The Motion carried unanimously by voice vote.**

Ch. Rickard adjourned the meeting at 8:30 PM.

Respectfully submitted,

Tonie Harrington,
Recording Secretary
(transcribed from mp3 recording)

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

MINUTES FOR MAY 7, 2018

1. CALL TO ORDER:

Chairman Rickard called the May 7, 2018 meeting of the Plan Commission to order at 7:00 p.m. and led in reciting the Pledge of Allegiance.

2. ROLL CALL:

PRESENT: Ch. Rickard, Mr. Boyle, Ms. Gassen, Mr. Kulovany, Ms. Majauskas, Mr. Maurer, Mr. Quirk, Ms. Rollins

ABSENT: Ms. Johnson, Ex. Officio members Miller, Livorsi & Menninga

STAFF: Planning Manager Rebecca Leitschuh
Sr. Village Planner Scott Williams
Director Community Development Stan Popovich

Ch. Rickard reminded everyone present to silence any electronic devices during the meeting, and noted that copies of the Agenda are available on the shelves at either side of the Chamber.

VISITORS: Elaine Kindt, Kindt & Assoc., 1325 Chapman, Darien
Michael Hansen, Watermark Engineering, 2631 Ginger Woods, Aurora
Pete Walsh, Walsh Development, Inc., 4353 Hampton, Western Springs
Kim Heller, Baird & Warner, 724 Ogden, Downers Grove
M. Crowell, Lemont
Kathleen Turza, Baird & Warner, 724 Ogden, Downers Grove
Michael Mueller, 1 N 174 Northway Drive
Mary Braatz, 5928 Carpenter, Downers Grove
Patti Gibbons, Baird & Warner, 724 Ogden, Downers Grove
William Ponstein, 6012 Hillcrest, Downers Grove
Jim Krusenoski, 853 Maple, Downers Grove
Richard Samonte, 6025 Osage, Downers Grove

3. APPROVAL OF MINUTES: March 5, 2018 meeting

Mr. Kulovany asked that on page 10 in the second paragraph the "e" in the spelling of his name be removed.

Ms. Gassen moved, seconded by Mr. Kulovany to approve the minutes for the March 5, 2018 meeting as corrected.

The Motion to approve the minutes as corrected passed, with Mr. Quirk abstaining.

Ch. Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body for the petitions on the Agenda. On the Agenda are two public hearings, and a discussion on Plan Commission meeting formats. Staff will make its presentation, followed by the Petitioner. The Commission will comment on the petition, raise questions to Staff and/or the Petitioner, and then the public will be given an opportunity to comment. Once the Public Hearing portion of the meeting is closed, the Plan Commission members will deliberate to recommend approval, recommend approval with conditions, or recommend denial of the individual petition. That recommendation will be forwarded to the Village Council with the minutes, exhibits and all documentation from the public hearing on the specific petition. The Village Council will make final decisions at a future date. Ch. Rickard reviewed the subject matter of the two public hearing petitions on the Agenda, and then asked all individuals intending to speak during any of the public hearings to rise and be sworn in.

4. PUBLIC HEARINGS

18-PLC-0012: A petition seeking approval of a Planned Unit Development, a Zoning Map Amendment from R-1, Residential Detached House 1 to R-5/PUD, Residential Attached House 5/Planned Unit Development, and a Final Plat of Subdivision, to construct a 13 unit townhome development. The property is currently zoned R-1, Residential Detached House 1. The property is located on the west side of Fairview Avenue, between 60th and 61st Streets, commonly known as 6000 and 6014 Fairview Avenue, Downers Grove, IL (PIN 09-17-405-010). Kindt and Associates, Petitioner and John Gray, Owner.

Village Senior Planner Scott Williams described the request before the Commission for a Planned Unit Development on a 2-1/2 acre parcel located on the west side of Fairview Avenue. The petition is to construct 13 townhomes on Fairview between 60th and 61st Streets. He provided a detailed description of the petition as noted in Staff's Report (the Report) dated May 7, 2018, pages 1-11, which contains Staff's review of the Petitioner's application related to its compliance with Village Ordinance requirements. The site is located directly across from property on the east side of Fairview that belongs to the Village of Westmont.

The subject property contains two detached houses. The dimensions of the property are 536 feet wide by 202 feet deep, and the site will contain the

entire residential subdivision. The stormwater drainage area will be located in an out lot. There is also a 10' easement over the storm sewer line as noted in Staff's Report. The site plan depicts the required setbacks based on the lot width, as well as the PUD elements that the Petitioner is requesting. Mr. Williams described rain gardens that will eventually drain into the outlot for stormwater control. There will be two full access points off of Fairview as a private road, and that roadway will have permeable pavers. Displaying the landscape plan, Mr. Williams said the Petitioner would be adding street trees along the right-of-way on Fairview. The five multi-family buildings will be located on one lot of record. Mr. Williams displayed photographs of the proposed elevation for the buildings under consideration. He explained that the Petitioner's proposal is for 13-unit townhomes in five separate buildings. Each unit will have at least three bedrooms with an optional fourth bedroom on the 2nd floor.

Mr. Williams described the property as zoned R-1 Residential Detached House 1, with a mix of R-1, R-2 and R-3 surrounding single-family residential zoning. The Village of Westmont is located directly across to the east on Fairview. Mr. Williams said he spoke with the Planner there and the single-family homes in Westmont across from the subject property are R-2 single-family detached housing designation. The Village of Downers Grove's Future Land Use Plan describes the subject property as single-family detached residential housing. Mr. Williams further explained that the Village's Comprehensive Plan (recently adopted in June of 2017) identifies the subject site as single family detached residential in a modified grid pattern as shown in Staff's Report. The petitioner has requested a change in zoning to R-5/PUD (Residential Attached House 5/Planned Unit Development) to allow the proposed townhome construction. Mr. Williams noted that the Village's Future Land Use Plan depicts the property as single-family detached. The Comprehensive Plan also identifies single-family detached homes as the predominant land use for that site. One of the goals expressed in the approved Comprehensive Plan is to preserve and enhance single-family neighborhoods.

With regard to the zoning criteria, Mr. Williams pointed out that all of the surrounding land uses are single-family detached residential uses. The Zoning Ordinance does allow for a single-family subdivision proposal. Staff believes the proposal changes the character of the neighborhood and does not serve the purpose as a transitional zoning area. He noted that, as stated in Staff's Findings of Fact on pages 7-9 of the afore-mentioned Staff Report, the proposal as submitted is not consistent with the Comprehensive Plan, the Village's Land Use Plan or the Plan's Residential Area Plan.

Mr. Williams stated that the proposed PUD, rezoning, and plat of subdivision is not compatible with the Comprehensive Plan, the Future Land Use Plan and the Residential Area Land Use Plan, the Zoning Ordinance or the

Subdivision Ordinance, and the proposal does not provide additional public benefits that PUDs should provide. Based on its findings, Staff recommends denial of the proposal

Mr. Quirk asked a question about a slide stating that “welfare” was not met. Planning Manager Rebecca Leitschuh said that the zoning law term “welfare” refers to respecting existing laws and maintaining norms within a community, such as the compatibility of a use with other uses in a specified area in addition to environmental degradation.

Mr. Kulovany referenced comments he made via email. He asked whether Staff would be in favor of the petitioner changing the request to either R-2 or R-3 zoning. Mr. Williams replied that they have an out lot to consider, as well as stormwater drainage, with additional analysis needed. Mr. Kulovany asked whether the lots would support the required onsite stormwater detention under the current requirements. Mr. Williams said he did not know, but based on the lot dimension they could currently have five single-family zoning lots at 100 feet wide with room for an outlot. Ms. Leitschuh said that was not the item under review, and that they really don’t know whether it would comply without reviewing plans, although everything must comply with the stormwater ordinance.

Mr. Kulovany then asked about the input from Westmont citizens and whether it should be considered by Plan Commission. Mr. Williams replied yes, and that he has received calls from Westmont residents. Ch. Rickard added that Westmont residents who reside within 250’ of the property received legal notification of this petition and they have the right to be heard. Ms. Leitschuh said the Village can take their testimony into account and wants surrounding uses to be compatible according to the Comprehensive Plans; however, the Village does not regulate over Westmont.

Mr. Kulovany inquired as to how many dwelling units in the Village are zoned R-5 or R-5A. Ms. Leitschuh responded that there are about 800 parcels zoned R-5 or R-5A, ranging from 2 to 600 dwelling units (Oak Trace). Mr. Kulovany then addressed page 41 of the Comprehensive Plan, which discusses the need for multi-family living for empty nesters, younger families and seniors. He asked whether Staff feels there are enough R-5 or R-5A properties that meet that zoning in Downers Grove. Mr. Williams and Mr. Leitschuh both replied there is no way to adequately answer that question as it would require a full housing analysis conducted by a private entity. The Comprehensive Plan is a high level document that spells out certain goals identified through the planning process, but the requested level of analysis does not currently exist.

Mr. Quirk raised a question regarding Standard 3 on pages 8 and 9 of Staff’s Report, which Staff stated has been met about property values. Ms. Leitschuh

thanked him for ensuring consistency in the report and presentation, and said this is one of seven special items under consideration, not all of them having to be met. It is one element of the various elements to be considered in the overall request. Mr. Quirk then asked whether Standard 5 is or is not met, to which Ms. Leitschuh said it doesn't apply to this specific request and is not relevant to the specific petition.

Mr. Quirk brought up the subdivided vacant land to the north and overall implications for modernizing the housing stock and the impact on housing values along Fairview Avenue. Ms. Leitschuh said Staff couldn't speak to the properties to the north that have already been subdivided, as there are many different components to be considered. For the specific subject property, Staff said that the uses as identified by the recently updated Comprehensive Plan are still identified as single-family detached single-family residential uses.

Ms. Rollins raised a question about setbacks, and Mr. Williams explained that the R-5 designation is a function of lot width and is less restrictive than the existing R-1 residential zoning. Mr. Williams said they are looking at this proposal as one lot under the PUD process, and the proposed side setbacks represents a PUD deviation.

Ms. Leitschuh noted when identifying a street yard (front yard), it is the area that fronts or runs parallel to the street, while the rear yard would be directly behind the property, opposite the front yard. However, in this situation what ends up being a side yard by definition is actually serving as the rear yard for two of the five buildings. That is why they are coming in with a PUD with an irregular building arrangement.

Mr. Maurer clarified that the rear yard of two of the buildings abuts the side yards of adjacent properties due to the location of the private street. Mr. Williams also discussed the R-5 bulk requirements and there is no maximum limit to the side setback requirement.

Mr. Quirk asked whether other lot reconfigurations were presented to staff and reviewed. Mr. Williams mentioned one particular proposal had internal side lot lines between the buildings. Ms. Leitschuh followed by stating the applicant could address this question better. Ms. Rollins sought clarify on staff's involvement at the review stage.

Mr. Quirk followed about the density of a nearby multi-family development.

Mr. Boyle raised a question as to Item (6) on page 9 of Staff's Report and how the value to the community was determined, whether it is based on the monetary value or zoning. Mr. Williams replied it is based on zoning and the Comprehensive Plan's attempt to have a harmonious interaction among the land uses. Ms. Leitschuh said it is not just about the use itself, but also about

the use in proximity to its location. There is no disagreement that multi-family is valuable as a housing option for the community; however, for this particular location, per the appropriately zoned uses, the area is still solely surrounded by single-family residential. The use is not compatible with the surrounding uses and the guiding regulations of the Comprehensive Plan and the Zoning Ordinance.

There being no further comments for Staff at this time, Ch. Rickard called upon the petitioner to make its presentation.

Petitioner, Ms. Elaine Kindt of Kindt & Assoc., 1325 Chapman, Darien, reviewed the request before the Plan Commission. She noted that the development is being named in honor of former Village Mayor Clyde Absher who served as a commissioner from 1944-1947 and as Mayor from 1947-1955. Ms. Kindt said she has been involved in developing over 400 homes and is a 4th generation builder. Their proposal is to construct 13 townhomes with permeable pavers and a private driveway, and each home will have front and rear porches. She described the materials used for the construction of the townhomes including natural stone and architectural shingles, noting that sample materials were available for the Commission's review. The townhomes have master bedrooms on the first floor with options for a fourth bedroom on the second floor. This provides an option for families with aging parents who can occupy the first floor area bedroom. The first floor is open concept. She quoted the price level as between \$550,000-\$575,000.

Ms. Kindt said that they believe their project meets the requirements and goals of the Comprehensive Plan. She said she understands that Staff does not believe this project meets Village standards; however, Ms. Kindt opined that the Comprehensive Plan addresses the need for this type of housing in the Village. Eighty percent of residential properties in Downers Grove are owner-occupied single-family homes. Single-family residential areas must remain flexible and consider context. There may be situations where single-family attached and multi-family uses may be appropriate within single-family detached areas. For example, street frontage, lot depth and the presence of neighboring non-residential uses should be considered on a case-by-case basis for other types of compatible residential development. In addition, the senior population will see the largest increase with ages 65-74 growing by 25% and ages 75 and up by 16%. The largest increase of households is projected to occur among households aged 55 to 74.

The Petitioner continued stating that the age and income shifts projected to occur among the Village's household population might have an impact on the local demand for a range of housing products. The number of households in the 35-54 year-old age is decreasing and the empty nester household is growing. Typical empty nester households comprise a significant proportion of those purchasing multi-family units. The anticipated growth in the Village's

household population over the age of 55 may be accompanied by an increased demand for multi-family housing products. Ms. Kindt emphasized that the Land Use Plan is a general guideline for growth and development within the Village and provides a foundation for further decision-making and is not a site development plan. While the detailed document provides specific guidance on land use decisions, it is also intended to be sufficiently flexible to accommodate unique or compelling circumstances, and the consideration of creative approaches to developments that are consistent with the overall policies and guidelines in the Comprehensive Plan. The petitioner noted that multi-family residential areas provide a wider variety of housing options to Village residents, especially to young households, empty nesters and senior citizens, all of which have been identified as a growing market in the Village. Multi-family residential developments are commonly found along arterial streets and often provide a transitional land use between single-family residential units and commercial uses. The Petitioner quoted an article from the 1978 Downers Grove reporter on the passing of former Mayor Clyde Absher, for whom this development is being named.

Mr. Quirk asked regarding the configuration of the lots and other plans. The applicant discussed a different Plat of Subdivision arrangement with a lot based on the foundation footprint of the unit. Mr. Quirk highlighted the biggest deviation is the side setback. Ms. Leitschuh responded that the first version submitted by the Petitioner had independent lots for each building with frontage to a public road. The Village no longer allows the creation of private roads because of ownership and maintenance issues. She referred to the site plan showing a public right of way (Fairview) that disconnects an entire development from their detention basin. It results in an island of private detention completely surrounded by public Village land. In an effort to not create this island, the development would lose its legal frontage to Fairview. The location of the detention basin is complicated, and that is why they chose one development with all stormwater services connected and one PUD for one lot. A later version submitted by the petitioner creates legal lots around the footprints of the homes. Ms. Leitschuh explained that this did not meet any subdivision dimensions, but the applicant could later obtain PINs from the County for each individual housing unit.

Mr. Kulovany asked under this configuration whether the ownership would be considered condominium. Ms. Leitschuh replied that it is one main lot with multiple owners, under County taxing with legal ownership of the building. It would not include subdividing of the land. Ms. Majauskas asked whether they are condominiums or townhomes and the Petitioner stated that each individual home would have its own individual PIN number and ownership. Ch. Rickard said they are actually proposing two lots, one of which is for the PUD and 13 townhomes, and the second lot for the stormwater. Ms. Leitschuh explained that there would be two legal descriptions, one for each lot as regulated by the Subdivision Ordinance. In the case of a duplex, the

two owners would each have a separate PIN number for their duplex, which is how the County assesses the tax for the property. How the Petitioner will split the proposed buildings for this site is not something that the Village is involved in, but relates to how the County assesses it.

Ch. Rickard said the Plan Commission and Village look at zoning issues, whether the zoning class, configuration and use is appropriate to the area. The physical description of the development including number of bedrooms, materials used, floor plans, etc., does not matter. This is a zoning and a use issue, and an issue regarding the PUD site plan.

Ms. Majauskas clarified that it would be one lot with multi-family housing with the common areas divided however they choose to do so, and the second lot would be the detention area.

Ms. Leitschuh said when you create multi-family lots out of one lot, you would create a separate outlot for stormwater use.

Mr. Quirk stated one lot simplifies ownership/responsibilities, but wanted to discuss a configuration with smaller lots leading to a less restrictive side setback requirement. He also highlighted the design and architectural style as it relates to housing values. Ch. Rickard responded by focusing on the plan and how it relates to the criteria.

Mr. Boyle inquired if the owner was available and if they considered other uses for the property. Ms. Kindt responded they had, but the current layout and site plan makes the most sense based on stormwater considerations. She also mentioned that other builders had looked into a single-family development and determined it was not feasible.

Mr. Boyle asked about the stormwater infrastructure requirements for a potential single family development. Ms. Leitschuh emphasized an outlot detention would still be required.

Ms. Majauskas asked what would be the highest number of residences that could be placed on the property if this property were to remain single-family zoning. Mr. Williams answered with based on 100' width, five would be the maximum.

Mr. Kulovany added that if the Plan Commission were asked to change the zoning to R-2 they could put six 85' lots in, or seven lots in R-3, and he wondered why the Petitioner chose not to stay within the residential zoning. The Petitioner replied that this was the type of home that is being sought in Downers Grove.

There being no further comments, Ch. Rickard called upon the public for any comments or questions.

1. Richard Samonte, 6025 Osage has resided in Downers Grove since 1962. He asked what will separate the townhomes from the adjacent lots, and whether the Petitioner will install a fence. He was informed that there is currently no fence planned. Mr. Samonte then asked whether the Petitioner has done any time studies of middle-school children cutting through that property to get to O'Neill School. Staff said no such study has been done. Mr. Samonte said the Petitioner would be interested to find out the kind of movement that takes place there, especially as it deals with middle-school-aged children. He asked that some sort of fence barrier be placed between the townhomes and the single-family residences that abut the development. He believes there is usually an 8' fence limitation. Mr. Williams said since this is residential zoning, the maximum is 6' height for fencing. Mr. Samonte suggested higher than 6'. He asked what approximate tax revenue would come out of this development and Mr. Williams said they did not know that at this time.

Ch. Rickard said at this level that information is probably not been gathered yet. This proposal will go before the Village Council at a later date. Mr. Samonte said he asked that question because he was a past School Board member and his daughter is on the School Board now. Ms. Leitschuh replied that Staff is happy to answer all the questions that will be posed, however, she suggested that Staff keep a rolling list of the questions raised and they will respond to those questions. As to school donations, anytime there is new residential housing added, there will be required school and park donations, totaling about \$53,000 for District 58, \$21,000 for District 99, and \$105,000 for the Park District. She noted that an ex-officio member said he would be in support of the proposal for the additional tax donation.

2. William Ponstein of 6012 Hillcrest Court said he owned five lots about 200' north of this property, and under current zoning the subject property would be about the same as his lots that he is trying to sell. He said as of now, he is against the proposal. The people on Osage would be looking at the back of a 400' long building, which will drastically change their view. As for the existing property being blighted, he thought there should be rules in the Village to encourage the present homeowners to fix their property. He is also against any reduction in the side yard setback, as he thinks the 10% should hold. He sees this as spot zoning between all R-3 zoning, and the Comprehensive Plan says the same thing.

He discussed the history of his property in response to Mr. Quirk. He replied to Mr. Kulovany that his property did not go through a rezoning. He said they subdivided the lots in about 2003 or so.

3. Sherry Laskas of 6003 Fairview lives across from the proposed development. She said that the water issues there are major and there is flooding. That property should remain single-family detached homes, in-line with what she through Mayor Absher would have advocated. The neighbors would love to see something done to clean the area, but putting in townhomes will not keep with the Village's Comprehensive Plan for single-family homes. She said they purchased their property because they wanted single-family homes, and she doesn't think the Mayor would like multi-family homes in that area.
4. Sonya Bills of 6005 Osage said she lives behind the subject property. She's not happy with the proposal. She would like to see single-family homes. Her worry is also with flooding. Her lot does not flood at this time, but the giant building may cause her flooding problems. She has had issues in the past with the property owners. She's not sure that just anything would be better than what they have now and is concerned with the huge building.
5. Debra Smego of 6009 Osage said her property backs up to the proposed development. She reiterated what others said about the storm sewer problems. They don't experience flooding right now, but she is also concerned about privacy issues. They will be building close to her property line and she would lose privacy and might affect her home's value.
6. Martha Sheer of 6006 Osage Avenue asked whether the property is considered unincorporated, because when they've called the police the Downers Grove Police do not respond but the State police respond. Ms. Leitschuh replied that it is incorporated and is within the municipal limits. She will check about police protection and provide that information to the resident. Ms. Sheer said she is in the 55-74 year-old range and if she were to purchase a townhome it would not be on Fairview Avenue. There are issues with kids walking through the property. She then asked who would manage building inspections, etc., if the property was unincorporated. Her concern is that the property is properly maintained. Ms. Leitschuh said that it would be followed-up with the Community Development Department Code Enforcement Officers, and they should be contacted. She will get back to Ms. Sheer about the Police/Fire response. Ms. Sheer added that the traffic will be a nightmare on Fairview Avenue with this number of units. She doesn't support this plan.

The Petitioner responded that no cars will be backing out onto Fairview, but will be driving straight out onto Fairview. They do not intend to build a fence between the properties but would use landscaping for screening.

Michael Hansen of Watermark Engineering, 2631 Ginger Woods Parkway, Aurora, is the Engineer for the site and discussed the stormwater plan, saying they would provide storage for onsite and offsite flow in three different areas on the site including the rain garden, detention area and piping. He explained

how the water would flow through the site. The site is designed for 100-year storage. Mr. Maurer asked what a rain garden is. Mr. Hansen explained that a rain garden is a catch basin with native plantings above grade that collects rainwater runoff from a variety of sources. In response to Mr. Kulovany, he responded that no part of their property drains onto adjacent property.

Ms. Kindt said that people don't want to live on Fairview in single-family homes with small children. Empty nesters don't have small children. This location on Fairview is more for townhome development than it is for single-family housing.

There being no further input from the audience, Ch. Rickard closed the opportunity for further public comment.

Ms. Majauskas said she agrees with Staff and the neighbors, as it feels as though the subdivision is being plopped down in the middle of single-family homes. The Comprehensive Plan is there for a reason, and citizens and developers can rely on that Plan. This development is changing the Plan to fit itself into the area. She is hearing talk that there is a need for multi-family senior housing, but she has not seen any study, survey or any evidence to verify the need. She says there is multi-family housing being built in the Village right now that is not selling quickly either. She thinks if this is approved they will be setting a dangerous precedent, very early in the new Comprehensive Plan.

Ms. Gassen said she also agreed with Staff. She has not seen any other multi-family development in the adjacent properties and by doing this they would have to be prepared to recommend approval on all the properties in that area.

Mr. Kulovany said he disagrees, and thinks there is a bias towards single-family homes versus high quality townhomes. He attended most of the meetings of the Comprehensive Plan Committee and the Plan Commission was involved in looking at the Comprehensive Plan. He doesn't recall any discussion of Fairview Avenue and grew up in that area. He thinks if any area is transitional that would support a high quality proposal it's Fairview. He further clarified that we're not talking about low-income apartments, we're not talking about Section 8; the type of person that could afford \$550,000 \$575,000 is going to be a respectable person who would certainly take care of their property. Two blocks to the north of the area is a church which looks like a commercial building. Mr. Ponstein's property has been vacant for many years. There are multi-family residences kitty-corner from the site in Westmont. Mr. Kulovany noted that multi-family housing in Downers Grove has sold right away. Looking at the Comprehensive Plan it says that younger couples, empty nesters and senior citizens have been identified as growing markets in the Village and multi-family units are found along arterial streets

like Fairview Avenue. Going another block south on Fairview there is a commercial district. His point is that the Comprehensive Plan did not look at this neighborhood in detail. He doesn't think Downers Grove is paying attention to the market place as necessary. He would like to hear real estate people speak to that issue of the market value, and he is in favor of this.

Mr. Quirk said he looked at some research along Fairview Avenue conducted around the year 2000. Just south of 63rd Street there was subdivision annexed in at R-3 and another classified at R-5. Last year there was a petition for the senior community south on Fairview increasing the density on Fairview and resulting in a \$100 million investment in that site. He thinks big single-family lots are not going to make sense on Fairview. Solutions like this will. Mr. Quirk said the Village has catalytic sites in the Comprehensive Plan that make sense and can solve the problem. Thoughts on density have changed. His question is whether it impacts the community in a positive or negative way. He wished there was a way to make this less of a variation to the standard, even though it's very difficult on a 550' wide lot. It creates management challenges. He commented on the properties for sale on Fairview, enormous lots next to the Racquet Club that people have tried to buy and nobody can make it work. He thinks the Village may be passing over great opportunities where private citizens are willing to invest. Mr. Quirk noted that they have seen apartment projects that have redrawn our density tolerances in the downtown and massive outside investment has gone in. He commented that he would like to defer to those people that the banks would like to lend to who understand the market better than he does. He sees this as a common sense approach that we need to figure out. He expressed his desire to find a way to place some conditions to a recommendation for this to be approved, such as a 6' fence for residents, or a PUD, or dedicating sidewalks for students to go from Westmont to O'Neill. Mr. Quirk did not think this would change the characteristics of the neighborhood and it could be a catalytic project somewhere along Fairview.

Ch. Rickard noted that Staff has obviously not supported the project, but he suggested if it looks like the majority is in favor of approving it, it might be better tabling this or continuing it so that Staff has the ability to go back and suggest or recommend some modifications to the Plan.

Mr. Quirk referred to other petitions where Staff recommended denial and the Board recommended approval for various reasons. He suggested giving Staff the opportunity to take another month to craft recommendations for approval could result in citing specific conditions, and the Village Council ultimately would have the opportunity to say yes or no.

Ch. Rickard noted that people are sharing their thoughts, but he would like them to speak to the standards as well since that would be helpful too. The ultimate question is whether they meet the standards.

Ms. Rollins said she struggles with the request to change the zoning from R-1 to R-5 and feels like there are multiple layers they are asking for. She didn't see another option where the proposal is for R5 without variations.

Ch. Rickard explained that the reason for a PUD is not just to improve density but also to get more of a creative layout and provide more flexibility. He thinks this is being done just to maximize the property and get as much on it as they can. He doesn't see any other benefit to it other than trying to maximize the investment. This will look vastly different than everything else going up on Fairview. That's not necessarily bad but it is a lot different.

Mr. Maurer said he would like some time for Staff to reconsider this with the Petitioner. He referred to a meeting held on May 18th of this year. This is a quiet location and if there is an opportunity to make this work, he'd love to see something like this work on that property, but he'd like to see Staff look at it again.

Ch. Rickard said they should prepare some guidelines for Staff. Ms. Leitschuh indicated that they would have to provide very specific guidance. From Staff's perspective it is multi-family zoning in a single-family area. Conditions can be worked out, but for Staff to go back she doesn't think the Staff review will necessarily be all that different.

Mr. Kulovany suggested that if the Petitioner came forward with seven lots and R-3 this discussion wouldn't be necessary. He doesn't want to be insensitive to the neighbors, but if the property has been on the market for three years there has to be a reason. The petition may want to work on the proposal more.

Ms. Leitschuh said her sense is that based on what is before the Commission they should make a recommendation one way or the other. The Petitioner has put their time and money into making this proposal. She thinks the Commission should make some type of recommendation. If the property were split into lots it would be a substitution of nonconformities, so whether it's multiple lots or what is before the Commission, it's still the same use. It does not change the fact that there is a street separating a stormwater detention basin and that is why Staff did not support a truly dedicated public street. This is a private driveway. No matter the options that have been raised, Staff would still not be open to changing its recommendation.

Ms. Rollins clarified if all the options brought to staff had the same layout and site plan. The building locations and sizes did not change, and Ms. Rollins expressed an interest in seeing a different configuration with the layout and size of the proposed building.

Ms. Majauskas said that the density here is much different with 13 units, than for five single-family homes not shown on this plan. This does not match what the Comprehensive Plan envisions.

Ch. Rickard agreed after additional discussion that the Commission should vote on this so the Petitioner understands why the Commission doesn't feel it complies. Ms. Leitschuh replied that she thinks the Petitioner is owed some kind of response from the Commission. If there are concrete things they can make in a Motion, the Petitioner can go back and reconsider their petition.

Mr. Boyle asked if the Comprehensive Plan address housing values and changes in the market related to the current use. Ms. Leitschuh responded that the Comprehensive Plan is more general except for certain catalyst sites. She added the zoning ordinance looks at if there is possible value, not the highest value.

Mr. Quirk moved that the Plan Commission recommend approval to the Village Council for a petition seeking approval of a Planned Unit Development, a Zoning Map Amendment from R-1, Residential Detached House 1 to R-5/PUD, Residential Attached House 5/Planned Unit Development, and a Final Plat of Subdivision for Plan Commission Case 18-PLC-0012 subject to the plans as submitted to the Plan Commission for property located on the west side of Fairview Avenue between 60th and 61st Streets commonly known as 6000 and 6014 Fairview Avenue.

Mr. Kulovany seconded the Motion with an Amendment that the Petitioner works with Staff to create a landscaping plan that would create a significant and adequate screening from the adjacent properties.

**AYES: Mr. Quirk, Mr. Kulovany, Mr. Boyle
NAYS: Ms. Gassen, Ms. Majauskas, Mr. Maurer, Ms. Rollins, Ch. Rickard**

The Motion failed 5:3.

Ch. Rickard said that the Plan Commission recommendation to the Village Council will be to deny the request. There will be another Public Hearing by the Village Council at a future date.

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18-PLC-0011: A petition seeking approval of text amendments to all articles of Chapter 28 (Zoning Ordinance) of the Municipal Code of the Village of Downers Grove, except Article 1, Introductory Provisions and Article 13, Administration and Enforcement. Village of Downers Grove, Petitioner.

Mr. Stan Popovich, Director of Community Development, stated that the Village is requesting an amendment to various sections of the Zoning Ordinance to implement the Downtown Regulatory Framework and to clarify other sections of the Zoning Ordinance. He began by focusing on the downtown zoning districts, which were discussed during the Comprehensive Plan Update and Downtown Regulatory Framework. The Framework was approved in January of 2018 by the Village Council. The next step is to amend the Zoning Ordinance to meet the regulatory framework and the goals of the Comprehensive Plan. He provided a background review of the discussions held by the Comprehensive Plan Committee, Plan Commission, Council, downtown property owners, and Staff to arrive at the recommendations for text amendments. To use a flight analogy, the Comprehensive Plan is at 40,000 feet, the Framework at 10,000 feet, and the Zoning Ordinance is on the ground for day to day operations.

The Framework envisioned four districts; however, after multiple public meetings, it was determined that 90% of the Framework can be attained maintaining DB and DT districts with slight modifications and the new addition of a Downtown Core (DC) district. Both bulk and use modifications are proposed. Director Popovich emphasized that no properties are being rezoned at this time, and that only text amendments are before the Commission for their review.

Director Popovich detailed the proposed changes to the Zoning Ordinance text intended to implement the Framework as discussed in the staff report, including adding DC to bulk requirements (Table 4-2), the use table (Table 5-1) and the sign chapter. In addition to typical discussions, staff is requesting additional Commission discussion on three specific items: attached and two-unit houses in the DB, Bed & Breakfasts in the DB, and assembly uses in the downtown.

Mr. Popovich then reviewed the second category of amendments. These included clarifying only one building is allowed on a single lot of record; changes to the Personal Improvement Services use category in Section 5; minor changes to the use table; extending the downtown parking exemption to the Fairview Concentrated Business District; reducing the required minimum driveway width from 10 feet to nine feet and authorizing driveway width reductions as administrative adjustments. Additionally, the modifications include a provision under mechanical screening requirements to consider the setback distance from the building façade, and some minor modifications to permitted encroachments and definitions.

Ch. Rickard opened up the floor for Commission discussion. Mr. Maurer said Council's direction was to decrease intensity of multi-family, yet by changing apartments in DB/DT from a Special Use to Permitted, it seemed counter to

that interest. Mr. Kulovany was concerned that developers could just pull permits if the bulk standards were addressed. Ms. Gassen said it would be difficult to meet the suggested density numbers, when they should be encouraging density in the downtown. Mr. Maurer was not supportive of increased density, and supported leaving the approval process as a Special Use. Ms. Majauskas thought the Special Use helped to control downtown, and discussions, like tonight, were needed to keep control of it. Ms. Gassen commented that the Marquis on Maple development met all density/bulk requirements, and only came before the Commission because it was a Special Use. Without the Special Use process, there would have been no public input. Mr. Quirk disagreed with the current density requirement, saying it won't enable development and that he still supports greater density. About the downtown, he stated, "It's urban." He likes the 35 foot height cap for DT. Mr. Kulovany said the younger generation is not as concerned with internal space, but want amenities.

There being no further comments, Ch. Rickard called upon the public for any comments or questions.

1. Willis Johnson, 603 Rogers, expressed concern about the overall process as he tries to keep track of the repeated changes over the course of the downtown discussions and proposed amendments. He is unclear of what the final results will be.

2. Jim Krusenoski, 853 Maple, said he does not want zero foot setbacks and 60 foot tall buildings across the street from his property, a single family Victorian home. He supports keeping apartments/condos as a Special Use.

There being no further input from the audience, Ch. Rickard closed the opportunity for further public comment.

Ms. Majauskas opined that attached and two-unit housing should definitely be removed from DB, but DT is a different discussion. She said in her opinion duplexes are asking for trouble in so many ways, and she questioned why they would allow that. She would be in favor of a four-unit condo-type structure but not a duplex.

Mr. Quirk stated that condos are different than apartments, as condos are residential whereas apartments are really commercial structures. He thinks apartments are appropriate but that townhomes/duplexes should not be allowed in a downtown business area. Ch. Rickard agreed to remove attached housing from DB and leave in DT. There was no opposing comment, although Ms. Majauskas said she didn't know if she agreed because she believes duplexes spell disaster in so many different ways. She said if everyone else agrees, however, they can move on.

The Commission also agreed that Bed and Breakfast should be removed from DB, and come in as a Special Use in DT. Ms. Gassen stated that makes sense because an older home to be modified as a B&B is more of a transitional thing. Mr. Quirk stated the next step would be to discuss AirBNBs.

The Commission agreed to maintain Assembly as a Special Use.

Ms. Gassen reintroduced the request to keep condo/apartments as a Special Use. Concern was expressed as to the minimum lot area per dwelling unit numbers submitted, with Mr. Maurer stating that "1800 was really high" Ms. Gassen acknowledged she was concerned what Village Council might change the numbers and decrease the density, but not provide an additional level of review by changing apartments/condos from a Special Use to a Permitted use.

Mr. Kulovany said he was surprised there has not been any public discussion, but based on the public sentiment, he thinks it was clear that the public wanted to look at these things beforehand. He thinks this is moving totally against public sentiment. They should have the opportunity to take a look at this and ask meaningful questions. The idea that a fence goes up and they start digging a hole, and then people say, "Oh, what are they building? We didn't even know they were going to do that. At least here they can come to a public hearing."

Ms. Rollins agreed that this should be kept as a Special Use, and if the Village Council chooses to change that, that is their prerogative, but at least it brings it to the table for discussion. Ms. Gassen said she would not be concerned if the density numbers are hard to attain, but if those change then in favor of a Special Use.

Ms. Majauskas said she was in favor of keeping the density low. She said the Village can always say that they can build a smaller unit, however, once you get several tiny condos you are suddenly asking for a lower quality building just because of the size of the individual units. She expressed her concern about the ambience or quality the Village is attempting to maintain, especially in the downtown area. If they let density go haywire, they will lose control. She said 400 square feet is the size of a hotel room. Mr. Maurer was explained to her that the number 400 refers to how many square feet of land is needed to build a unit, and does not represent the size of the unit. So if you have 3,600 square foot lot, and a FAR of 1,800, you can have two dwelling units.

Mr. Quirk discussed sharing living space by dividing apartments as a trend in Chicago. Ms. Rollins remarked that dorms are already following suit. Mr. Popovich clarified that a household is defined in the Village Ordinances, to limit the number of people that are unrelated from forming a household.

Mr. Quirk stated that we are plagued as a community that is exceptionally difficult to get things done, and more special review, input, and vision makes it more difficult for a developer to get something done. Which is why having standards in place, if we do XYZ, they know what is expected. If you have multiple reviews like other communities (zoning, design, architecture) it's really tough, and if you compare it to our peers, we are viewed as difficult. Yes, we should have some control and that line needs to be set, but be mindful that that control makes it difficult for people.

Ch. Rickard has heard similar concerns for certain projects, but having performed work in every northern Illinois municipality has heard that some communities are easier, and others are far more difficult. Mr. Quirk stated he doesn't apply this to larger projects, but smaller businesses (e.g., a vet clinic) our standards are so prescriptive, it's not staff, it's us as a community that impose that on people.

Ms. Majauskas commented that when developers come into a village, in her opinion they have a very selfish viewpoint. They come in to maximize their profits and then they want to get out. They don't really care what happens after they sell. When you start letting everyone do what they want, maximize their profit and then leave, that's a big danger. Developers are not there to make the Village look fabulous and be a great place to live. They are just looking to maximize their profit. For that reason she thinks a Special Use designation is not bad. She said developers should answer how serious are you? How much are you going to give back to the Village?

Ch. Rickard said he thought feedback was provided and asked that someone make a motion with any amendments or conditions, Mr. Quirk suggested that they use the most recent approved development densities as the base for their recommended downtown density. Mr. Kulovany believed the density exceptions almost become standards because subsequent petitioners could request the same sizes as approved previously. Mr. Popovich said they can look back historically, but ultimately every petition stands alone as a Special Use and goes to Council. Ch. Rickard agreed that petitioners probably do go back historically to see what has been approved and how their request compares to previous plans.

Mr. Quirk said there is the potential they are not approved, and for property owners and businesses better to know what is expected. There should be a standard. There needs to be a reasonable line.

Ms. Rollins said she airs on the other side, that if people don't get an opportunity to voice their opinion on a large project that decreases those numbers, it just happens in their backyard. You are eliminating an opportunity is eliminated for the public to participate, and instead development just

happens in their backyard. The Commission has added fences, lighting, made sure neighbor concerns are heard and respected. Even if not in line with standards, there are many positive things that come out from the process. Mr. Quirk said things are going to stop for a while, that the next DB project will have to put together multiple parcels and ask for 300SF density potentially and point back to previous multi-family approvals. Listen to resident concerns, and talk about property taxes, and we are just going to say yes. He would prefer to just find “that number” and be more rigid. Mr. Boyle stated as soon as you find “that number”, won’t someone try to lower it. Mr. Kulovany suggested “that number” and adding 20%.

Mr. Maurer replied that we must at least bring people to the table. It takes months of work and tens of thousands of dollars to calibrate these larger proposals. He doesn’t think they should set the number based on the last development and hopes they have had enough of that for now. He thinks they have to add the 20% or some kind of brakes to multi-family development that has added enough to traffic and is now no longer selling so just decreasing property values.

Mr. Kulovany said he thinks adding the percentage option allows a conversation around the number. Mr. Quirk said if more than 20-25 units are proposed, it’s a Special Use, Ms. Rollins agreed. And if you need something other than 600SF, then you need to make the case. Ms. Gassen said it is important for the residents to just see what’s going to happen. Mr. Kulovany asked Mr. Popovich whether the developers the Plan Commission has worked with in the past felt that going before the Plan Commission for Special Uses was particularly arduous or unreasonable. Mr. Popovich said it is a matter of time for their projected timeline, and seeing what the community will support. Mr. Kulovany said the things that come out of these discussions on Special Uses have been invaluable such as fencing, not having trash on Ogden and Main Street, etc. Those items came out of resident concerns and were reasonable requests. Ch. Rickard said they are site specific and based on proximity, not just density and numbers.

Ch. Rickard suggested that they were ready to submit a Motion. Discussion centered on crafting a motion based on their conversation.

Mr. Kulovany said it could be argued that anyone walking to the train station is not competing with other drivers on congested roads. He asked from those who argue against more density what their complaint is with people walking from the train station, versus driving on congested expressways.

Ms. Majauskas asked if the only permitted use in Downtown Business is retail. Mr. Popovich read a list of other permitted uses including personal services, restaurants, wine boutique, financial services, residential use, etc. A

Special Use is currently required for any apartment/condo, including second story units above retail space.

Mr. Quirk does not believe a second floor above commercial space should require a Special Use depending on the number of units. Ms. Gassen replied she did not know what the right threshold would be.

Mr. Boyle asked if combining properties would come before Plan Commission, which is not required.

Mr. Kulovany commented that he would be more comfortable if they had a Special Use because if they try to come up with a number tonight it would be pulled out of the air. The residents have spoken loudly and clearly and want to be heard and have a peak beforehand, and have opportunity for residents to ask questions.

Ms. Gassen commented that Plan Commission is keeping apartment/condo as it exists in their recommendation; just going from two to three districts in the downtown all of which currently require Special Uses for apartment/condo.

The Commission further discussed the appropriate density threshold, and whether a Special Use or Permitted use adequately reviewed multi-family in the downtown.

Mr. Quirk sought clarification whether adding a couple apartments above existing commercial space, mixed-use, or adding a unit was Permitted or Special Use, to which Mr. Popovich replied that a Special Use is currently required. Commissioners expressed support of second story residential units, but that Special Use review should not be removed.

Mr. Quirk made a point that the density standard is purely a guideline, and it is not a standard because the Commission has always given permission for different densities. Mr. Popovich stated that Marquis on Maple met the standards, not requesting a PUD but came in complying with the density requirement.

Mr. Kulovany said that the way this reads right now, someone could buy the Subway and parking lot area and put anything in there, by right.

Mr. Quirk asked what triggers a PUD. Mr. Popovich explained there are specific objectives in the Zoning Ordinance including providing a greater public benefit. Often the development cannot be accomplished following the standard requirements, and the PUD allows the opportunity to control unique requirements and design. The Village expects certain benefits out of the proposal, including public benefits, seating, additional design quality. The

development must be built to plan, withstanding small tweaks. But major changes required it to go back to the Commission for more review and control.

Ms. Leitschuh explained that a Special Use is not an approval tool to adjust density, but that a variation request or PUD would have to accompany the petition.

Ms. Majauskas said her suggestion at this time would be to leave it as is because they are trying to pull things out of the air. She supports recommending a Special Use, but as far as recommending specific numbers, they have no idea what the impact of those numbers would be. Commissioners agreed.

Ms. Gassen moved that with respect to 18-PLC-0011 the Plan Commission approve the Text Amendments for Chapter 28 of the Municipal Code with changes discussed which were that Assembly and Entertainment would be switched to Special Use in Downtown Business and Downtown Core, Apartments and Condos will be Special Use in the Downtown Core, Downtown Transition and Downtown Business, remove Bed and Breakfast from the Downtown Business District, and remove Attached House and Two-Unit Houses from the Downtown Business District. Mr. Kulovany seconded the Motion.

AYES: Ms. Gassen, Mr. Kulovany, Mr. Boyle, Ms. Majauskas, Mr. Maurer, Ms. Rollins, Ch. Rickard

NAYS: Mr. Quirk

The Motion passed 7:1

Mr. Quirk commented that the motion did not address the previous discussion or recent trends based on the previous approvals Plan Commission has seen in the last several years, and that the density needs to be adjusted accordingly.

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5. DISCUSSION ON PLAN COMMISSION REPORTS AND MEETING FORMATS

Director Popovich said that modifications have been recommended for the Plan Commission meetings placing more emphasis on the Petitioner and the Petitioner's responsibilities. He explained that Staff will no longer write out findings of the Standards of Approval and there will be standard forms attached to Staff's report based on the Petitioner's request. A handout explaining the changes was submitted to the Commissioners in their packets. Staff will make a recommendation at Plan Commission after all testimony

including the petitioner's presentation and public comment is provided. The following are the modified procedures to be followed:

1. Petitioner will petition for their project
2. Staff Reports
 - Continue to describe and analyze project
 - Findings of Fact/Standards of Approval are listed but not flushed out
 - Petitioner has the responsibility to document that the standards are met
 - A standard form will be attached to the report
 - Staff's recommendation will be removed
 - A Motion will be provided for the Plan Commission to make
3. Plan Commission Meeting
 - Petitioner will present first
 - Commissioners will ask questions
 - Public Comments will be taken
 - Staff presents its report
 - Staff recommendation
 - Petitioner's closing statement
 - Commissioners deliberate on the Standards
 - Commission makes a Motion
4. Village Council Meeting
 - Acceptance of Plan Commission minutes

Mr. Popovich explained that items will not go to Council before minutes are reviewed and approved by Plan Commission to guarantee their accuracy. Mr. Boyle asked if that would slow the approval process, to which Mr. Popovich replied that usually no significant delay would occur assuming Plan Commission met monthly.

Ms. Gassen asked for a text summary of the changes.

Director Popovich said they intend to implement these changes at the next meeting. There will be specific forms for the Petitioner's request. He said that Staff would screen the Petitioner's application to assure that the applicant addresses all requirements.

Mr. Quirk asked how the review of a PUD would come before them without staff's support. Mr. Popovich stated that staff we still assist people. Ms. Leitschuh explained we still work with the applicants, regarding the proposal and the standards. Mr. Rickard identified that the Commission may have to draw out the standards from some of the applicants, by questioning them. Ms.

Rollins said she would like guidelines for the applicant's presentation. Mr. Popovich said the more professional applicants should have the knowledge to convey the required information, and that staff will work with residents and small businesses.

Mr. Kulovany asked about the primary motivation for these changes. Director Popovich responded that residents believe that Staff is making the petition to Council and advocating on behalf of the Petitioner. He explained that the Commission can still ask questions of Staff, and that Staff will still be involved in the application submitted by the petitioner.

Ms. Leitschuh said this will be a learning process for everyone. Mr. Popovich and Ch. Rickard acknowledged other communities follow a similar public hearing process.

6. ADJOURNMENT

There being no further business, Ch. Rickard called for a Motion to Adjourn.

Ch. Rickard adjourned the meeting by voice vote at 10:25 PM.

Respectfully submitted,

Tonie Harrington,
Recording Secretary
(transcribed from mp3 recording)