

BOARD OF TRUSTEES
DOWNERS GROVE FIREFIGHTERS PENSION FUND MEETING
Downers Grove Fire Department Station 2, 5420 Main,
Fire Station 102 (Primary) and Electronic Conference
May 18, 2022 – 1700 hrs.

Agenda Item – 1

Trustee Campbell called the meeting to order at 1704 hrs.

Agenda Item – 2

Trustee Campbell made a recommendation that a motion be made to allow electronic attendance.

MOTION: A motion was made by Trustee Campbell to conduct the May 18, 2022 Quarterly Pension Board meeting electronically. Seconded by Trustee Kuchta.

Roll Call vote:

Trustee Kuchta	Aye
Trustee Moy	Aye
Trustee Bacidore,	Aye
Trustee Campbell	Aye

Motion carried by a vote of 4-0.

Trustee Campbell made a motion requesting consent by each participant in the meeting to be recorded during the May 18, 2022 Downers Grove Firefighter Pension Board Quarterly meeting. Seconded by Trustee Bacidore.

Members

Trustee Kuchta	Consents (in person)
Trustee Moy	Consents
Trustee Bacidore,	Consents
Trustee Campbell	Consents (in person)
Trustee Ludwig	Consents

Member Absent

None

Guests

Robin Lahey – VDG Director of Finance	Consents
Allison Barrett - Lauterbach & Amen, LLP (electronically)	Consents
Stephanie (in person)	Consents
Atty Vincent Mancinni - Reimer & Karlson LLC (electronically)	Consents

Agenda Item – 3**Approval of Minutes**

Trustee Moy requested that the meeting minutes reflect that he was late but did attend the 2-17-22 Quarterly meeting.

MOTION: A motion was made by Trustee Moy to approve as amended - for spelling and grammatical errors and with the addition that he was late but did attend the 2-17-22 quarterly meeting - Quarterly Meeting Minutes of February 17, 2022. Seconded by Trustee Bacidore.

Roll Call vote: Trustee Bacidore Aye
 Trustee Kuchta Aye
 Trustee Moy Aye
 Trustee Campbell Aye
 Trustee Ludwig Aye
Motion carried by a vote of 5-0.

Agenda Item 4 - A**Report from Lauterbach & Amen, LLP**

ATTACHMENT
 Lauterbach & Amen, LLP
 Monthly Financial Report
 For the Month Ended March 30, 2022

Allison Barrett from Lauterbach & Amen, reviewed the Monthly Financial Reports through the end of March. Total cash and cash equivalent at \$2.6 million; investments \$72. million, \$20,000 due for expenses and income as of March 31, 2022 with a balance of \$72,582,846.91 .

Income statement contributions from Downers Grove have a loss of investments of \$3.3 mil due to investment change and \$1.4 million to administration costs and benefits. Cash and cash equivalents now changed due to money that is now pooled investment.

Pages 11-1 and 11-2 show expenses paid from the Fund from December 31, 2021 through March 31, 2022 were just under \$194,000..

Trustee Kuchta inquired as to when exactly the money moved into the “consolidated fund”. He would also like to confirm what statements are received, who it is coming from, and who is receiving them for the Pension Fund to track the money.

Trustee Campbell advised that the Pension Fund has been receiving from FPIF a monthly newsletter but not statements specific to our Fund.

Ms. Barrett advised Lauterbach does have a Statement of Resolve that was provided by FPIF that shows the money before February from our State. She will make sure a copy is sent to the Pension Fund.

Agenda Item 4 - B

Retiree Election Results

Trustee Campbell advised that at the last quarterly meeting the Board directed Lauterbach & Amen to host a retiree election. He does not believe that election was completed. Therefore, Lauterbach & Amen is going to be complete that election for the Board, and sending out election nominations soon and will waive their fee for conducting that election.

Ms. Barrett advised that there is an apology and they will take care of the election at no cost to the Board. Everything has now been sent out.

Trustee Campbell inquired as to an estimated date as to when the Board will have those results.

Ms. Barrett advised she will email Trustee Campbell with the answer.

Trustee Campbell advised there is an anticipated upcoming Special Meeting and would like to include the results.

Ms. Barrett advised that the anticipated date of completion of election by Lauterbach is May 18.

TREASURER’S REPORT

Agenda Item 5 - A

Payment of Bills

Finance Director Lahey requested that the DGFDP Pension Fund Board approve as reported by Lauterbach & Amen on Pages 11-1 and 11-2 the Vendor Check Report for the period of January 1, 2022 through March 31, 2022 in the amount of \$193,917.91. Everything on this list is related to either Payroll or previously approved by the Board.

MOTION: A motion was made by Trustee Campbell to approve the Vendor Check Report of January 1, 2022 through March 31, 2022 in the amount of \$193,917.91. Seconded by Trustee Kuchta.

Motion carried by a vote of 5-0.

Roll call was taken:

Trustee Campbell Aye

Trustee Moy	Aye
Trustee Kuchta	Aye
Trustee Bacidore	Aye
Trustee Ludwig	Aye

Trustee Kuchta did inquire as to what are the payments to FPIF other fees and expenses. Ms. Barrett will research and email Trustee Campbell

Agenda Item 5 – B

New Employee's / Retirees / Issuance of a refund

Trustee Campbell advised the Fund has not received a request for issuance of a refund.

- 1) New employee Dylan Hughes has now completed and submitted all of his paperwork.
- 2) Mowery and Tasso still have not filed paperwork.

Agenda Item 6

Firefighter Pension Investment Fund Update

Trustee Campbell highly recommends that all Board members subscribe to the FPIF newsletter they send out. They did send out a March performance for the Fund. There are also updates on elections as well as investment strategy. Moving forward we will meet at the quarterly meetings to review specific statements that are being sent to Lauterbach so that we can judge the performance of the new fund.

Trustee Campbell inquired of Atty. Mancini for the FPIF lawsuit we have previously discussed is that we should be getting some type of ruling by the end of the month. Either way, both sides have been indicating that they would appeal to the Supreme Court.

OLD BUSINESS

Agenda Item 7 - A

Michael Baldwin Refund/Survivor Benefit

In review, at the last Board meeting Trustee Campbell advised the Board discussed the surviving spouse and children of Michael Baldwin who passed away having served as a vested member of the Pension Fund, however, was not currently an active member of the Fire Department. The Board had Atty. Reimer look over the situation and the legal advice was that his surviving spouse and the children are in fact entitled to survivor benefits. The other option the family would have would be to take a cash withdrawal of Michael's contributions. Mike's surviving spouse has indicated that she would rather take the benefit than the cash payout. The Pension Board has advised Lauterbach & Amen to prepare a Calculation Order that the Board could have Atty. Reimer provide to the surviving spouse.

There has been a small delay in the Calculation Order because of ruling in the Appellate Court where an employer had filed to intervene in a similar police situation. The police situation had a pensioner who had a surviving spouse. The Court found that in the police Article 3 Pension that the benefit could not exceed the benefit that the pensioner would have received during retirement. This

finding would make this situation more difficult so Atty. Reimer is reviewing this ruling as well. He advised that specific ruling would only relate to Article 3 of the Police Pension Fund and that Article 4 Fire Pension Fund had different surviving spouse language and that she was, in fact, entitled to the benefit.

Lauterbach & Amen has completed Calculation Orders for Michael's surviving spouse, as well as his four children.

As a review, according to Atty. Reimer that according to the Statuette the surviving spouse is entitled to 54% of Michael's final salary with no COLAs payable for the rest of her life. Each child is entitled to 21% (up to 5.25% per child) of Michael's final salary up until the age of 18. Benefit calculated evenly across all four children and then as each child turns 18, the benefit levels will be recalculated for the surviving children under 18. The total amount paid by this Pension Fund cannot exceed 75% of Michael's final salary. By law, what we are directed to do as far as paying benefits to this family.

Atty. Mancini reiterated the payout percentages according to the statuette provides. From a legal standpoint his only concern is that payment cannot go to a minor directly. The children will need a minor's trust or estate of some sort created for their benefit because obviously the money must go to the children. A parent or relative cannot use the money other than for the benefit of the children.

Also, due to the situation of different children having different mothers, the Fund should give notice to the children and their respective mothers of possibly a hearing because a child could essentially contest paternity. They have to have a due process as part of the whole process. We have birth certificates that show FF Baldwin is the father of each of these children but we do not have any actual evidence that he was the father of these children as he was not married to some of them. It is up to the Court's discretion. The Fund must establish some sort of record to establish there is no dispute that these are his children and are entitled to the benefits. That could be as simple as some sort of letter or introducing the birth certificates into evidence. This is Atty. Manacini's main concern at this point as the children need to be represented by an adult for their rights to this money and for it to be protected for them. No concerns regarding the spouse or 54% given.

Trustee Kuchta inquired as to if the other mothers of the children are aware that this benefit is out there to their children, and how do we get to that point. And, two, who is cutting these checks? Is FPIF or Lauterbach? Who needs to be made aware until everything is in place the Fund should not be cutting a check to anyone.

Per Ms. Barrett, when the Pension Board's attorney is satisfied Lauterbach will be cutting the checks.

Trustee Campbell advised that currently we are not cutting any checks. The funds are being held by the Pension Fund. The Board is trying to be careful that it is providing the correct benefit and a court ruling has not changed that information. The Board currently has not directly contacted any of the guardians of the children. We have Calculation Orders for them in a Draft form as advisory for the Board. The Board also has a separate Calculation Order for Michael's surviving spouse.

Trustee Campbell requested that the Pension Board review and approve the Surviving Spouse benefit as it is unchanged and is not relative to the children's benefit.

He also suggested that the Atty. send a letter to each legal-guardians of the minors, inform them the Board feels the minors may be entitled to a benefit; inform them of the terms needed for them to prove as a stake holder other than the birth certificate and other documentation we already have. And, ask them to formally apply to the Pension Fund after establishing the Trust for the minor/minors. Hopefully by the next Quarterly meeting (if not sooner) the Board should be able to review the minors' formal application.

Mention was made of a previous case where Trusts for minors were required and it was a long and drawn out process. It was suggested that tonight we should at least work on approving the benefit of the surviving spouse.

Trustee Campbell requested that when the attorney sends out notification to the guardians it goes back to the previous minors' Trust or minors' estate guidelines to stay consistent with past practice.

MOTION: A motion was made by Trustee Campbell to table the benefit for the surviving minors pending notification to their guardian of the availability of the benefit, and the requirements from the Board in the form of a trust or an estate. Seconded by Trustee Kuchta

Motion carried by a vote of 5-0.

Roll call was taken:

Trustee Campbell	Aye
Trustee Kuchta	Aye
Trustee Bacidore	Aye
Trustee Ludwig	Aye
Trustee Moy	Aye

Trustee Campbell reviewed information for Michael Baldwin with the DGFDD with a start date of January 14, 2008, end date of October 23, 2001 and death date of January 22, 2022 and a death certificate provided.

Benefits to his surviving spouse, Abbey, is calculated by Lauterbach & Amen as follows:

Ending salary \$104,613.00

By statuette entitled to 54% = \$4,707.59 per month

Per statuette payment to begin at date of death and to date no payments have been made

Per statuette, no interest would be due on retro benefit

Retro benefit owed her

January payment of \$1,366.72

February, March and April = \$14,122.77

For a total due her of \$15,489.49

The benefit of \$4,707.59 per month would continue after that.

MOTION: A motion was made by Trustee Campbell to approve the Surviving Spouse benefit for Firefighter Michael Baldwin to his surviving spouse, Abbey Baldwin, with an effective date of January 23, 2022 in the annual amount of \$56,491.02 which is a monthly benefit of \$4,707.59 which represents 54% of his applicable salary of \$104,613.00. Seconded by Trustee Kuchta.

Motion carried by a vote of 5-0.**Roll call was taken:**

Trustee Campbell	Aye
Trustee Kuchta	Aye
Trustee Bacidore	Aye
Trustee Ludwig	Aye
Trustee Moy	Aye

MOTION: A motion was made by Trustee Campbell to approve the retroactive benefits to FF Michael Baldwin's surviving spouse, Abbey Baldwin, in the amount of \$15,489.49. The retro benefit is back to the effective date of January 23, 2022 through the month of May.

Seconded by Trustee Moy.

Motion carried by a vote of 5-0.**Roll call was taken:**

Trustee Campbell	Aye
Trustee Kuchta	Aye
Trustee Bacidore	Aye
Trustee Ludwig	Aye
Trustee Moy	Aye

NEW BUSINESS**Agenda Item 8 - A****Professional Services Request for Proposals**

Marquette & Associates is the Pension Fund's financial adviser. Currently the Fund does not control any investment. This relationship has not yet been contractually terminated and no fee has been charged since January. We still have a legal relationship with them and can reach out to them for any cash management concerns. It is recommended that review of the current contract be made and decision as to whether to cancel contract or keep the contract active, maybe with an hourly charge, be decided by at the next meeting.

Should RFPs for various services used by the Pension Fund be reviewed due to new needs of Board?

The Board agreed to review all contracts on a rotating basis starting with the Actuarial services contract. A previously used RFP template was available and could be a guide.

Agenda Item 8 - C**Review of the Actuarial Assumptions for Annual Tax Levy**

Trustee Campbell asked Atty. Mancini if the Board should do their own due diligence and still get an actuarial report or is it no longer necessary.

Atty. Mancini advised that it is correct the Consolidated Board does have an actuarial report and from what he understands municipalities may get their own to debate whether the amount they have to fund as a result from the actuarial report. He is unsure if the Pension Fund will have to or has an incentive to do so on its own, but he will research and get back to the Board with an answer.

Trustee Campbell advised that the Village of Downers Grove has made it a practice to fund at 100% of their requirement. The calculation we will get from the Consolidated Board won't fund to 100% it will fund to 90%.

Ms advised typically when you are funding to the 90% level, that makes you insolvent to your GATSB 6768 Report. Which means you will not be able to pay benefit payments in full for an 80 year projection and causes additional liability to GATSB 6768 Report. You are no long solve vent and using the 7% of rate of return assumption you are now using the 7% rate of return assumption blended with the GL Bond issuance to get a blended discount rate which is then used to project out benefits. A reason why they would want to fund to 100%.

Trustee Campbell stated that they will begin with the RFP process for actuarial services and will engage the Village of Downers Grove standard RFP procedures to do so and will anticipate that it will be ready by the last Quarterly Pension Board meeting.

Agenda Item 8 - B **Meister QUILDRO**

Trustee Campbell advised that when either a pensioner or active member obtain a divorce they are required to obtain a QUILDRO Calculation Order that will notify the Board of how the benefits should be paid to their now ex-spouse.

A QUILDRO Calculation Order has now been received for Mr. Meister as well as the processing fee that is required. Trustee Campbell will fax a copy to attorney if there is not one on file. Attorney advised he does have a copy and all that is needed is for the Board to approval and hold on file until needed.

MOTION: A motion was made by Trustee Campbell to approve the Brian Meister QUILDRO Calculation Order that has been received and approved by Fund's Council. Seconded by Trustee Bacidore.
Motion carried by a vote of 5-0

Roll call was taken:

Trustee Campbell	Aye
Trustee Moy	Aye
Trustee Kuchta	Aye

Trustee Bacidore	Aye
Trustee Ludwig	Aye

Agenda Item 8 - D

Review of Actuarial Assumptions and Tax Levy

Trustee Campbell reviewed for the Board members that this is a review of the assumptions utilized and the results of those assumptions with anticipated approval of the levy and final calculations at the August Quarterly meeting.

DRAFT Lauterbach & Amen Actuarial Funding Report
(Referencing page 8 of previously sent report)

This is the report showing the recommended contribution and funded status as of Fiscal Year End. Recommended contribution this year decreased by \$465,093 a 9.28% decrease to \$4,448,105.

Your fair value of assets increased by \$8,950,000; actuarial value of assets increased by \$6,790,000.

The difference between the Fair Value Assets and the Actuarial Value of Assets is a 5 year smoothing period.

Actual accrued liability decreased by \$910,000; unfunded accrued liability decreased by \$7,700,000.

.... Unfunded increased by 6.3% to 61.53% using 100% over a 19 year period.

Expected increases and contributions of \$159,354. This is 3-4% increase year after year.

Review of particulars for this Fund. With expected increases there is a recommended increase of \$9,032 due to promotions this year. There were also four retirements – two of which were true retirements from active status to retirees and two were deferred members we expect them to retire at age 50, and that increased the recommended contribution by \$35,700.

One member separated and this decreased the contribution \$40,700. Due to previous conversation at this meeting regarding Mr. Baldwin it might be beneficial even though this was after fiscal year end to consider this in this year's report.

One member terminated – Mr. Hossfeld. Ms. Barrett will research this. He was hired and fired in the same year so there was no liability to the Fund.

Trustee Campbell reviewed for the Board that if someone is terminated that reduces the future pension liability. One member was terminated but then reinstated, at that member did restore the contributions for time earned that was refunded to him. Liability lost but was regained and regained his contributions as well in full.

Trustee Campbell inquired if Mr. Baldwin who had terminated but then passed away and then benefits claimed by his family, would he be included in the calculation that was approved in August.

Ms. Barrett advised that is why she brought this up so that if the Fund wanted to add him back in

because it is a known significant event as he was shown as terminated and expected to collect benefits once he would reach age 60 which would have been about 21 years later. Also, 13.25% of his salary because he was deferred but now his surviving spouse and survivors will receive a 75% benefit. The Board can decide if this should he should be put back before year end.

Assumption risk – currently at 7.7% of assumption – conversation is of reducing that rate to at least 6.75%. Consolidated Board is using 7.125% assumption. Their report does show a possible reduction to 6.75% rate of return. Ultimately it is up to this Board.

Trustee Campbell queried if we are currently at a decrease around 9%, if we decrease the expected rate of return to 6.75%.- would that be a 7% increase from last year's valuation – it would be a 7% increase from what is shown now. Is that correct?

Trustee Campbell queried if today Lauterbach & Amen had a number of the contribution including the 6.75% expected rate of return? Ms. Barrett responded that they have a rough number.

Trustee Kuchta would like the “rough” number at 7.25% also. He stated that when the Board makes the choice of what will be contributed relative to when the Consolidated Board advised of their minimum we would then have to numbers to look at. One decision has been removed as we no longer have control over the investments. His opinion is that we should state that we want to continue to fund to the 100%. That should be the only swing factor.

Ms. Barrett Indicated that the FPIF Board had overridden the actuary's recommendation and gone with the 7.125%. Ms. Then stated that between the actuaries and the investment people had indicated 7.125%.

Trustee Kuchta reiterated what she had said that both Marquette and the actuaries had indicated 6.75% and the FPIF Board had indicated that they were going to 7.125%?

Ms. Barrett stated that DG Pension Board had a different rate then DOI also. Ultimately it is the Pension Board's decision based the Board's knowledge of the FPIF.

Trustee Kuchta advised he would like to do more research as to where the 7.125% came from and how to determine what the State is recommending as a minimum

Discussion regarding the process by all.

Therefore for the report in order to retain benefit levels the Fund would need an expected rate of return of 7.10% - current level is 7% - FPIF is reported to be 7.125% and their calculation will replace the department of insurance minimum. And the 6.75% recommendation is Lauterbach & Admen's recommendation.

MOTION: A motion was made by Trustee Campbell to direct Lauterbach & Amen to update their actuarial report including the benefit levels of the Baldwin surviving spouse and children in demographics stages to include an explanation of the changes in the final report. And, to include calculations for consideration for expected rate of return for 6.75%, 7%, and 7.125%. Seconded by Trustee Kuchta.

Motion carried by a vote of 3-0.

Roll call was taken:

Trustee Campbell	Aye
Trustee Bacidore	Aye
Trustee Moy	Aye
Trustee Kuchta	Aye
Trustee Ludwig	Aye

Trustee Campbell stated that this work is the usual work requested and that the answers will need to be received by the before the August meeting so that the issue can be discussed, debated, decided at the August Quarterly meeting as this will ultimately affect the final levy amount.

Agenda 8 – F

Review of Cash Management Policy

Lauterbach & Amen has provided a trial balance. In January 2022 it was decided there would be a three month black out period where the Pension Fund would not be able to raise cash. The funds were held in reserve and benefits were paid from those funds. Moving forward the Pension Fund will have to give direction to the custodian, Village and Lauterbach as to what the plan will be. Information from IPFP is that they could return cash, as requested, within 30 days. Therefore, if cash was needed for benefit payments we would have to wait 30 days to receive it. The Pension Board must decide how much cash they want to have on hand and what to do with it. Have it just in a facility account etc. As a reminder, as listed in our cash analysis, our benefits on a month-to-month basis are \$486,133.00. I believe during the three month period we held back \$1.5 million. We have come near the end of that in our cash pool and need to decide what to do moving forward. June property tax collected will be swept to the investment fund.

Finance Director Lahey advised that the Fund currently has a balance of \$2.2 mil. Trustee Campbell believes that for this quarter we should stay and then at the next quarterly meeting decide on if an automatic withdrawal when at a maximum of cash to investment account.

Trustee Campbell advised that Lauterbach has handled the elections in the past and asked **AJ.** for an approximate cost to have Lauterbach handle this. AJ advised it was around \$300.00.

MOTION: A motion was made by Trustee Campbell to authorize the Pension Fund Treasurer to transfer any property taxes received into the 5th/3rd account to the BMO Harris

account. Seconded by Trustee Kuchta.

Motion carried by a vote of 4-0.

Roll call was taken:

Trustee Campbell	Aye
Trustee Kuchta	Aye
Trustee Bacidore	Aye
Trustee Moy	Aye
Trustee Ludwig	Excused herself from meeting

MOTION: A motion was made by Trustee Campbell to authorize Lauterbach & Amen to transfer any funds in the BMO Harris account in excess of \$2.2 mil to the FPIF investment account. Seconded by Trustee Kuchta.

Motion carried by a vote of 4-0.

Roll call was taken:

Trustee Campbell	Aye
Trustee Kuchta	Aye
Trustee Bacidore	Aye
Trustee Moy	Aye
Trustee Ludwig	Excused herself from meeting

MOTION: A motion was made by Trustee Campbell to maintain the current \$2.2 mil in cash for benefit payments through the next period and direct the Village of Downers Grove to deposit property taxes received in mid-June 2022 into FPIF investment account. Seconded by Trustee Bacidore.

Motion carried by a vote of 4-0.

Roll call was taken:

Trustee Campbell	Aye
Trustee Kuchta	Aye
Trustee Bacidore	Aye
Trustee Moy	Aye
Trustee Ludwig	Excused herself from meeting

Ms. Barrett advised she received an answer from her colleague to the question regarding fees on the statement from the FPIF statement. They are the operating expenses allocated the pension funds as percentage of the assets.

Trustee Campbell asked if this meant they are paying a fee to Marquette and other providers of services and that is the individual funds expenses.

Ms. Barrett confirmed this theory and advised that she was told that this is all of the expenses.

Agenda 8 – F**Date of Third Quarter Meeting**

MOTION: A motion was made by Trustee Campbell to schedule August 11 as the next quarterly meeting. Seconded by Trustee Bacidore.

Motion carried by a vote of 4-0.

Roll call was taken:

Trustee Campbell	Aye
Trustee Kuchta	Aye
Trustee Bacidore	Aye
Trustee Moy	Aye
Trustee Ludwig	Excused herself from meeting

PUBLIC COMMENT

None

ADJOURN

MOTION: Trustee Campbell made a motion to adjourn.

Trustee Moy seconded the motion.

Motion carried 5-0.

Roll call was taken:

Trustee Campbell	Aye
Trustee Kuchta	Aye
Trustee Bacidore	Aye
Trustee Moy	Aye
Trustee Ludwig	Excused herself from meeting

The meeting adjourned at 1933 hrs.

Respectfully submitted.

Firefighter/Paramedic Anthony Bacidore, Secretary

AB: pp All Files/Pension/2022 – 5-18-22 Quarterly Meeting Minutes

TRANSPORTATION AND PARKING COMMISSION
Minutes – June 8, 2022
Council Chambers – Village Hall
801 Burlington Avenue, Downers Grove

Commissioner Novak called the June 8, 2022 meeting of the Transportation and Parking Commission to order at 7:00 P.M. and led the recitation of the Pledge of Allegiance.

ROLL CALL

Present: Commissioners Novak, Lincoln, O’Malley, Shiliga

Absent: Chairman Carter, Commissioners Heverin, McDonough

Staff: Public Works Director Andy Sikich, Transportation Manager Mike Tuman, and CSO Supervisor Jim Hartleb

Visitor Roster: Bob Miciunas, Donna Miciunas, Kristine Lehocki, Shaun Leehocki, Robert Sipek Jr., Nick roth, Dan Palace, William Sanders, Chris White,, Fran Kubes, Shelia Beine, Jenny Hynek, Morgan Watts, Danielle Rios

A quorum was established.

Commissioner Novak reviewed the procedures to be followed for the meeting, explaining that the Commission will forward a recommendation to the Village Council for approval.

APPROVAL OF APRIL 13, 2022 MINUTES
COMMISSIONER LINCOLN MOVED TO ACCEPT MEETING MINUTES WITH CORRECTION TO TWO SPELLING ERRORS. COMMISSIONER SHILIGA SECONDED THE MOTION.

ALL IN FAVOR. THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE 4:0.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment on non-agenda items.

File #8-22 Franklin Street at Elm Street and at Washington Street - Intersection Control

Public Works Transportation Manager Mike Tuman presented information regarding this item. Both intersections are two-way stop controlled. Residents have petitioned and inquired about changing to All-Way stops at both intersections due to park activity, increased pedestrian traffic, right-of-way confusion, and sight distance concerns.

Staff reviewed current operations, traffic data, and crash reports for this area. Since the time of neighborhood traffic study #4 in 2014, there appears to have been an increase in pedestrian activity. The entrance to Washington Park is located in the northwest quadrant of the Franklin

Street at Elm Street intersection and there is a school crosswalk installed on the north leg of the intersection of Franklin Street and Washington Street.

Six resident responses received by staff based upon notification letters and/or posting of the agenda were all in favor of staff recommended changes.

Staff Recommendation

- Change to an All-Way stop at the intersections of Franklin Street at Elm Street, and Franklin Street at Washington Street.
- The Commission is asked to provide a recommendation to the Village Council.

COMMISSIONER NOVAK OPENED UP THE PUBLIC COMMENT PERIOD

PUBLIC COMMENT ON FILE #8-22

Angela Hasten of the corner of Franklin and Washington:

- In favor of proposed change. Concerned about confusion of right-of-way and pedestrians.

Dan Palace of 819 Franklin:

- In favor of proposed change. Requested refreshment of pavement markings.

Robert Sipek Jr of 4831 Elm St:

- In favor of proposed change. Concerned about pedestrian safety and sight distance.

COMMISSIONER NOVAK CLOSED THE PUBLIC COMMENT

COMMISSIONER NOVAK OPENED DISCUSSION AMONGST THE COMMISSION

Commissioner Lincoln: Asked about the distance to the nearest school, which is three blocks.

Commissioner O'Malley: In support of proposed change due to pedestrian visibility concerns.

Commissioner Shiliga: Asked about the re-striping program. Staff confirmed there is an annual program to complete this activity by snow plow route.

Mr. Novak called for a motion.

WITH RESPECT TO FILE #8-22, MR. SHILIGA MOVED TO MAKE A MOTION TO FOLLOW STAFF RECOMMENDATION TO CHANGE TO AN ALL-WAY STOP AT THE INTERSECTIONS OF FRANKLIN STREET AT ELM STREET, AND FRANKLIN STREET AT WASHINGTON STREET. SECONDED BY MR. LINCOLN.

IN FAVOR: COMMISSIONERS: NOVAK, LINCOLN, O'MALLEY, SHILIGA

NOT IN FAVOR:

THE MOTION PASSED 4:0.

File #9-22 Lyman Avenue at Kenyon Street - Intersection Control

Public Works Transportation Manager Mike Tuman presented information regarding this item. Lyman Avenue and Kenyon Street is currently an uncontrolled intersection. Neighborhood traffic patterns have changed as a result of recent construction on 55th St.

Staff reviewed the current operations of the intersection and noted the inconsistency in neighborhood traffic control for the intersections along Kenyon Street at Webster Street, Washington Street and Lyman Avenue.

No resident responses were received by staff based upon notification letters and/or posting of the agenda.

Staff Recommendation

- Change to an All-Way stop at the intersection of Lyman Avenue at Kenyon Street.
- The Commission is asked to provide a recommendation to the Village Council.

COMMISSIONER NOVAK OPENED UP THE PUBLIC COMMENT PERIOD

PUBLIC COMMENT ON FILE #9-22

Shelia Beine of 5549 Lyman

- In favor of the proposed change for safety of children and sight concerns due to hills.

Fran Kubes of 5538 Lyman

- In favor of the proposed change for neighborhood safety of children.

COMMISSIONER NOVAK CLOSED THE PUBLIC COMMENT

COMMISSIONER NOVAK OPENED DISCUSSION AMONGST THE COMMISSION

Commissioner Shiliga: Asked if staff could review warning signs for hills. Staff agreed to review sight distance.

Commissioner Lincoln: No comment

Commissioner O'Malley: Asked for advance warning signs for new stop signs once installed. Staff confirmed it is usual practice to do so.

Commissioner Novak: Asked for confirmation that warning signs for hills do not need TaP action. Staff confirmed that they do not require TaP action.

Mr. Novak called for a motion.

WITH RESPECT TO FILE #9-22, MR. SHILIGA MOVED TO MAKE A MOTION TO RECOMMEND TO FOLLOW STAFF RECOMMENDATION TO CHANGE TO AN ALL-WAY STOP AT THE INTERSECTION OF LYMAN AVENUE AT KENYON STREET. SECONDED BY MS. O'MALLEY.

IN FAVOR: COMMISSIONERS: NOVAK, LINCOLN, O'MALLEY, SHILIGA.

NOT IN FAVOR:**THE MOTION PASSED 4:0.****File #10-22 Grant Street at Douglas Road - Intersection Control**

Public Works Transportation Manager Mike Tuman presented information regarding this item. Grant Street traffic is currently uncontrolled at the intersection of Douglas Road. Douglas Road does have stop signs to control the north-south traffic. Residents have requested that this location be converted to an All-Way stop.

Staff reviewed the current operations of the intersection and noted issues related to confusion regarding right-of-way, increased pedestrian and bike activity, and a designated bike route utilizing this intersection.

Thirty-five resident responses were received by staff based upon notification letters and/or posting of the agenda. Thirty-four were in favor of the proposed change and one was opposed.

Staff Recommendation

- Change to an All-Way stop at the intersection of Grant and Douglas Road.
- The Commission is asked to provide a recommendation to the Village Council.

COMMISSIONER NOVAK OPENED UP THE PUBLIC COMMENT PERIOD**PUBLIC COMMENT ON FILE #10-22**

Danielle Rios of 630 Grant:

- In favor of change for pedestrian safety.

Jenny Hynek of 502 Grant:

- In favor of the proposed change due to confusion about right-of-way and safety of children.

Morgan Watts of 538 Grant:

- In favor of the proposed change for pedestrian safety and school children crossing.

Bob Miciunas of 409 Grant:

Opposed to proposed change. Understands safety concerns for children, but believes driver responsibility and enforcement should be the focus rather than additional signage.

Donna Miciunas of 409 Grant:

Opposed to the proposed change. Understand safety concerns, but believes drivers should follow the existing traffic control measures already in place.

COMMISSIONER NOVAK CLOSED THE PUBLIC COMMENT**COMMISSIONER NOVAK OPENED DISCUSSION AMONGST THE COMMISSION**

Commissioner Lincoln: Asked if the 35 emails received followed the similar theme of public comments received. Staff confirmed that they did.

Commissioner Shiliga: No comment.

Commissioner O'Malley: In favor of proposed change to make this a pedestrian friendly community and for safe walking routes to school.

Commissioner Novak: In favor of proposed change due to pedestrian and school walking route issues presented. Understands driver accountability and responsibility concerns. Asked about the proliferation of stop signs at intersections.

Mr. Sikich responded that each location is evaluated on its own merits and not all intersections are recommended for stop sign installations.

Mr. Novak called for a motion.

WITH RESPECT TO FILE #10-22, MR. SHILIGA MOVED TO MAKE A MOTION TO FOLLOW STAFF RECOMMENDATION FOR AN ALL-WAY STOP AT THE INTERSECTION OF GRANT STREET AND DOUGLAS ROAD. SECONDED BY MR. LINCOLN.

IN FAVOR: COMMISSIONERS: NOVAK, LINCOLN, O'MALLEY, SHILIGA.

NOT IN FAVOR: COMMISSIONERS:

THE MOTION PASSED 4:0.

DISCUSSION OF OLD BUSINESS

No old business at this time.

COMMUNICATIONS

No communications at this time.

MR SHILIGA MOVED TO ADJOURN THE MEETING. MR. LINCOLN SECONDED THE MOTION. ALL IN FAVOR.

Commissioner Novak adjourned the meeting at 7:58 P.M.

Respectfully submitted,

/s/ Andrea Banke
Recording Secretary

**Village of Downers Grove
Human Service Commission**

Village Hall
801 Burlington Avenue
June 28, 2022
Meeting Minutes

Chair Aycock called the meeting to order at 7:05 pm and asked for a roll call.

Members Present

Chair Aycock
Member Drabik
Member Nicholson
Member Skerjan

Members Absent

Member Galvez
Member Loftus
Member Silvester

Chair Aycock declared that a quorum was present.

Chair Aycock asked for a motion to approve the minutes of the April 26, 2022 meeting.
Motion to approve the minutes by Nicholson, seconded by Skerjan.
Motion carried unanimously by voice vote.

Chair Aycock called on staff to provide an overview of the Village's Social Services Referral Program, April and May Monthly Highlights. Ms. Lippe summarized the performance data included in the staff report.

Chair Aycock asked how services related to alcohol use would be categorized. Ms. Lippe said that this would be included in the "addiction" category. She noted that this is not a leading category, as noted in the monthly report.

Member Nicholson asked why there was a spike in referrals in February. Ms. Lippe noted that the program officially launched and was publicized.

Member Skerjan requested that a cumulative acceptance percentage be included in the report.

Ms. Lippe provided information on the 12 referrals that were declined.

Chair Aycock called on staff to present the draft Social Services Gap Analysis report. Manager Fieldman summarized the report as follows:

In December 2020, based on the findings and recommendations of the [Human Service Ad Hoc Committee Report](#), the Council directed staff to develop a social services referral program and to prepare a report identifying gaps in services and strategies to address the gaps. The Village developed the social services referral program from August 2021 through January 2022 and publicly launched the program in February. The program connects individuals in need of service with the agencies that provide the services.

Report Scope

- *Identify and quantify gaps in social services determined by the Village through the operation of the social services referral program*
- *A “Gap in Service” is defined as: The inability of the Village to successfully refer a resident to a social service agency which provides the requested service*
- *A Gap in Service exists when a resident is not aware of the availability of the social service provider or the Village’s referral program (Awareness); when a resident does not accept a valid social service referral provided by the Village (Acceptance); and when the Village is unable to identify and contact an agency that provides the requested service and can provide the service in a timely manner (Availability)*

Service Gap Identification

Based on the findings of the Human Service Ad Hoc Committee in 2020, staff is operating under the assumption that public awareness is generally low which constitutes an awareness gap.

No acceptance gap has been identified. The Village has been collecting data on the acceptance of social services referrals since the program’s inception in August 2021. The acceptance rate has been strong.

Additional information should be provided to determine if there is an availability gap. The Village has identified a service provider for each of the requested services. The Village is not tracking the extent to which the requested service can be provided in a timely manner.

Participation in the Village’s Taxi Coupon Program for residents 65 years and older or with disabilities has declined significantly due to a lack of availability of taxi services. The report includes data on the decreasing number of taxi drivers available and the usage of the Village program.

Strategies to Address Service Gaps

The Village should consider taking the following steps to address the awareness and availability gaps identified in this report.

- *Increase Awareness of the Social Services Referral Program by Creating and Implementing a Public Awareness Campaign*

- *Post Messages and Videos on the Village Website and Social Media Platforms*
 - *Provide Information in the Village E-news, Inside DG Newsletter and Utility Bills*
 - *Partner with Other Governments to Provide Information Using Their Communication Platforms*
 - *Highlight the Referral Program in Police & Fire Public Education Programs*
 - *Arrange for the Social Worker to Present Information at Local Community Organizations*
- *Increase Understanding of the Availability of Services by Requesting That the Service Providers Submit Information to the Village About Wait Times and Schedule Availability.*
 - *Improve Senior Residents Access to Transportation by:*
 - *Referring the Issue to the Transportation and Parking Commission for Their Review and Consideration*
 - *Promoting the Use and Availability of Township and County Senior Transportation Services*
 - *Encourage the Township and County to Expand Senior Transportation Services*

Chair Aycock expressed that the report was well done and very thorough. She requested that the Village contact District 58 to explore increasing awareness of the social services program. Chair Aycock noted that her neighbor approached her about service needs and the neighbor was unaware of the referral program. She asked about inclusion in the District 58 information weekly packet. Also, this information could be included in a new resident welcome packet.

Chair Aycock asked about potential partnerships with rideshare companies. Member Nicholson said that “taxi” is not the same concept as it used to be. Manager Fieldman noted that some large cities have partnered with rideshare companies primarily for supplementing mass transit programs. Member Nicholson encouraged the Village to look into working with rideshare companies to provide services to senior residences.

Member Drabik suggested that other community groups (Rotary Club, Lions Club, etc.) may be of assistance in providing transportation to senior residents. Member Aycock asked about liability concerns with this program. Member Drabik stated that he was not aware of any issues.

Ms. Lippe stated that she is aware of a non-for-profit organization that provides rides to seniors for various appointments and errands and Downers Grove residents would be considered.

Member Skerjan asked about the *Coupons Redeemed* and *Number of Participants*. Ms. Lippe explained the *Coupons Redeemed* are those submitted to the Village and the *Number of Participants* are the number of people registered in the program. He asked if seniors are calling for taxis and they are not showing up. Staff noted that this is the case.

Chair Aycock said that the acceptance rate may be artificially high because it relies on self-reporting. She encouraged the Village to refine the acceptance rate measurement and to

continue to work to encourage the acceptance of the services. She asked about the level of service currently being provided. Ms. Lippe explained that she provides a high level of service including calling the service providers directly to inform them of a pending referral as a way of increasing the acceptance rate. She noted that in some cases the trust between the Village and the resident must be strong for the resident to accept the referral.

Member Drabik noted that addressing the awareness gap may drive the acceptance rate and the number of residents seeking referrals. This should be the focus of the project and program. Chair Aycock agreed.

Chair Aycock asked if the Social Worker could make active follow-up calls. Ms. Lippe stated that this type of service would be case management and the program does not include case management services. Member Nicholson said the Village Council may be short sighted in this regard.

Chair Aycock reiterated that the awareness gap appears to be the larger issue. Member Drabik agreed and suggested that the Village obtain data on the awareness gap.

Member Skerjan asked if the Social Worker could survey the residents who received a referral to determine more information about awareness and acceptance rates.

Member Drabik asked if there would be a way to track data and information if the Village were to partner with other agencies to provide transportation services. Manager Fieldman said that the Village would want to track this information. Chair Aycock said the Village should get feedback from the users of the program regarding the quality of the service. Ms. Lippe noted that she will be meeting with senior residents to discuss this. The Social Services Referral Program will be presented.

Chair Aycock suggested that the Village explore partnerships with medical groups on the provision of senior transportation services.

Member Skerjan asked about comparing the VoDG acceptance rate to other municipalities. Ms. Lippe said that Wheaton provides a similar service and we could compare information.

Chair Aycock asked about future "Guides." Ms. Lippe said that she is working on a Veteran Guide, LGBTQ Guide, and Youth Guide.

Chair Aycock inquired if the Village has a summary of services document that could be publicized, similar to a Community Guide. She asked if the Village keeps any statistics on programs.

Member Drabik said that the Inside DG newsletter would be a good source of awareness information.

Chair Aycock suggested that the Human Service Commission operate information booths at various community events. She asked how the Village currently promotes services. Manager Fieldman stated that successful awareness campaigns primarily use the communication tools referenced in the draft report. He provided an example of the recent Boards and Commissions recruitment short form video which resulted in an increase in the number of applications submitted.

Member Nicholson asked who the target audience would be for increased awareness efforts. The target audience should be identified. Chair Aycock said that religious institutions could be targeted.

Chair Aycock asked if Ms. Lippe can discuss issues with school districts social workers. Ms. Lippe noted that school districts are currently providing referral services to students.

Chair Aycock said that the materials should be provided in multiple languages.

Member Skerjan noted that the services provided cover many demographics within the Village.

Member Drabik said that messaging should be provided through other governments and not for profit organizations.

Manager Fieldman said that the comments made by the HSC tonight will be included in a revised draft of the report.

Chair Aycock asked if there were any public comments. Jodi Harap said that the report was impressive. She said the awareness gap was the biggest issue. She agreed that the target audience should be identified. There are certain anchors in the community. All people seek medical services. Many members of the community seek services at the Library, public schools, Good Samaritan Hospital and others. She said that the Village should work with these agencies and organizations to promote the program.

Motion to adjourn by Skerjan, second by Drabik. Voice vote unanimous. The meeting adjourned at 8:17pm.

**BOARD OF TRUSTEES
DOWNERS GROVE FIREFIGHTERS PENSION FUND MEETING
Downers Grove Fire Department Station 2, 5420 Main,
Fire Station 102 (Primary) and Electronic Conference
Special Meeting
July 11, 2022 – 1700 hrs.**

Agenda Item – 1

Trustee Campbell called the meeting to order at 1701 hrs.

Agenda Item – 2

Trustee Campbell made a recommendation that a motion be made to allow electronic attendance.

MOTION: A motion was made by Trustee Campbell to conduct the July 11, 2022 Special Pension Board meeting electronically. Seconded by Trustee Bacidore.

Roll Call vote:

Trustee Kuchta	Aye
Trustee Ludwig	Aye
Trustee Bacidore,	Aye
Trustee Campbell	Aye

Motion carried by a vote of 4-0.

Member Absent

Trustee Moy

Agenda Item – 1

New Business

Trustee Campbell advised that the purpose of the Special Meeting is retirement calculations. The Pension Board has received three service retirement requests. Those calculations have been done by Lauterbach & Amen and submitted to the Pension Board for approval.

Battalion Chief John Hardy entered the Fire Department on April 19, 1993 with a retirement date of July 1, 2022. The effective date of his pension will be July 2, 2022. He is 53 years old with 29 years and 2 months of service. His final applicable salary is 4133,151.50 of which he will be entitled to a benefit of 72.92%. The amount of the monthly pension to the member will be \$8,139.42.

MOTION: A motion was made by Trustee Campbell to accept and approve the application for retirement for BC John Hardy Seconded by Trustee Bacidore.

Roll Call vote: Trustee Bacidore Aye
 Trustee Kuchta Aye
 Trustee Campbell Aye
 Trustee Ludwig Aye

Motion carried by a vote of 5-0.

Lieutenant Bret Mowery birthday is June 2, 1967 and joined the Fire Department on October 11, 1993 with a retirement date of July 4, 2022. The effective date of his pension will be July 5, 2022. He is 55 years of age with 28 years and 8 months of service. His final applicable salary is \$119,189.00 of which he will be entitled to a benefit of 71.67%. The amount of the monthly pension to the member will be \$7,154.07.

MOTION: A motion was made by Trustee Campbell to accept and approve the service application for retirement for Lt. Mowery. Seconded by Trustee Bacidore.

Roll Call vote: Trustee Bacidore Aye
 Trustee Kuchta Aye
 Trustee Campbell Aye
 Trustee Ludwig Aye

Motion carried by a vote of 4-0.

The Pension Board has also received a retirement calculation with reciprocity from Deputy Chief Dan Tasso however he has requested that the Board tables this application as he may alter his retirement date. This is tabled pending further notification from him.

Trustee Campbell advised he will now update the FPIF authorized representative.

On June 17, 2022 IFPF amended their rules to allow for a non-member to be an authorized representative where the Finance Manager is not also their treasurer. That is not our case. However, we did approve authorized representatives of the Fund and Cash portal. The current treasurer at the time was Judy Buttney. The current Village Finance Manager and Board treasurer is Robin Lahey. Therefore, we need to update the form. This is a resolution appointing the account representatives for the Global Cash Movement Portal. Account representatives are still Anthony Bacidore and Matt Campbell who can sign any cash movement and Robin Lahey needs to be put on this resolution to be able to move cash as directed by the Board from account to account.

MOTION: A motion was made by Trustee Campbell to accept and approve the Resolution and update the Pension Board's account representatives for the Global Cash Movement Portal. Seconded by Trustee Bacidore.

Roll Call vote: Trustee Bacidore Aye
 Trustee Kuchta Aye
 Trustee Campbell Aye
 Trustee Ludwig Aye
Motion carried by a vote of 4-0.

PUBLIC COMMENT

None

ADJOURN

MOTION: Trustee Campbell made a motion to adjourn.
 Trustee Moy seconded the motion.
Motion carried 5-0.

Roll call was taken:

Trustee Campbell Aye
 Trustee Kuchta Aye
 Trustee Bacidore Aye
 Trustee Ludwig Aye

The meeting adjourned at 1709 hrs.

Respectfully submitted.

Firefighter/Paramedic Anthony Bacidore, Secretary

APPROVED

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

August 22, 2022, 7:00 P.M.

Chairman Rickard called the August 22, 2022 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Commissioners Boyle, Dmytryszyn, Maurer, Roche, Patel, Toth

ABSENT: Commissioner Rector

STAFF: Senior Planner, Flora Leon, Planning Manager Jason Zawila

OTHERS

PRESENT: Adam Barry, Gregg Stahr, Bill Styczynski, Leonard Fisher, Mary Fisher, Vincent Barrett, Joe Birkett, Bill Barrett, Jack Gerberich, Jim Gerberich, Tom Barry, Dave Molnaro, Jeremy Shilga, Brian Barbato, David See, Dan Barbato, Eric Barry, Greg Duchak, Stephen Jagield, Jennifer Barry, Stephanie Lucas, Heather Klauska, Scott Richards, Jayne Jaramillo, Charles Stava, Steven Jagielo, Margie Anderson, Deborah Stava, David See

APPROVAL OF MINUTES

Chairman Rickard entertained a motion to approve the minutes.

MINUTES OF THE AUGUST 1, 2022 PLAN COMMISSION MEETING WERE APPROVED ON MOTION BY COMMISSIONER MAURER, SECOND BY COMMISSIONER PATEL, MOTION PASSED BY VOICE VOTE OF 5-0, WITH DMYTRYSZYN AND TOTH ABSTAINING.

PUBLIC HEARING

Chairman Rickard explained the protocol for the public hearing process and swore in those individuals that would be speaking during the public hearing.

FILE 22-PLC-0017: A PETITION SEEKING APPROVAL OF A PLANNED UNIT DEVELOPMENT, A REZONING FROM DB TO DB/PUD AND A SPECIAL USE TO CONSTRUCT A 4-STORY MIXED USE BUILDING WITH COMMERCIAL SPACE ON THE GROUND FLOOR AND 24 RESIDENTIAL UNITS ON THE 3 UPPER STORIES. THE PROPERTY IS LOCATED 270 FEET NORTHEAST OF THE INTERSECTION OF ROGERS STREET AND MAIN STREET, COMMONLY KNOWN AS 4915 MAIN STREET, 4919 MAIN STREET AND 4923 MAIN STREET, DOWNERS GROVE, IL (PIN

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09-08-117-005, -006, AND -007. BARRIERE PROPERTIES, LLC AND URS-JDJAC25 LLC, OWNERS AND ADAM BARRY, PETITIONER.

Adam Barry, 1908 Hitchcock, introduced himself as the petitioner and owner of Barriere Properties. He indicated that he is seeking approval of a PUD to construct a four story mixed use building that will have 24 residential units and commercial on the first floor. The current property is zoned Downtown Business and currently has two story commercial uses in former single-family homes. He feels that the properties north of the BNSF are decades old and lacks a pedestrian feel, with buildings that lack cohesion. Many of the commercial buildings are offices and lack restaurant options. Most buildings in this area are surrounded by parking and use many curb cuts, which doesn't have a downtown feel.

Mr. Barry then provided an overview of the proposed building including the architecture of the project. He indicated that the development will meet all zoning requirements, with the exception of the underground parking garage and provided an overview of the associated setbacks. He indicated that multiple discussions occurred with Village staff on the project and multi-family with the addition of commercial space was determined to be the best use. He then provided an overview of the outdoor amenities located in the rear, which included separate patios for both the restaurant and the residential uses. He then proceeded to provide an overview of the street side improvements included the reduction of access points to one and an expansion of the existing sidewalk. Mr. Barry then provided an overview of the construction and material selection for the building.

Mr. Barry then provided overview of the height stating that the building will be constructed to 46 feet, under the 70-foot requirement. A summary of the underground parking garage was then provided including confirmation that the parking would meet Village Code. He then stated that the building will be targeted for a 55 plus old community and the apartments would be upscale similar to recent downtown developments. He concluded that he is seeking approval of the PUD for the mixed-use building and that the request meets all standards and consistent with the objectives of the Comprehensive Plan. He hopes that this will serve as a catalyst for future development in the area and the north side of the tracks. The development is a long-term investment and appreciates the counsel of the commission and nearby residents for this project. He then stated that he is open to any questions the commission may have.

Commissioner Dmytryszyn requested that he provide a summary of how stormwater will be handled for the project. Mr. Barry provided an overview of the stormwater facility and infrastructure that will be provided and referenced the facility location on the northeast corner of the site.

Commissioner Boyle clarified the location of the outdoor seating. Mr. Barry provided an overview of the outdoor amenities for the restaurant and the apartments. Commissioner Boyle then inquired if restaurant operators were consulted on the proposed space and if there was concern about parking. Mr. Barry indicated that there is parking available in Village parking lots such as near the Tivoli and across from Starbucks, that are free after certain hours, similar to what other businesses get to use in the area. Commissioner Boyle then inquired about the layout of the residential units. Mr. Barry provided an overview of the units and referenced his presentation, indicated there would be a mixture of 1 and 2 bedroom units. Lastly, Commissioner Boyle clarified what variances are

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being requested. It was indicated, that at the deviation for the rear setback is being requested for the underground parking garage.

Commissioner Patel inquired if there was going to be a loading area for deliveries and move ins and how that would work with traffic. Mr. Barry provided an overview of the loading zone that will be provided on the street, and would also be open to turning restrictions for residents leaving the building.

Chairman Rickard invited for any additional public comment.

Jeremy Shilga indicated that his backyard is immediately south of the project and he purchased his home 2 years ago in hopes of restoring his home. He indicated that 46 feet of the southern border of the property is zoned DB, but the remaining 64 feet is adjacent to residential and 10 to 15 feet of the building border a residential property line. His other stated concern is that this side of the tracks lacks the infrastructure that the south side of the tracks offers. The 2017 Comprehensive Plan indicated that the Starbucks property would become public parking. He stated he is also concerned that there is no precedent to have outdoor seating adjacent to residential and concerned about the hours of operation. He is also concerned about the proposed fencing is not sufficient for the outdoor area that is 7 feet from the property line.

Leonard Fisher indicated that he is concerned about the location and depth of the proposed stormwater facility and that with the proposed fencing he does not have sufficient space to access the rear of his garage.

Scott Richardson, stated it was not clear how access would occur for the project and is concerned about the amount of development that is occurring in the downtown and the traffic impact. He says it very difficult to travel along Main Street and all the town cares about is tax dollars. He feels this project is too big and too dense.

Vincent Barrett stated he has lived here his whole life and mentioned in the past a realtor acquired 4917 Highland and attempted to build a parking lot in a residential backyard and his family banded together to save the neighborhood. He agreed with one of the previous speakers that the outdoor area should not be seven feet from somebody's backyard with children and was concerned about the hours of operation. He feels the petitioner is not asking for a special use, but he is asking for precedent and the next building may be five stories with two restaurants and projects like this will tear apart the neighborhood and he is against this development.

Joe Burkett said he moved here a year and a half ago and loves Downers Grove because it combines the best things about Paris such as the walkability and commercial activity, that is very close and also features big yards like you see in Atlanta. He feels prior Plan Commissions have done a great job and when he first heard about this development, it was a bit concerning. He wasn't aware that this was zoned Downtown Business, but when he went through the regulations it says that Downtown Transition is meant to accommodate and promote transitional land use and development patterns between the DB and DC zoning districts and low density residential areas. He then reviewed the zoning map and could not find one spot that was downtown business right next to single-family properties. It does not make sense to him that this would be zoned for 70 foot buildings right next to residential. He could not find any other examples of a 40-foot building right next to single family. He feels that there is many things that can be done with this property and that

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the proposed parking is at the bare minimum and voiced concerned about the size of the proposed restaurant. Concern was also stated about there being insufficient parking on the north side of downtown.

Stephanie Lucas stated her concern about recent development activity but found solace that the code provides for downtown transitional. In reference to the Comprehensive Plan she indicated that the downtown business area is uniquely located adjacent to the downtown core district with denser commercial development in the downtown transition district in residential neighborhoods with residential characteristics. She stated that she has no idea why we have no transition on this block and recognized that is not the issue to be discussed today; but considering the definition of downtown transition, the guidelines are intended to help prevent intensive downtown development from encroaching into stable residential appearance. She reviewed the Comprehensive Plan and understands that the document is part of the Commission's research and data, but she offered observational data. She stated that the parking that is in the area is already used by St. Joseph and the Tivoli Theater, in addition to other businesses. There is not parking available for an additional restaurant. She then further stated that she is concerned about stormwater management and appreciates the development considered this, but anecdotally she feels the neighborhood is experiencing increased water issues. She then also stated that there will be concern for the lights that will emit from the balconies and people hanging out on their balconies looking in their backyards. Lastly, she stated that the development is inconsistent with the building surrounding the development and that the building massing and height should be proportionate to adjacent buildings.

Charles Stava agrees with all the previous comments and has concern about the proposed traffic. He has always been concerned about the truck traffic for deliveries such as by Starbucks, in addition to not enough parking. He feels that the Plan Commission is disrespecting the residents, just like what happen with the Marquee Condo building that had two large apartment buildings constructed right next to it and how close those buildings are to each other.

Steven Jagielo stated his property runs adjacent to the subject property. He stated he was really engaged with the downtown zoning that occurred in 2018 and communicated with Village Staff, including Stan Popovich. He noted that the subject property is one of two unique properties that is located in the downtown, as it is zoned Downtown Business, but is recommended as Downtown Transition in the Comprehensive Plan. The other is the West Suburban Bank building. He stated that the Village Council left the properties as Downtown Business, because the Downtown Transition District would not allow for the uses that already existed on the block. He is asking that the commission consider this area as downtown transitional and keep it in line with the guidelines that recommend downtown transition, such as building height, that allowed for no higher than 36 feet or three stories, whichever is less. He then passed out pictures to show what this could look from the residential properties located on Highland.

Margie Anderson asked if she could have a copy of the traffic study. Chairman Rickard indicated that the traffic study was included as part of the packet, which is available online.

Jonathan Klauska agrees with the other concerns that have been stated this evening and was concerned about the precedent this would set and the underground garage would complicated the already underperforming stormwater situation on his block. He was also concerned about the impact the outdoor seating would have on the single-family homes.

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Jayne Jaramillo indicated that she is newest homeowner on the block and felt that this development was very discouraging to hear about. She previously lived in luxury condos and what drew her to Downers Grove was the older homes and preserving them. She feels the neighborhood feel will be lost with the placement of apartments that don't help grow families. She also stated concern about the number of patrons that the restaurant would draw.

Jeremy Shilga returned to the podium and stated that that he is commissioner with the traffic and parking commission for the last two years. He made the point that a traffic study has not been completed north of the tracks.

Deborah Stava feels that Main Street is a nightmare and that they have a senior building right across the street from them and ambulances and fire trucks are constantly coming that building. When there are festivals and Main Street is closed down, the traffic pours down their street. With this project the traffic is not only going to affect Highland, but the two blocks in each direction. She also stated concern about the restaurant and every time the fire alarm goes off, the whole building will need to evacuate. She asked that the Plan Commission think about safety first before money or anything else.

David See stated that they have concern about the zoning and that another tall structure will be built in town. He stated that on Gilbert they have many beautiful homes that are being torn down like the townhomes that were built there. He inquired about how much more tax dollars does the Village want to grab and what about the precedent that this will set. He was also concerned about the amount of transients, the occupancy rates of other new apartment buildings and the creep of the rezoning.

Brian Barbato, agrees that there this a lack of infrastructure on the north side of the tracks and that this is the wrong building for this part of town. He feels this building does not look like anything else and would be looking for something similar to Georgia Courts.

An inquiry was made regarding a light study and if it was conducted for the project. Chairman Rickard indicated that was completed for the project and they would need to follow Village Ordinance.

Chairman Rickard then invited staff to make their presentation.

Ms. Flora Leon, Senior Planner, summarized the request stating that the petitioner was requesting approval for a special use, planned unit development, and rezoning. She noted that the proposed scope of work included the construction of a four story mixed-use building with commercial space on the ground and 24 units on the floors above. She provided both a downtown context map and a location map and noted that the subject property was located south of Franklin Street and east of Main Street. She then shared a photo of the public hearing sign that was posted and noted that a phone call was received inquiring more information about the petition. Ms. Leon then provided existing conditions of the parcels and stated that while all the buildings were residential they were currently occupied by commercial office uses.

Ms. Leon provided the parking level plan and summarized the proposed work. She noted that there would be a reduction in curb cuts from three to one. The proposed garage entrance would be located

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along the north side of the building. Four parallel parking spaces along Main Street will be proposed along with a 40-foot long loading zone for restaurant deliveries and tenant moving trucks. Additionally, the sidewalks along Main Street will be expanded to the inside of the curb. Ms. Leon then provided the ground floor plan for review. She noted that there would be dedicated commercial space with the intention for this space to be occupied by a restaurant. She then highlighted the rear setback and noted that while the required was 46 feet the garage below grade was only 3 feet setback. This requested deviation was highlighted in table two of the staff report. Next, she presented the front elevation and noted the proposed materials included glass roll up doors, limestone block face, decorative lighting, and metal canopies. Along the rear and side of the proposed building the petitioner proposed the use of fiber cement panel siding to create a smooth transition to the single family residential neighborhood. Ms. Leon then noted that the proposed development was deemed to be in substantial compliance with the Downtown Design Guidelines. She then directed the Plan Commission to pages 5 and 6 of the staff report for detailed notes on the design.

Ms. Leon also noted that the development was consistent with the Comprehensive Plan. She then provided the criteria for the rezoning, planned unit development, and special use and noted that staff believed the criteria had been met. If the board agreed Ms. Leon indicated that a draft motion could be found on page 8 of the staff report for the Commission's review.

Chairman Rickard confirmed that there are no parking requirements for the commercial portion of the project and what was required for the residential portion. Ms. Leon confirmed that there was no parking required for the commercial and that residential required 1.4 parking spaces per unit.

Chairman Rickard then inquired what the separation was supposed to be for the outdoor area. Ms. Leon indicated that the minimum setback is 5 feet. The proposed plans have a seven-foot setback for the patio on the south side of the property and an approximate 25-foot setback to the east for the amenity patio for the apartment use. Chairman Rickard also clarified what the fence requirements are for the outdoor area. Ms. Leon clarified that a 6-foot solid fence is required.

Chairmen Rickard then confirmed if a landscape plan was required. Ms. Leon indicated that a landscape plan was required per the PUD. This was provided in the packet.

Commissioner Dmytryszyn confirmed that the curb cut would lead to an underground garage. Ms. Leon confirmed that was correct.

Commissioner Maurer, commented that he appreciated everyone coming here this evening and the only reason we are here is because the applicant is requesting a PUD, which we used when the project needs to deviate from the underlying zoning code. In this case the developer is building everything else to code, but the rear setback for the parking garage, which code requires a 46 foot setback and the below grade parking will be three feet from property line. We are here to give a recommendation and everyone in attendance can also attend the Village Council, which will make the final decision. He then inquired that they are only here because of the three foot setback. Ms. Leon clarified that this application is in front of the Plan Commission because of a mixture of things. The PUD offers flexibility and the ability to develop a mixed-use building, and not just because of the deviation.

APPROVED

Planning Manager Zawila further added that the development in front of the Plan Commission is also asking for a special use for the multi-family component. The Commission must utilize the standards in front of them to review the special use in addition to the PUD. That's something that. The PUD is being requested not only for the deviation, but the development itself as a mixed-use building. The site plan and associated elevations are also being reviewed by the Commission this evening.

Chairman Rickard clarified for the public that many comments were made this evening regarding stormwater and he summarized how that is reviewed and that is always addressed as part of the building permit review. Mr. Zawila further added that stormwater concerns are commonly brought up at these type of meetings and confirmed that staff reviews all development, not just the ones requesting zoning approvals under the same code. It is an administrative technical review and the Village, as full waiver community administers the DuPage County Stormwater Ordinance with our own local amendments. He then provided a brief history of recent updates to the Village Code, related to stormwater. Commissioner Maurer further stated that when these developments are approved and constructed, sites are brought up to code and they are in a better condition then they were before.

Chairman Rickard requested clarification on the zoning for the property. Ms. Leon confirmed that all three properties are zoned Downtown Business, although all existing structures have a residential appearance.

Commissioner Maurer confirmed if apartments are allowed special uses in the DB Zoning District. Ms. Leon confirmed that is correct. Commissioner Maurer then confirmed that the three requests in front of the Plan Commission this evening is for the special use, the PUD and the Map Amendment. Ms. Leon confirmed that is correct.

Mr. Zawila then further offered an overview of a PUD. He stated that the PUD, according to our zoning ordinance is an overlay district. It's almost like its own zoning district and that's why it's a map amendment in addition an approval that offers certain entitlements, with certain conditions and deviations from the Zoning Ordinance. It is intended to accommodate developments that may be difficult, if not impossible to carry out under otherwise applicable zoning district standards and the results, public benefits that are at least commensurate with the degree of the developments and flexibility provided. He then further stated that in our code, we list several types of development that might be appropriate for approval. As it relates to this development, this a mixed use developments, which contain a complimentary mix of residential and non-residential uses. As part of the recommendation the Plan Commission will be recommending approval of a PUD site plan, which includes the site plan, building elevations and site specific deviations. The PUD, again, is not just for the deviations but the related site plans and related drawings.

Chairman Rickard inquired if a restaurant was not placed on the ground floor and the patio was not used, would the applicant need to come back for an amendment or is there additional conditions that can be placed. Mr. Zawila indicated conditions can be placed, but the Plan Commission should be aware of the underlying zoning rights that a DB property may have and care should be made when requiring parking, when it is not normally required in the downtown for most uses.

Commissioner Maurer again reiterated that they are here this evening because of the special use the deviation that is requested as part of the setback. Mr. Zawila reiterated that the special use, PUD

APPROVED

and Map amendment request is why the application is in front of the Plan Commission this evening. To give the public perspective, if this building was just a commercial use that met all zoning requirements it would not have to go in front of Plan Commission, but would still require design review in front of the Historic Preservation and Design Review Board.

Commissioner Toth confirmed that the traffic study needed to estimate the amount of current traffic based on the fact that traffic is still lower than the past with the pandemic. Ms. Leon confirmed that is true and the Plan Commission has reviewed traffic studies that used a similar method over the last two years. He then further inquired what were the general conclusions of the study. Ms. Leon stated that the existing infrastructure could handle the proposed development. Mr. Zawila further added that the Village's Traffic Manager reviews the traffic study just like any other project and agreed with the conclusions of the study. Commissioner Toth further inquired if the study included traffic generation from the restaurant. It was confirmed the study did include that as part of its analysis.

Commissioner Boyle inquired if there are other developments in a transitional district that would allow for daylight between lots similar to the proposed development. Mr. Zawila attempted to clarify the question and Commissioner Boyle further explained that with PUDs the Plan Commission has some latitude with development and whether it is consistent with the Comprehensive Plan and impacts on the neighborhood. He is trying to evaluate the impact of having a patio adjacent to the backyards of abutting residential neighborhoods and if this would be a benefit to the existing landowner or the surrounding community. In response, Mr. Zawila stated that this Plan Commission has certainly reviewed commercial cases that are adjacent to single family residential and if it the Plan Commission's desire they may place additional conditions on to a development to minimize the impacts. Mr. Zawila stated that there have been several cases where fence height has been increased or the landscaping buffer was further expanded to help screen commercial uses from single-family residential. He further added that every case should be reviewed on its own merits, but wanted to provide examples on what was provided previously.

Chairman Rickard confirmed what is allowed with the outdoor dining program. Mr. Zawila confirmed that the Village does have an outdoor dining program which limits when outdoor dining can be used throughout the year. He mentioned that the Plan Commission did previously review a restaurant proposal in the downtown, adjacent to residential that did request year round use of a patio. That was not the case with development and it would be subject to the same requirements as other outdoor dining areas on private property.

Commissioner Maurer confirmed that this development is being constructed to the allowable density. Mr. Zawila confirmed that was true. Commissioner Maurer then summarized the development request as it relates to the bulk regulations for the Downtown Business District.

Commissioner Dymtryszn asked staff what they felt was a reasonable height for a building that is located in the Downtown Business District that is allowed a 70 foot building height, but has a recommendation in the Comprehensive Plan for Downtown Transition and what would set precedent. Mr. Zawila clarified that the DB Zoning District allows for up to 70 feet, but must also have a minimum height of 32 feet. He then stated that staff will never use the word precedent and that every case is reviewed on its own merits. By not maximizing the height of the building, staff felt that the proposal in front of the Plan Commission was in line with recommendations of the Comprehensive Plan and supports the proposed height for this project.

APPROVED

Chairman Rickard invited the petitioner to return to the dais to offer closing statement and to address the questions from the evening.

Mr. Barry returned to the podium and stated that the original proposal was for a 57 foot building, but discussing the project with staff and with input from their first neighborhood meeting the height was reduced, in consideration of the neighbors. In regards to the stormwater plan for the project he invited his engineer to the podium to provide an overview of the plan.

Robert Gudmundson, stated he is the engineer for the project and indicated that the project will follow the Villages stormwater ordinance and provided a brief overview of the plan. Chairman Rickard confirmed if the stormwater control will be better then it is today. Mr. Gudmundson, confirmed that is correct.

Mr. Barry returned to the podium and agreed with his engineers findings. He then invited his architect to the podium to further talk about the proposed restaurant, related parking concerns and the building architecture and massing.

Bill Styczynski stated he is the architect for the project, and he has heard a lot of concerns about parking as it relates to the proposed restaurant use. He felt it was important to state that a restaurant can be constructed on this site by right with a building permit and would not be required to provide any parking. He then further discussed the massing of the project indicating that a four story building could also be built by right on the property and the deviation was necessary in order get the sufficient ramp space into the garage and the required parking. He believes his client would also be open to a taller fence and additional landscaping.

Mr. Barry returned to the podium and stated that the traffic study that was review by staff, concluded that there would be no discernable impact that would result from this project with the restaurant.

Commissioner Maurer stated that there are two reasons why we are here tonight, one of which is the special use for the multi-family and the second is related to the setback. The other factors that we have heard tonight related to zoning, screening, lighting will be taken care of with the building permit review, so in terms of that, it is hard to argue against this. He stated he is not a big fan of traffic downtown, but nobody this evening has mentioned transit oriented development. Because of the location of this building in relation to the train station, the traffic impact should be minimal.

Commissioner Patel supports the underground parking setback, since it will not be seen and it appears it will not affect the engineering of the project.

Commissioner Dymtryszn stated that he has concern about parking and that is challenge and Village Council needs to look at additional parking solutions, but he does not think that necessary applies to this specific development. He further stated that when he look at the definition of a PUD and what we're trying to improve, there's a couple of benefits that are at least commensurate with a degree of flexibility that will provide the zoning standards and the degree of flexibilities to do multifamily and to give a slight easing on the rear setback and thinks those benefits are sufficient.

APPROVED

Commissioner Maurer referenced that the multi-family is an allowed special use in the district and that Plan Commission is a recommending body and appreciates everyone's comments this evening.

Discussion then occurred on what additional conditions may be placed on the project. It was recommended that a condition should be placed on the approvals to increase the fence height to 8 feet, in addition to working with Village staff on hours of operation limitations ahead of Village Council consideration of the project.

Chairman Rickard stated the development seems reasonable to them. He noted there has been a lot of talk about traffic, congestion and parking, but thinks that is actually a good think for the north side of the tracks. He then provided an overview of the zoning about this property and the fact that multiple public hearings were held and it was ultimately determined that the zoning for this property should remain downtown business. He feels that the north side of track needs something to spur some economic development activity. He stated he lives on Main Street and other the rush hour the traffic is not bad. The project meets the height requirements and the variances they are asking for is not detrimental. The only thing that he struggles with is the outdoor patio element adjacent to residential properties and would be concerned about noise, but that being said a resident can have several people in their backyard, late at night and referenced his home as an example. He feels that controls should be placed on the hours of operation. He intends to support the project, with the idea that the fence height is increased and limitations of hours are placed on the outdoor patio.

Commissioner Boyle stated that at the very least a more significant fence should be placed adjacent to the patio area. He feels that this is a creative solution to keep the parking underground, with the requested relief, otherwise the parking would be above ground adjacent to the neighbors. Referencing the property to the immediate south, he is not sure was could be constructed there or what precedents may be set. From a transitional land use recommendation, he struggles that this might not accomplish what the Comprehensive Plan recommended. He is not sure he can support this project, but if this were to move forward, he strongly encouraged that some sort of buffer between the residents and business should be placed.

Further discussion then occurred related to the wording of conditions for the hours of operation limitation and increased fencing height.

WITH RESPECT TO FILE 22-PLC-0017 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER DMYTRYSZYN MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A PLANNED UNIT DEVELOPMENT, ACCOMPANYING REZONING, AND SPECIAL USE AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST AND THEREFORE, I MOVE THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0017, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE, PLANNED UNIT DEVELOPMENT AND REZONING SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, RENDERINGS, ARCHITECTURE PLANS PREPARED BY STUDIO21 ARCHITECTS, DATED AUGUST 1, 2022, ENGINEERING PLANS PREPARED BY RWG ENGINEERING,**

APPROVED

LLC DATED AUGUST 8, 2022, LANDSCAPE PLANS PREPARED BY GREEN GRASS, AND TRAFFIC PLANS PREPARED BY KLOA DATED AUGUST 16, 2022 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.

- 2. THE PETITIONER SHALL CONSOLIDATE THE THREE LOTS INTO A SINGLE LOT OF RECORD PURSUANT TO SECTION 20.507 OF THE SUBDIVISION ORDINANCE PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT OR BUILDING PERMITS.**
- 3. PRIOR TO ISSUING ANY SITE DEVELOPMENT OR BUILDING PERMITS, THE PETITIONER SHALL MAKE PARK AND SCHOOL DONATIONS IN THE AMOUNT OF \$154,984.92 (\$132,081.96 TO THE PARK DISTRICT, \$16,488.12 TO ELEMENTARY SCHOOL DISTRICT 58, AND \$6,414.84 TO HIGH SCHOOL DISTRICT 99).**
- 4. ALL SIGNAGE FOR THE APARTMENT BUILDING AND FUTURE RESTAURANT SHALL CONFORM TO THE VILLAGE'S SIGN ORDINANCE.**
- 5. THE BUILDING MATERIALS SHALL BE SUBSTANTIALLY CONSISTENT WITH THE APPROVED PLANS AS VERIFIED BY THE VILLAGE AND CONSISTENT WITH THE DOWNTOWN DESIGN GUIDELINES.**
- 6. BICYCLE RACKS WILL BE PROVIDED ON THE SUBJECT PROPERTY AS REQUIRED BY VILLAGE CODE.**
- 7. PRIOR TO THE ISSUANCE OF ANY BUILDING OR DEVELOPMENT PERMITS, THE PETITIONER SHALL PAY TO THE VILLAGE TREE REMOVAL PERMIT FEES SUBJECT TO VERIFICATION BY THE VILLAGE FORRESTER.**
- 8. THE FENCE HEIGHT FOR THE DEVELOPMENT SHALL BE INCREASED TO 8 FEET TALL.**
- 9. EVALUATE THE HOURS OF OPERATION FOR THE PATIO.**

SECOND BY COMMISSIONER PATEL. ROLL CALL:

AYE: COMMISSIONERS DMYTRYSZYN, PATEL, MAURER, ROCHE, PATEL, AND CHAIRMAN RICKARD

NAY: COMMISSIONERS BOYLE

MOTION PASSED. VOTE: 6-1

Planning Manager Zawila provide a brief overview of the next steps for the case and noted that two items are scheduled for the September 12, 2022 Plan Commission meeting.

THE MEETING WAS ADJOURNED AT 9:22 P.M. UPON MOTION BY COMMISSIONER JOHNSON. SECOND BY COMMISSIONER DMYSTRYSZYN. A VOICE VOTE FOLLOWED AND THE MOTION PASSED UNANIMOUSLY.

/s/ Village Staff
Recording Secretary
(As transcribed by MP-3 audio)

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF LIBRARY TRUSTEES
AUGUST 24, 2022, 7:30 P.M.
LIBRARY MEETING ROOM**

MINUTES

1. **Call to Order, Pledge of Allegiance, Land Acknowledgment.** President Gigani called the meeting to order at 7:32 p.m. and led the room in the Pledge of Allegiance. President Gigani read aloud the Downers Grove Public Library Land Acknowledgement.
2. **Roll Call.** Members present: Trustee Carissa Dougherty, Trustee Dave Humphreys, Trustee Barnali Khuntia, Trustee Bill Nienburg, President Swapna Gigani. Absent: None.

Also present: Library Director Julie Milavec, Assistant Library Director Jen Ryjewski, Business Office Manager Katelyn Vabalaitis, Media Lab Coordinator Ed Bromiel, Circulation Services Manager Christine Lees, Downers Grove Public Library Foundation Art Planning Committee Chair Robin Tryloff, Andi Voinovich, Jackie Voinovich, Mary Ann Badke, Ed Pawlak.

3. **Welcome to Visitors.** President Gigani welcomed visitors and thanked them for their interest in the library.
4. **Approval of Minutes.**
 - a. July 27, 2022 Regular Meeting. Trustee Khuntia noted that her name was spelled wrong in Agenda Item 8A. It was moved by Nienburg and seconded by Khuntia THAT the Minutes of the July 27, 2022 Regular Monthly Meeting be approved as amended. Motion passed by voice vote.
5. **Financial Matters.**
 - a. July 2022 Financial Report. Library Director Julie Milavec presented the report. The library is 58.3% through the year. The revenues and expenditures are both just over 56%. Expenditures jumped in July, which was related to it being a three-payroll month as well as the 5870 Capital Equipment over \$20,000 line including the reclassification of the study table payment made in 2021. Milavec noted that the 5770 Capital Equipment under \$20,000 line will end up over budget, which is primarily due to the Federal and State grants.
 - b. August 2022 Invoices. It was moved by Dougherty and seconded by Humphreys THAT the payment of August 2022 Capital Replacement Fund invoices totaling \$18,000.00, the payment of August 2022 Operating Fund

invoices totaling \$144,788.66, and the ratification of July 2022 payrolls totaling \$376,609.07 be approved.

6. **Public Comment on Agenda Items.** President Gigani invited comment. Ed Pawlak has been a homeowner in DG for 35 years. Last meeting had a lot of talk about the budget and he has concern about the way the budget is being approached. He does not agree with looking at the levy first and then backing into what the numbers look like. It feels more like a kid getting an allowance. He thinks it is important the library thinks about the budget like a business. Look at what services are being provided and what services we want to provide and then budget accordingly. The gate count is up 10% from last year, which shows people are coming to the library. This year especially, with high prices and harder financial times, the Board should think holistically about the situation. The library is a bargain. If people feel stretched for money, they could come to library programs rather than going out and spending money, use library classes to find a better job, etc. Don't take away these bargains when people are trying to economize. Studies show communities with good libraries have better property values. Ed Pawlak asked the Board to not be shortsighted and make short-term cuts that are really hurting what the community wants. He also suggested that in the future, the strategic plan should be completed before the budget process.

7. **Public Comment on Other Library Business.** President Gigani invited comment. Mary Ann Badke has lived in Downers Grove off and on since 1984 and comes to the library frequently. She wanted to complain about the changes to the meeting room setups. She used to send in a list of the nights she needed for a year, as her group uses the room eight months out of the year. This worked well as the whole year was planned and she could pay by one check. Now, the reservations are six months out, so she has to set reminders each month to put in a request, which becomes a separate payment every month. There has to be a better way for people who are long-time users and do not want to do it month by month. She also just found out that the meeting room will be unavailable November through March, as it will be used for office space. It is more and more difficult to use the room.
 - a. Circulation Department Presentation. Circulation Services Manager Christine Lees presented her department report. She has been at Downers Grove Public Library for about six years. The department has about 40 staff. They handle all of the materials that come in and out of the library for the year, which has been over one million items for the past few years. Staff also receive the SWAN deliveries each week, which equate to about 10,000 items a month. The department's main goal is internal and external patron service. Christine discussed the duties of the Circulation department, which include circulating materials, processing holds, filling the holds lockers, and issuing

new library cards. The department holds SOS (start of shift) meetings between shifts every day to encourage communication and teamwork. This year, the department established a wellness goal and it has made a huge difference with decision making in the department.

8. **New Business.**

- a. Art Donation by Downers Grove Public Library Foundation. Downers Grove Public Library Foundation Art Planning Committee Chair Robin Tryloff presented a picture of a work of art that the Foundation would like to donate to the library. Robin showed an image of the artwork and noted that the original piece will not have the text on it. Because the Foundation loves the text so much, they are going to frame the page from the book next to the original painting, so that patrons can view both. This will go on the large red wall leading into the Kids Room, near the frog statue.

The Foundation raises private funds for special opportunities and things that are beyond the tax payer budget. Some of the Foundation's funding has gone towards Satellite Stacks, book club bags, Enchroma glasses, and developing the art collection. The Foundation is offering to purchase the artwork, pay for the framing, and then donate it to the library. The Art Planning Committee hired a historian who is writing a three minute script for most of the art in the library that patrons will be able to access via a QR code and listen to on their phones.

It was moved by Khuntia and seconded by Humphreys THAT the donation by the Downers Grove Public Library Foundation of artist Daria People's work *TA DA!* be accepted. Roll call: Ayes: Dougherty, Humphreys, Khuntia, Nienburg, Gigani. Nays: None. Abstentions: None.

- b. Suspension of Library Privileges Appeal. On Monday, July 25, there was an incident in the lobby of the library with Diana Schlaman and two young unidentified boys. The boys came down the stairs while Ms. Schlaman was waiting at the elevator. She claims one of the boys touched or poked her. She immediately began shouting at the boys and according to eyewitness accounts, she touched or struck one of the boys. There were two bystanders, one claiming Ms. Schlaman struck the boy and one who witnessed the yelling. A suspension was issued to Ms. Schlaman for one year and she asked to appeal the decision, as she claims the boy struck her.

Trustee Nienburg did not see how this incident constituted a one-year ban. He believes it falls ahead of many other more serious offenses and based on the legal definition, does not believe this to be assault or battery.

President Gigani thinks there needs to be a hard line when discussing touching other patrons. It should not be allowed. Trustee Nienburg reviewed the video many times and does not think Ms. Schlaman made contact with the boy. He wants to make sure the library is following its own guidelines.

The Board agreed that this type of behavior is not acceptable in the library and corrections need to be made, but there was extensive debate on whether or not Ms. Schlaman actually struck the child.

It was moved by Nienburg THAT the penalty be reduced to something in line with abusive and derogatory language of a second offense, which would be a one-week suspension of library privileges. There was no second and the motion was declined.

It was moved by Nienburg THAT the penalty be reduced to a three-month suspension of library privileges. The motion was withdrawn by Nienburg.

It was moved by Nienburg THAT the penalty be reduced to a one-month suspension of library privileges. There was no second and the motion was declined.

It was moved by Humphreys and seconded by Khuntia THAT the appeal by Diana Schlaman for suspension of library privileges for one year be denied. Roll call: Ayes: Dougherty, Humphreys, Khuntia, Gigani. Nays: Nienburg. Abstentions: None. The motion passed.

The Board agreed that the library's internal procedure document for suspensions and bans should be reviewed.

- c. Library Director Evaluation Process and Timeline. Library Director Julie Milavec reviewed the evaluation process and timeline with the Board. In September, the Board receives the Library Director's self-evaluation and ideas for goals and each trustee reviews the documents before the October Board meeting. In October, the Board goes into a closed session where they create a rough draft of the Library Director's evaluation. The Board will confirm that draft in November, discuss salary if necessary, and then the final evaluation will be given to the Library Director in December.

9. **Unfinished Business.**

- a. 2023 Budget and Levy. Library Director Julie Milavec presented changes to the proposed expenditure budget, which also impacted the proposed levy request. The most significant change on the expenditure side, based on preliminary information from the insurance broker, was reducing the benefits

lines to a 10% increase rather than the initial 20% estimate. The other large change involved the personal property replacement tax, where the estimated amount was significantly increased. Milavec presented a 3% levy increase, which would maintain the library's fund balance at a level that exceeds the operating reserve amount and mitigates any impact on taxpayers. Property taxes would decrease by \$5.68 for the average homeowner if the EAV comes in as expected. The tax rate would be approximately .1973, while the current tax rate is .203. If the EAV does not increase, taxpayers would see about a 3% increase.

The Board discussed alternatives to the 3% levy increase, thinking about long-term goals, impacts on taxpayers, and the potential risks due to inflation.

It was moved by Nienburg and seconded by Dougherty THAT the levy increase by 1% to the amount of \$5,921,063 and the proposed expense budget be approved as presented. Roll call: Ayes: Dougherty, Humphreys, Khuntia, Nienburg, Gigani. Nays: None. Abstentions: None.

10. Library Director's Report. Library Director Julie Milavec presented her report. ILA Trustee Day is October 20 and any interested trustees should contact Business Office Manager Katelyn Vabalaitis. In Service Day is Friday and the library will be closed to the public. There will be active shooter training and wellness presentations. The elevator project has been postponed into September due to supply chain issues. The pre-bid meeting for the workroom renovation project was very well-attended. The construction managers are hopeful there will be a lot of bidders. Milavec noted that on October 11, the library will be hosting a Drag Queen Bingo event for teens. This event will be featured in the Discoveries newsletters that will be arriving at homes later this week and staff have been briefed with some talking points if needed. Saturday, September 10 at 11 a.m. will be the Pierce Downer Heritage Alliance's dedication ceremony for the memorial bush planted in memory of former mayor Betty Cheever.

11. Trustee Comments and Requests for Information.

Trustee Khuntia asked about the two retirements that Milavec had mentioned earlier. During the last retirement, the Board had discussed signing a card for any staff member who retires. Milavec noted that these two departing staff did not want any recognition, but Administration will remember to bring cards to the Board meetings moving forward.

Trustee Humphreys noted that he will be working the library's outreach table at the Downers Grove Farmers' Market on Saturday. He had an orientation with PR Manager Cindy Khatri today.

Trustee Nienburg commented that he was bothered by the penalty appeal outcome. We are coming out of a period of unprecedented stress on mental health and in the future, he hopes we can have more of a focus on counseling and de-escalation versus banning someone from a public resource. It would have been more appropriate to counsel her and give her a second chance. He hopes there is more discretion moving forward with handing out bans.

12. **Adjournment.** President Gigani adjourned the meeting at 9:58 p.m.

Approved

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

September 12, 2022, 7:00 P.M.

Chairman Rickard called the August 22, 2022 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Commissioners Dmytryszyn, Maurer, Rector, Roche, Patel, Toth

ABSENT: Commissioner Boyle

STAFF: Development Planner, Emily Hepworth, Senior Planner, Flora Leon, Planning Manager Jason Zawila

OTHERS

PRESENT: Adam Barry, Gregg Stahr, Bill Styczynski, Leonard Fisher, Mary Fisher, Vincent Barrett, Joe Birkett, Bill Barrett, Jack Gerberich, Jim Gerberich, Tom Barry, Dave Molnaro, Jeremy Shilga, Brian Barbato, David See, Dan Barbato, Eric Barry, Greg Duchak, Stephen Jagield, Jennifer Barry, Stephanie Lucas, Heather Klauska, Scott Richards, Jayne Jaramillo, Charles Stava, Steven Jagielo, Margie Anderson, Deborah Stava, David See, Jason Reibert

APPROVAL OF MINUTES

Chairman Rickard entertained a motion to approve the minutes.

MINUTES OF THE AUGUST 22, 2022 PLAN COMMISSION MEETING WERE APPROVED ON MOTION BY COMMISSIONER PATEL, SECOND BY COMMISSIONER MAURER, MOTION PASSED BY VOICE VOTE OF 7-0.

PUBLIC HEARING

Chairman Rickard explained the protocol for the public hearing process and swore in those individuals that would be speaking during the public hearing.

FILE 22-PLC-0017: A PETITION SEEKING APPROVAL OF A PLANNED UNIT DEVELOPMENT, A REZONING FROM DB TO DB/PUD AND A SPECIAL USE TO CONSTRUCT A 4-STORY MIXED USE BUILDING WITH COMMERCIAL SPACE ON THE GROUND FLOOR AND 24 RESIDENTIAL UNITS ON THE 3 UPPER STORIES. THE PROPERTY IS LOCATED 270 FEET NORTHEAST OF THE INTERSECTION OF ROGERS STREET AND MAIN STREET, COMMONLY KNOWN AS 4915 MAIN STREET, 4919 MAIN STREET AND 4923 MAIN STREET, DOWNERS GROVE, IL (PIN

Approved

09-08-117-005, -006, AND -007. BARRIERE PROPERTIES, LLC AND URS-JDJAC25 LLC, OWNERS AND ADAM BARRY, PETITIONER.

Gregg Stahr, Architect with Studio 21, introduced himself and acknowledged that this is the second presentation of this project to the plan commission. He reiterated that the request is for a Planned Unit Development (PUD) for the three properties in the petition, and wants to maintain the Downtown Business (DB) zoning regulation on the properties while introducing the PUD overlay. Mr. Stahr explained that the petitioner is requesting a variance for setback requirements. He further explained the difference in property length on the residential property to the southeast, which requires the variance for the setback, as it is a deeper lot than other properties directly east of the petitioned properties. Mr. Stahr used a visual aid to diagram the portion of the building that would be encroaching into the southeastern setback. He clarified that the encroachment would be a 14 by 30 foot section of the building.

Next, Mr. Stahr addressed a photo of properties on Rogers Street. He noted that the area shows what appears to be zero foot setbacks between what appears to be single family homes and a multifamily development. He notes that between these two properties, the multifamily development is zoned DB and the single family buildings are zoned Downtown Transitional (DT), which do not have the same setback requirements as residential zoned properties adjacent to downtown zoned properties. He clarified that this photo has been circulating as an example of the development being discussed this evening, and that it is an inaccurate representation of the proposed development. Mr. Stahr then displayed a rendering of the proposed development and pointed out the setbacks and green space that would be present between the building and the adjacent property lines.

Mr. Stahr stated that he next wanted to clarify comments that had been made related to traffic. He reiterated that this development would not propose any changes to traffic configurations along Main Street. He noted that the proposal meets the ordinance requirements for parking, and that this petition is not requesting any deviation from the existing parking requirements.

Mr. Stahr stated he would like to also clarify comments regarding the commercial space on the ground floor of the development, which is a proposed restaurant. He acknowledged comments related to the square footage of the space and the proposed seating. He stated that based on the current calculations, they are proposing 150 to 175 indoor seats with an additional 40 to 50 proposed for an outdoor patio.

Mr. Stahr added that the proposal meets the Village density requirements, and further clarified that the average dwelling unit square footage is 872 square feet.

Mr. Stahr stated that a professional traffic study was conducted, and indicated that the proposed development would not significantly impact Main Street, and would provide adequate parking. He also added that this is a transit-oriented development, located a short walk from the Metra train station, and walking distance from many amenities located in the downtown area. He indicated that further conversations are expected between the project team and Village staff related to the proposed loading zone on Main Street, and that the loading zone may only be regulated during certain hours of the day.

Approved

Mr. Stahr noted that Barriere Properties held three neighborhood meetings prior to finalizing the development proposal to engage nearby residents. He noted that the Village held over 30 public meetings between 2016 and 2018 related to the downtown zoning updates. He noted that this petition is related to the three properties only and that no future proposals are considered to change the residential neighborhood surrounding the properties. He noted that many comments regarding the development have been made online, and reiterated that the proposal is not suggesting any changes to Highland Avenue or any lots currently zoned residential.

Mr. Stahr stated that the petitioners are only looking for relief related to the required setbacks. He stated that the proposed development is for a 55 and older community, intended to expand housing options for current residents who may be looking to downsize. He stated that the proposed development is in line with the comprehensive plan. He explained again where the development is proposing to encroach on the setbacks, using a visual aid to show where the parking garage is encroaching underground, and where the building is encroaching above ground. He noted that the project team made changes to the development to lessen the impact on the neighbors, including reducing window sizes along the southern side of the development, moving the chimney and restaurant exhaust, adjusting balconies, and reducing the patio size for the proposed commercial space. In addition to reducing the patio size, it was noted that the landscaping plan would include privacy planting along the patio and the rear property line.

Mr. Stahr introduced Adam Barry, who is the lead developer for the project. Adam reiterated the changes that were made to the development in response to comments and concerns posed during and after the last Plan Commission meeting. Mr. Barry stated that he believed this is the highest and best use of the property.

Chairman Rickard thanked Mr. Barry, and asked the Commission to present questions.

Commissioner Dmtryszyn asked if only the underground parking garage was encroaching on the setback.

Jason Zawila, Planning Manager, clarified that there are two setbacks being encroached. The rear setback is proposed to encroach only underground, and the portion of the southern side setback that abuts the residential zoned property will also encroach.

Commissioner Maurer asked for further clarification on which direction encroaches above grade. Adam Barry explained that approximately 426 square feet will encroach on the back southeast corner setback. This setback is different than the southwest corner due to the Downtown Business zoned property directly to the south of the petitioning properties. The residential property, addressed on Highland Avenue, abuts to the southeast corner of the petitioning property, and has different setback requirements.

Commissioner Dmtryszyn inquired about the property owner on Highland Avenue who was concerned about accessing their garage in the back of their property. Mr. Barry explained that he spoke with him and shared a solution.

Approved

Chairman Rickard invited for any additional public comment.

Mr. Jeremy Shiliga, noted that he was the owner of the property that abuts the southeast of the petitioning property. He stated he appreciates the changes and acknowledgement of the missing setback. Mr. Shiliga said that he wants the zoning requirements to be upheld, specifically the setback requirements. Additionally, he mentioned concerns with the underground parking garage encroachment. He stated that three of the five homes adjacent to the property were built in the 1880s, and he is worried about the structures being able to withstand construction in close proximity. Mr. Shiliga stated that outdoor seating in the rear yard of the building is not found anywhere else in Downers Grove. He said parking requirements are barely met, and asked how that is acceptable. He also expressed concerns related to the electrical infrastructure and if the power grid can handle more development, and wayfinding and signage in the norther portion of downtown particularly related to the location of downtown's existing parking garage.

Mr. Vincent Barrett thanked the commissioners, and requested that the public should receive a second commenting opportunity after the petitioner's response. He quoted Mr. Barry stating that this project is "the highest and best use" of the property and said he did not agree. He commented that smaller windows and patios are not solutions. He stated that he attended meetings in the past for the Station Crossing development and said that variances just allow the village to make any decision they want. He said he absolutely opposes this project.

Mr. Dennis De Bruler stated concern about building heights. He asked where the public can access the comprehensive plan. Chairman Rickard explained that a copy can be borrowed at the public library or accessed online.

Ms. Robin Tryloff stated she was concerned about the precedent this case could set. She commented that commercial buildings with outdoor space should not be seven feet from residential property. She said that this proposed development is not consistent with surrounding buildings and should meet existing building heights. She stated the property should be zoned downtown transitional. She stated concern with traffic and parking, and said that no traffic study has been completed for downtown Downers Grove north of the train tracks. She expressed worry about the lack of parking on the north side of the train tracks. She also stated concern regarding stormwater management. She asked the commission to be sensitive to the community members that want to maintain tree-lined streets rather than increase density.

Mr. Joseph Birkett said he reviewed the code, and understood the setback to be 47 feet, and that there is a calculation error. He mentioned that he reviewed the comprehensive plan, and quoted from the text that "the size and scale of the development should match its surrounding development." He stated that there should be downtown transitional zones between the residentially zoned properties and the downtown business district. He stated concern with the R5 zoning district, which uses the term "attached" housing and feels that threatens his property's longevity as a single family property. He added that he was concerned about the balconies' encroachment into the setbacks.

Ms. Heather Yeager inquired as to why all proposed buildings are such large scale. She explained that her property backs up to St. Joseph's Creek, and stated that flooding has increased

Approved

10 fold. She stated that she challenges builders to include more greenspace and to think more creatively to develop in ways that do not increase impervious surface.

Mr. Scott Richards noted that he agreed with the statements made by Ms. Yeager. He expressed concern about future developments in downtown Downers Grove. He said he is worried about development specifically north of the train tracks, specifically residential housing turning into large multifamily. He also expressed his major concern is traffic. He stated that he did not understand how traffic will not be effected by a denser use on this property, and said that Main Street becomes congested quickly as it is.

Mr. Steven Jagielo explained that he has two properties that share lot lines along the proposed development. He said that three neighborhood meetings were not held, explained that one was canceled, one was held, and one only notified a portion of the neighborhood. He stated that setbacks were made to protect the surrounding properties. He stated there is a 63% violation of one setback, and 81% setback violation below ground, and a 43% violation to the east lot line. He shared that he provided comment at the last plan commission meeting stating that just because the violation is underground doesn't mean that it doesn't matter. He quoted a portion of the development code related to planned unit developments, "decision making bodies must ensure that the appropriate terms and conditions have been considered regarding the interests of the residents and the general public." He concluded by stating he does not believe this development satisfies this portion of the code and that it is too large to be proposed next to single family homes.

Mr. Tom Barry shared that he was here on behalf of his son, Mr. Adam Barry. He stated he was also a developer and supported this development. He offered that in situations like this petition, developers work closely with the local municipality to determine the best use for the property. He explained that most new developments improve drainage conditions in the neighborhood by providing property drains and collecting the water to be routed into storm sewers. He noted that older communities are often the quietest neighbors. He stated that adjustments to the project have been made based on residents' comments, and shared that the materials proposed in this development are high quality. He concluded by stating that if a builder cannot work with the village to complete a project, what kind of project can be developed on the property?

Ms. Jennifer Hall asked what is involved in revising a comprehensive plan. She said it sounds like the plan is not achieving the overall goals of the residents. She state concern about drainage and noted the increased flow of St. Joseph's creek causing issues in her neighborhood. She stated concern about the parking garage, and stated that disturbing that much ground is a three dimensional issue, and that building below ground removes the ability for trees and soil to take care of water.

Chairman Rickard responded to Ms. Hall's initial question related to revising the comprehensive plan. He stated that it is updated once a decade and the process is heavily influenced by the public. He explained how the zoning map and text interact with the comprehensive plan. Chairman Rickard took the opportunity to respond to public comments that the comprehensive plan update was not properly advertised, and mentioned the series of opportunities that were available during the plan update period.

Approved

Ms. Hall responded by saying that development is happening now, and the residents are responding to the development in real time.

Chairman Rickard suggested that the public review the Village's zoning map and text so they have an understanding of the type of development permitted across the Village.

Ms. Hall reiterated that people are not happy with the development happening in the downtown.

Mr. Marshall Schmitt stated that he has been involved with the Village of Downers Grove in some capacity since 1975, and that he wanted to discuss vision and process. He feels overdevelopment has been happening overtime and that the process has been distorted. He finds the comprehensive plan proposes a good vision but expressed concern that developers cherry pick ideas from the plan to move their development through the plan commission. He stated that developers do not consider if they appeal to who they are marketing to. He stated that the Commission and Village staff do not consider the projects as a whole. He claimed the project as a whole is inconsistent with the comprehensive plan. He stated that the commission should consider what is desirable, not just what is allowed.

Mr. Austin Barry introduced himself as Adam Barry's brother. He shared that the developers are local residents and care about the community. He noted that as a younger person, he is excited about the changes through downtown and that people are moving to Downers Grove.

Mr. Joe Anderson requested that a new traffic study be conducted. He stated that the study was conducted May 17, 2022, when the pandemic was still restricting activity and that this study would not accurately reflect existing conditions.

Mr. Bryan Ogdon stated that he does not understand why a building of this size on this lot is inevitable. He finds that it is a conscious decision that doesn't have to be made. He asks how fences and bushes help with the encroachment issue.

Ms. Martha Mulligan stated that she is very upset that it is inevitable that something will be built on the property. She stated that she doesn't mind change, but she finds this building does not fit the downtown aesthetics.

Ms. Jayne Jaramillo stated that she wanted to reiterate all prior comments. She said a town can be progressive while still appreciating what it has. She finds traffic to be large issue and heavily considered, and concluded by stating that climate change is real.

Ms. Margie Anderson inquired about noise levels that would be posed by the A/C units and asked if the mechanicals will consider in the design review. She also expressed concern about the light pollution.

Ms. Lisa Leon stated concern about the residents' homes being directly affected by the development. She asked who would want a building like this built next to their property. She

Approved

stated that this development will really change the Village. She asked if the residents were considered in the development proposal.

Ms. Michelle Deruller shared that she has lived in Downers Grove since 1976 and that Main Street has changed a lot since she moved in. She feels this development does not reflect the downtown character, and that the building is ugly. She stated concern about this development changing the small town feel.

Mr. Adam Barry requested to respond to the public comments. Chairman Rickard stated that he would have the opportunity after the staff presented.

Chairman Rickard then invited staff to make their presentation.

Mr. Jason Zawila, Planning Manager, offered a summary of the petitioner's request. It was stated that the initial public hearing for the case was held on August 22, 2022. The Plan Commission ultimately found that the proposal is an appropriate use in the district, compatible with the Comprehensive Plan and meets all standards for approval of a Planned Unit Development, associated Zoning Map Amendment and Special Use.

Mr. Zawila stated that in preparation for the Village Council consideration of the case, it was identified that an additional deviation to the Zoning Ordinance should have been documented with the petitioner's request. With the initial review of the project, the Downtown Business District interior side setback was applied for the entirety of the southern property line. The Main Street facing parcel immediately adjacent to the subject property is zoned DB, Downtown Business.

Mr. Zawila then provided a brief history of zoning changes that have occurred for downtown and the subject property, including the public outreach efforts. He then further detailed that from 2016 through 2018, the Village undertook a multi-year effort to update the downtown portion of the Comprehensive Plan. This whole process took place over nearly 40 public meetings. It was stated that the subject properties were not rezoned as part of this multi-year project. The subject property was reviewed as an area to rezone from Downtown Business to Downtown Transition. The Village Council decided that the subject property was to remain DB and that is the underlying zoning designation for the property, not Downtown Transition. He stated that staff notes this again, because it is important that this development is reviewed against the Downtown Business Zoning District requirements and not another zoning district; that is not the application in front of you.

Mr. Zawila, then stated recognized concerns made during the August 22, 2022 Plan Commission meeting, and provided a summary of the petitioner's efforts to modify the site plan and certain building elements to lessen potential impacts to the immediately adjacent residential properties to the east and south.

Mr. Zawila then recognized that several comments were made regarding traffic. The petitioner provided a traffic study that was reviewed by Village staff. The local roadway network can handle the proposed development and there was no indication that this would have a severe

Approved

impact to the network. This was provided as part of the Plan Commission's consideration and was vetted by qualified professionals. He then acknowledged that there has been public discourse related to reducing the lanes down from 4 to 2 lanes. That has nothing to do with this development and is part of separate study that was undertaken as part of the District 99 High School Safety Study for improvements near North and South High. Nothing has been approved for that project and it at this point is just recommendations.

Mr. Zawila also acknowledged that much discussion has occurred on Planned Unit Development' this evening and a rezoning of the property. He stated that bottom line the property will remain DB. The request in front of you is for a zoning overlay district. He then proceeded to provide a summary and parameters of a PUD as written in the Village Code.

Mr. Zawila then explained that no violation of the zoning ordinance is occurring here. The applicant is going through the proper zoning procedures for their development entitlements. This is similar to other developments located in the downtown that seek approvals for transit oriented development. In other cases Village relief was sought for density, parking requirements and building setbacks. He then summarized how the PUD will also achieve a variety of planning goals as outlined in Section 28.4.030.A.2 of the Zoning Ordinance and that the proposed development meets the provisions of a Planned Unit Development. The requested rear and interior side yard setback deviations allow for the parking requirements to be met below grade and provide for a minimal above grade encroachment.

Mr. Zawila then stated that the Comprehensive Plan also encourages transit oriented development to take advantage of transportation opportunities. The proposed development is consistent with the transit oriented development approach as it provides higher density residential uses within a 10-minute walk of the Main Street Metra station. The proposed development is consistent with the intent of the Comprehensive Plan.

Mr. Zawila then concluded his presentation by stated that at the August 22, 2022 Plan Commission Meeting, both staff and the Plan Commission recommended that the approval of the petition as presented to the Village Council. The Plan Commission ultimately found that the proposal is an appropriate use in the district, compatible with the Comprehensive Plan and meets all standards for approval of a Planned Unit Development, associated Zoning Map Amendment and Special Use.

Commissioner Toth asked staff why they feel that the additional side yard setback should be allowed. Mr. Zawila explained that deviation is necessary as part of the request to construct a uniformed mixed use building and the requested relief is minimal, with the appropriate transition provide to adjacent properties.

Mr. Joe Birkett requested if it could be clarified about the allowable encroachment for balconies. Mr. Zawila stated that balconies are an allowable encroachment.

Ms. Margie Anderson inquired if the lighting and sound from the air conditioning was reviewed. Mr. Zawila stated that a photometric plan is reviewed as part of the building permit submission.

Approved

Air conditioning units are also required to be screened per Village Ordinance and in certain cases the screening actually helps buffer the noise that emits from the units.

Commissioner Rector asked staff to comment on how building code and landscaping is enforced with developments like this. Mr. Zawila stated that if this development is approved, the approved improvements will have to remain and be maintained such as fences and landscaping. The Community Development Department also has a code enforcement division that ensures properties are not in violation, or are addressed, in cases where properties may come in disrepair.

Commissioner Maurer confirmed the deviations that are being requested and the requests for the evening including the PUD, map amendment and the special use. He further clarified that the above ground portion of the building in the setback is 13.88 feet. Mr. Zawila confirmed that was correct. Commissioner Maurer then clarified the rear setback of the above ground portion of the building is 46 feet. Mr. Zawila confirmed that the respective setbacks of the building are respectively 7 feet and 3 feet from the property line and the references in the report are for the above ground and the below ground portions of the building. He then referenced the presentation slides and showed in the drawings where the placement of the building was in relation to the setbacks. Mr. Zawila then offered the specific regulations as it relates to setbacks in the Downtown Business district and how it applied to the project. Lastly, Mr. Zawila confirmed that balconies are allowed a 10 foot encroachment in rear yards.

Chairman Rickard then offer the petitioner an opportunity to respond to any comments or questions made.

Mr. Barry returned to the podium and offered clarification regarding the traffic study and indicated the study did account for COVID and increased the counts. He also clarified that the traffic study did account for the restaurant, as this was brought up at the previous meeting.

Mr. Barry then provided an overview of several of the building features and site design. He noted that the proposed building is actually placed further than the existing structures currently exist on the site, and this will be an improvement. He then noted that the air conditioning will be placed on the roof, with screening which will assist with sound. He then noted that the stormwater management will be better, because there is currently no stormwater management on the site and the provided a summary of the stormwater management system. He then referenced the fact that the building is in the Downtown Business District and they can have up to 70 feet and have no parking provided if he did offices. He believed this was the highest and best use for the property and tried to accommodate the neighbors and everyone else. He believes the back of the properties are an improvement as it currently is all concrete.

Mr. Barry then noted that it was mentioned what the extreme circumstances were that we needed relief. The relief relates to the parking setback, in order to build the building properly and accommodate the required parking. He noted they previously looked at constructing a five story building, with two levels of underground parking. The proposal's garage is similar to the depth of a basement for a single family home. He also noted that the additional relief needed for the interior setback and that was missed and he takes the blame. There is no way around building the parking garage without the relief. He concluded by stating that he knows people think

Approved

change is bad, but he thinks change is good for communities and if they don't redevelopment they die. People want to move to Downers Grove and he believes his 55 year old mixed use development will help create a multi-generational communities and the current properties on the site do not benefit the community in any way.

Vince Barrett returned to the podium and asked the Plan Commission if they have an opportunity to respond. Chairman Rickard indicated that the public comment portion of the meeting is completed, but allowed the public member to ask his question. Mr. Barrett indicated that there were items that were brought up by the petitioner that are going to just lay there and can't be touched and that is not fair. He asked that the public be able to respond to some of the comments provided by the petitioner. Chairman Rickard indicated that if there was potentially new evidence that was presented he could see an opportunity for a rebuttal, but feels that nothing new has been presented that has not already been stated. Mr. Barrett then further stated that the only reason they are not constructing a five story building because they couldn't get the financing. Mr. Barret then proceeded to comment that he does not hear discretion as it relates to the codes, approvals, etc. from the Plan Commission, staff, the petitioner or the architect. Mr. Rickard reminded Mr. Barrett that the public comment portion of the meeting is over and not going back to that again, and the Plan Commission is attempting to deliberate on the case. Everyone had an opportunity to speak, the petitioner had an opportunity to respond and staff gets to provide comments.

Commissioner Toth clarified if there is any reason why the plan can't be adjusted to accommodate the above grade side yard setbacks at the southeast corner. Chairman Rickard stated that a recommendation can be made to alter the plan, in essence denying the relief for the current that portion of the setback and the petitioner would need to decide at that point if they want to move forward. It is certainly appropriate for the Plan Commission to make recommendations on this and put that in the form of a motion.

Commissioner Toth stated that they felt the below grade setbacks are acceptable. They believe that is in line with the intent of keep large buildings from encroaching on other properties, but as far as the above ground setback, not meeting the requirements, I am not in agreement with that and that there are some extenuating circumstances that couldn't allow that.

Commissioner Maurer stated that they would like to echo what some have said. When development of this scale is constructed, things such as water, and drainage are take care of and generally, if not always far better than the current conditions. This is the part of the beauty of downtown Downers Grove, where I own a property myself that is 100 years old. When I had to work on it I had to follow the same provisions of drainage and stormwater review that are neighbors from Turvey and Highland brought up here. Stormwater control will be improved by this development and the plan will go under engineering scrutiny. He stated that he hopes this brings some comfort to our neighbors.

Commissioner Dmytryszyn stated that they share Commissioner Toth's view. He thinks they have to be sensitive to setbacks when they are so close to residential areas and think given the new information presented around the setbacks, it's a challenge to get behind supporting the project. He believes they need to amend the proposal or otherwise he can't support it and needs

Approved

to consider the public benefits are greater than or equal to the relief necessary. He shares the community's frustration around having a building like this in your backyard, but it is zoned Downtown Business. He noted, as discussed at the last meeting, you could put up a 70 foot building that does not require any relief and it would not come in front of the Plan Commission and that should be recognized. When we look at the relief we have to be cognizant of the area surrounding it.

Commissioner Rector stated that when look at what's in the purview, they feel this is an appropriate use and that the applicant has met that criteria. When it comes to the setbacks they agree with Commissioner Dmytryszyn and need to account for the residents in the area that stated this does encroach into the setback. She feels this partially meets the development requests, but we need to take a closer look at the setback relief that's being asked. She then shared that she sat through a lot of comprehensive plan discussions and went over every detail thinking about what the impact would be on various parts of the community and hopes that a project like this people involved in the process and bring their good ideas to the table.

Commissioner Dmytryszyn stated that they share the same concerns regarding the residential setback and would like to better understand why this could not be configured differently and to also understand the parking constraints.

Mr. Zawila provided a clarification of the relief being sought. Mr. Zawila confirmed that the respective setbacks of the building are respectively 7 feet and 3 feet from the property line and the references in the report are for the above ground and the below ground portions of the building.

Commissioner Rector then further stated that the above ground portion is what they are most concerned about and the below grade setback is not of concern, when it comes to setbacks. Rector was in agreement with the setbacks and the stated concerns.

Chairman Rickard stated that they agree with above ground setback and this could have been probably designed to avoid that. They personally don't have a problem with the east side with the parking garage underground. He understands that there is often infrastructure underground and some are subject to setbacks, but it essentially invisible. There have been several comments about the south end and feels that is a high percentage of the building in that setback for something this visible. He then further stated that there were comments about this being appropriate based on the height and why the building is so big. He further stated the type of development we see and there are going to be many opinions on the look of the building, but that is subjective. The bulk of the building is what the Village is looking for here. The Village is looking for mixed use development that is denser and this project meets the density requirements perfectly. He feels like the southeast corner of the building could be revised to eliminate the variance and could be incorporated. The special use meets the standards for approval and this the type of development that is in the Comprehensive Plan, with a transit oriented development, higher density and mixed use. He could support this whole petition with the elimination of the above ground setback relief on the south side of the building.

Approved

Chairman Rickard continued by stating having said all this, the Planned Unit Development is accused of being used to increase density, or project further into a setback and that the PUD should be used to allow more give and take. In this case he noted that there is some weight to the fact that they greatly reduced the allowable height and feels like the development is a plus to the community as a whole with the height reduced, especially the residents that live near. The other item we have not talked about is density and we have had a lot of petitions come in asking for relief and there is room between this building and the neighbors, especially if the southeast corner can be taken into account. Mr. Zawila then clarified the area again for where the above ground portion of the building was in the interior setback.

Commissioner Roche noted that when looking at the lots south of here which extremely shallow. Even though it is zoned DB, the lot may be difficult to develop, but it's also important to protect the residential setbacks or we will end up with dead space as you move closer into the downtown area.

WITH RESPECT TO FILE 22-PLC-0017 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER RECTOR MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A PLANNED UNIT DEVELOPMENT, ACCOMPANYING REZONING, AND SPECIAL USE AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST AND THEREFORE, I MOVE THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0017, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE, PLANNED UNIT DEVELOPMENT AND REZONING SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, RENDERINGS, ARCHITECTURE PLANS PREPARED BY STUDIO21 ARCHITECTS, DATED AUGUST 1, 2022, ENGINEERING PLANS PREPARED BY RWG ENGINEERING, LLC DATED AUGUST 8, 2022, LANDSCAPE PLANS PREPARED BY GREEN GRASS, AND TRAFFIC PLANS PREPARED BY KLOA DATED AUGUST 16, 2022 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL CONSOLIDATE THE THREE LOTS INTO A SINGLE LOT OF RECORD PURSUANT TO SECTION 20.507 OF THE SUBDIVISION ORDINANCE PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT OR BUILDING PERMITS.**
- 3. PRIOR TO ISSUING ANY SITE DEVELOPMENT OR BUILDING PERMITS, THE PETITIONER SHALL MAKE PARK AND SCHOOL DONATIONS IN THE AMOUNT OF \$154,984.92 (\$132,081.96 TO THE PARK DISTRICT, \$16,488.12 TO ELEMENTARY SCHOOL DISTRICT 58, AND \$6,414.84 TO HIGH SCHOOL DISTRICT 99).**
- 4. ALL SIGNAGE FOR THE APARTMENT BUILDING AND FUTURE RESTAURANT SHALL CONFORM TO THE VILLAGE'S SIGN ORDINANCE.**

Approved

5. **THE BUILDING MATERIALS SHALL BE SUBSTANTIALLY CONSISTENT WITH THE APPROVED PLANS AS VERIFIED BY THE VILLAGE AND CONSISTENT WITH THE DOWNTOWN DESIGN GUIDELINES.**
6. **BICYCLE RACKS WILL BE PROVIDED ON THE SUBJECT PROPERTY AS REQUIRED BY VILLAGE CODE.**
7. **PRIOR TO THE ISSUANCE OF ANY BUILDING OR DEVELOPMENT PERMITS, THE PETITIONER SHALL PAY TO THE VILLAGE TREE REMOVAL PERMIT FEES SUBJECT TO VERIFICATION BY THE VILLAGE FORESTER.**
8. **AN 8-FOOT TALL FENCE SHALL BE CONSTRUCTED ON THE SUBJECT PROPERTY.**
9. **THE USE OF OUTDOOR SEATING FOR A COMMERCIAL USE SHALL BE SET BACK WEST AND NORTH 13.45 FEET AND 37.2 FEET RESPECTIVELY FROM THE ADJACENT R-5 PROPERTIES.**
10. **THE HOURS OF OPERATIONS FOR THE OUTDOOR PATIO WILL BE LIMITED TO 9PM, SUNDAY THROUGH THURSDAY, AND 10PM ON FRIDAY AND SATURDAY.**

SECOND BY COMMISSIONER ROCHE. ROLL CALL:

AYE: COMMISSIONERS MAURER, CHAIRMAN RICKARD

NAY: COMMISSIONERS DMYTRYSZYN, PATEL, ROCHE, RECTOR, TOT

MOTION FAILED. VOTE: 2-5

FILE 22-PLC-0025: A PETITION SEEKING AN AMENDMENT TO PLANNED DEVELOPMENT #31 TO ALLOW FOR AN AMENDMENT TO THE APPROVED ALLOWED USES LIST IN PUD #31. THE PROPERTY IS GENERALLY LOCATED WEST OF LACEY ROAD STARTING APPROXIMATELY 1,100 FEET NORTH OF THE INTERSECTION OF LACEY ROAD AND FINLEY ROAD AND EXTENDING NORTH TO BUTTERFIELD ROAD AND WEST OF WOODCREEK DRIVE, COMMONLY KNOWN AS ESPLANADE AT LOCUST POINT, DOWNERS GROVE, IL (PINS: 05-25-413-009, 0525-415-009, 05-25-415-010, 05-36-200-009, -011, 05-36-202-008, -015, -016, 017, 05-36-400-017, 06-30-301-007, 06-30-304-002, -003, 06-30-305-003, 0631-100-019, -020, -021, -022, -023, -025, -027, -028, -029, 06-31-103-001, 002, -005, -006, -007), VARIOUS, OWNERS AND M&R DEVELOPMENT, LLC, PETITIONER.

Ron Lunt, partner with Hamilton Partners introduced himself as one of a series of petitioners for this item, and briefly introduced his team. He explained he would discuss the benefits of adding luxury apartments to the Esplanade development. Mr. Lunt used the example of the Hamilton Lakes development, and explained how the development has adapted over time. He stated that originally Hamilton Lakes was exclusively an office park, then the group introduced multifamily development which was a positive investment. He mentioned it is hard to predict expected tenant occupancy with the rise of work from home opportunities.

Approved

Harold Francke introduced himself as an attorney with the law firm Meltzer, Purtill and Stelle, LLC, working with the proposed developer M&R Development. He shared a video which provided an overview of the property and the Esplanade development. He provided context on the property location, and outlined what would be included in the proposed development. He quotes that the zoning code allows for adjustments in PUD if it would promote mixed use. He reiterated that this evening's discussion would not include information on what type of development would be located on the property, or bulk regulations related to the property, but would be focused on the idea that allowing multifamily development to be included in this area currently zoned ORM would be an improvement.

Gary Morey introduced himself. He stated that he has been a developer in the Downers Grove area for over 20 years, and commented on the success of the Esplanade project. He explained that the development concept for Esplanade was to extend and play off of the existing Oak Brook development, and that creating synergy of uses is important. He provided anecdotal stories of how the increase in employers allowing "work from home" opportunities has caused a decline in demand for office uses. He feels it is time to focus on mixed use development. He then outlined a rough site plan for the property.

Mr. Francke provided further clarification on the proposed breakdown of usage by acre, but reiterated that the purpose of this petition is not to request approval to develop this property.

Chairman Rickard concurred with that clarification, and reiterated that the numbers proposed are not binding as a part of this petition.

Iris Olson, with M&R development, introduced herself and explained the breadth of experience at M&R regarding these types of development projects. She acknowledged the need for multifamily developers to be nimble through the pandemic. She shared a list of properties they've developed nearby, and discussed the benefits of incorporating this type of development at this location, and provided detail on their priorities for their developments. These include mid-sized properties with focus on eco-friendly practices.

Terry Smith, with BSB Design, introduced himself, and noted that his design group specializes in multifamily projects, and has lots of experience with the included petitioners, particularly M&R Development. He discussed infill trends in development, and mentioned that the pandemic has created "a new normal" by adjusting what is typical. He sees the repurposing of office and commercial development as a big part of adjusting to the new normal. He provided examples of other suburban office and commercial mall campuses that are in the early stages of being repurposed.

Mr. Francke presented letters of support from neighboring property owners, including Choose DuPage and the Downers Grove Economic Development Corporation.

Chairman Rickard mentioned that six different letters were received in tonight's meeting packet and will be read into the public record.

Approved

Mr. Francke stated that all standards have been met regarding any rezoning and particularly for the PUD requirements for this site. He offered more information if the Commission desired to further clarify the case. Chairman Rickard said more clarification is not necessary.

Commissioner Dmytryszyn asked if any analysis had been conducted regarding market absorption.

Diana Pittro with RMK Management Corporation introduced herself, and explained that RMK is in charge of the management and leasing of M&R's properties. She stated that Hamilton Lakes took roughly 22 months to lease up, but the usual time frame is 12-18 months. She blamed the longer time frame on conditions surrounding the property, including highway construction and roadwork. Mr. Lunt confirmed that market absorption is possible.

Commissioner Dmytryszyn mentioned many of the uses nearby are industrial, and asked if that was considered in the development plan. Mr. Lunt responded that the industrial uses were considered, and mentioned that similar uses are combined in the Hamilton Lakes development. He explained that warehouse uses are higher priced and in higher demand than office space.

Chairman Rickard invited for any additional public comment.

Scott Richards asked a series of questions including clarification on the number of acres the property consists of, what roads would be most affected by this development, and whether families were considered as a potential demographic population type for this development. He inquired further if school transportation had been considered if families were to move into this development.

Chairman Rickard then invited staff to make their presentation.

Mr. Jason Zawila, Planning Manager, provided a brief overview of the staff report, including the property location and explained the notice of the public hearing. He explained the history of PUD #31, including its history of amendments. He explained in this case that the ORM zoning district does not allow multifamily development, but that PUD #31 has been amended in the past to allow previously unallowed uses, and that the Plan Commission, through this process, can allow other uses. He reiterated that the petitioner will be required to finalize the proposed development in great detail as a future PUD amendment, if approved. It was stated that the Comprehensive Plan has several recommendations related to the subject property being development as commercial, but provided a reference to the motion in the packet, if the Plan Commission supports the project.

Commissioner Maurer asked for confirmation that the bulk and density regulations would be discussed at a later date, which was confirmed by Mr. Zawila.

Mr. Francke returned to the podium to respond to Mr. Richards' questions. He stated that the development is 19 acres, and that it is expected that Lacey road would see more increased traffic. He provided a reminder that a traffic impact study would have to be conducted to provide further information on the development's traffic impacts. He also explained that the current plan would

Approved

focus on studios to 2 bedroom apartments, which would not drive demand for families to reside at the development.

Commissioner Rector expressed support for the project. Commissioners Maurer, Patel and Chairman Rickard echoed support and felt that the standards are met.

WITH RESPECT TO FILE 22-PLC-0025 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER MAURER MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A FINAL PLANNED UNIT DEVELOPMENT #31 AMENDMENT AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST AND MOVE THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0025, WHICH WILL ADD MULTIPLE FAMILY RESIDENTIAL USES AS AN ALLOWED USE IN PUD #31.

SECOND BY COMMISSIONER DMYTRYSZYN. ROLL CALL.

AYE: COMMISSIONERS DMYTRYSZYN, ROCHE, MAURER, PATEL, RECTOR, TOTH AND CHAIRMAN RICKARD

NAY: NONE

MOTION PASSED. VOTE: 7-0

22-PLC-0026: A PETITION SEEKING AN AMENDMENT TO PLANNED DEVELOPMENT #18, A SPECIAL USE FOR A RESTAURANT WITH A DRIVE-THROUGH, AND A FINAL PLAT OF SUBDIVISION WITH AN EXCEPTION TO LOT FRONTAGE. THE PROPERTY IS CURRENTLY ZONED B-2/P.D. #18, GENERAL RETAIL BUSINESS/PLANNED UNIT DEVELOPMENT #18. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LEMONT ROAD AND 75TH STREET, COMMONLY KNOWN AS 7221-7451 LEMONT ROAD, DOWNERS GROVE, IL (PIN: 09-29-110-002 TO -008, -013 TO -016), PMAT, DDP, LLC, OWNERS AND PETITIONER.

Mr. Jason Reibert, introduced himself as a part of Gulf State Construction Services. He noted that this project was part of an ongoing redevelopment plan at this shopping center. Mr. Reibert shared that the scope of work included a new 5,000SF restaurant and retail building on a new outlot on the west side of the Downers Park Plaza and to the east of Burger King and 3 Corners Grill & Tap. He also shared that the new outlot to the south was previously approved and under construction. Mr. Reibert noted that the proposed lot was located in an area of parking away from retail parking allowing for a redevelopment opportunity. He then noted that no new access points would be proposed. Additionally, he stated that the parking study found that the internal circulation would not be negatively impacted and that there would be sufficient parking available. Mr. Reibert noted that there were existing utilities and drainage on the site. He then

Approved

shared the elevations and highlighted that similar architecture would complement the existing buildings in the shopping center. Mr. Reibert explained that the proposal included a restaurant with a drive-through window. He also noted that the proposed outlot would meet the subdivision requirements. Mr. Reibert shared that the one item that would require an exception is the street frontage since access to Lemont Street was not possible. He noted that to address a lack of access a cross access agreement would be granted on lot 7. Mr. Reibert concluded his presentation by stating that the criteria for each entitlement request was met.

Chairman Rickard thanked Mr. Reibert, and asked the Commission to present questions.

Commissioner Dmytryszyn asked for more clarification on the internal traffic patterns with the proposal and upcoming Panera building. Mr. Reibert explained that the outlot location was chosen because this area of parking was rarely used. Additionally, the outlot would be directly located adjacent to the main access point off of Lemont Street. As such, this existing access point would help funnel the traffic toward the new outlot.

Chairman Rickard invited for any additional public comment.

Mr. Haran Rashes shared that he lived directly north of Lemont Road. He stated that he was opposed to the petition because of the additional traffic that would be produced and its impact on pedestrians. Mr. Rashes shared that he found the traffic study inaccurate and disagreed with the results. He acknowledged that he understood that Lemont Road was under county jurisdiction but noted that he had concerns over the lack of pedestrian signage and crosswalks. Mr. Rashes stated that crossing Lemont Road was not safe.

Mr. Scott Richards, asked why new development was being clustered in the Downers Park Plaza. Chairman Rickard shared that the petitioner could respond that but it sounded like the location was based on the underutilization of the existing parking lot.

Chairman Rickard then invited staff to make their presentation.

Ms. Flora Leon, Senior Planner, summarized the request stating that the petitioner was requesting approval for a planned unit development amendment, special use for a drive-through, and a final plat of subdivision with an exception to lot frontage. Providing a location map she noted the subject site was located east along Lemont Road. The existing zoning district was B-2/P.D. #18 or General Retail Business with an overlay of Planned Unit Development #18. Ms. Leon noted that the required noticing was provided and staff received one phone call asking for information on the future tenants.

Ms. Leon then provided an overall shopping center site plan for reference. She noted that the proposed outlot was located just east of 3 Corners Grill & Tap and Burger King. The proposed future building would include two tenants. She then provided the proposed outlot site plan. Ms. Leon highlighted that as shown on the site plan the outlot did not have frontage along Lemont Street. She noted that the request for the subdivision included a request to deviate from the street frontage requirement. This said, Ms. Leon stated that no change would be occurring to the access of the shopping center along Lemont Street. She then shared that the new outlot would have

Approved

three entrances and one would be dedicated for the proposed drive-through. Ms. Leon reminded the Plan Commission that the special use request was for this newly proposed drive-through. She went on to share that the trash enclosure would include the required screening and that a pedestrian connection would lead pedestrians onto the existing sidewalk on Lemont Street with permission of the owners at the 3 Corners Grill & Tap. On this note, Ms. Leon explained that staff would also be open to having the petitioner provide a connection out to the sidewalks on Lemont Street via the Burger King lot. If the Plan Commission agreed with this option when making a motion they would simply need to amend the conditions of approval items 3 and 4.

Ms. Leon then shared the elevations of the proposed building and explained that the materials included EIFS and face brick. She then shared that the proposal met the goals of the Comprehensive Plan and that the criteria for a Planned Unit Development, Special Use, and a Subdivision with an Exception were all met. She noted that if the Plan Commission agreed a draft motion could be found on pages 6 and 7 of the staff report.

Commissioner Rector asked for clarification on modifying the conditions of approval. Specifically she asked if the connection had to be designated now. Ms. Leon explained that the conditions of approval, items 3 and 4, could be reworked to allow flexibility for the connection to be established on Lot 7 or 6N.

Commissioner Rector asked if the Village had any oversight over the crosswalks on Lemont Street. Ms. Leon offered that staff would work with the Public Work Traffic Manger to see if they could reach out to the County to express those concerns.

Commissioner Rector noted that regardless of whether this project happens that concerns needs to be addressed. Mr. Zawila added that that concern was noted on the record and that staff would follow up with Public Works on this matter.

Chairman Rickard noted that if the drive-through ended up on the southern building the stacking would not work and so this design is locked in for the most part. Ms. Leon agreed and stated that the site plan is really the only configuration that worked for the site.

Mr. Reibert explained that while he understood the concern over the crosswalks on Lemont, their scope of work really ends once they are able to make the connection to the sidewalk on Lemont Street. He then explained that the outlot location was chosen because it is centrally located and it is an area seldomly used in the shopping mall. He also noted that this was the only location where they would not negatively impact the existing parking areas of businesses like Shop & Save.

Commissioner Toth, agreed that this area of parking is rarely used and the proposed use would fit in well with the existing mix of users.

Commissioner Dmytryszyn agreed that the area of parking was rarely used and noted that great projects are happening at this shopping center. He mentioned that he did have concerns over the interior traffic patterns and that the data for volume of traffic in the traffic report seemed light.

Approved

Commissioner Rector stated she would rather leave the condition of approval for the connection on Lot 7.

Commissioner Roche asked for clarification on which lot was in questions. Mr. Zawila explained lot 7 was 3 Corner Grill & Tap and lot 6N was the Burger King. Commissioner Rector noted that the connection made more sense on lot 7.

Mr. Zawila added that staff offered this evening that either lot 7 or 6N would work for this proposal just in case the petitioner and owner of lot 7 cannot come to an agreement. He noted that this was another option for the conditions. If the condition remains with only making mention of lot 7; then the petitioner would need to come back to plan commission if this connection needs to occur on lot 6N instead. Commissioner Rector agreed that lot 6N should be added in.

WITH RESPECT TO FILE 22-PLC-0026 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER RECTOR MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR AN AMENDMENT TO PLANNED DEVELOPMENT #18, A SPECIAL USE FOR A RESTAURANT WITH A DRIVE-THROUGH, AND A FINAL PLAT OF SUBDIVISION WITH AN EXCEPTION TO LOT FRONTAGE AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST AND THEREFORE, I MOVE THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0026, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PLANNED UNIT DEVELOPMENT, SPECIAL USE, AND A PLAT OF SUBDIVISION WITH AN EXCEPTION TO CREATE A NEW OUTLOT WITHOUT STREET FRONTAGE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; AND DRAWINGS PREPARED BY WOOLPERT ENGINEERING SUBMITTED ON 8/24/222, AND BY ZITO RUSSELL ARCHITECTS UPDATED ON 8/3/22, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. A PERPETUAL CROSS ACCESS AND PARKING EASEMENT IS PROVIDED BETWEEN LOTS 2-A AND LOT 1-B AND IS SHOWN ON THE PLAT OF SUBDIVISION.**
- 3. THE PEDESTRIAN CONNECTION SHALL BE SECURED WITH THE APPROVAL OF THE PROPERTY OWNER AT 7231 OR 7301 LEMONT ROAD.**
- 4. A PEDESTRIAN EASEMENT SHALL BE PROVIDED ON LOT 7 (7231 LEMONT ROAD) OR LOT 6N (7301) FOR THE BENEFIT OF PUBLIC ACCESS TO LOT 1-B.**
- 5. THE PEDESTRIAN CONNECTION ON LOT 1-B MUST BE CLEARLY DIFFERENTIATED THROUGH THE USE OF ELEVATION CHANGES, A DIFFERENT PAVING MATERIAL OR OTHER EQUALLY EFFECTIVE METHODS.**
- 6. THE PHOTOMETRIC PLAN SHALL CONFORM TO THE VILLAGE ZONING ORDINANCE.**

Approved

7. **ALL SIGNAGE SHALL BE PERMITTED SEPARATELY AND CONFORM TO THE VILLAGE'S SIGN ORDINANCE.**
8. **A FINAL PLAT OF SUBDIVISION WILL BE REQUIRED PRIOR TO PERMIT ISSUANCE.**

SECOND BY COMMISSIONER TOTH. ROLL CALL:

AYE: COMMISSIONERS RECTOR, TOTH, DMYTRYSZYN, MAURER, ROCHE, PATEL, AND CHAIRMAN RICKARD

MOTION PASSED. VOTE: 7-0

Mr. Zawila reminded everyone to check the Council Agendas online for a schedule of upcoming cases in front of the Village Council. Mr. Zawila introduced Emily Hepworth as the new Development Planner for the Village of Downers Grove. Ms. Emily Hepworth, Development Planner, shared she was happy to be here and that it was nice to meet everyone.

Mr. Zawila shared that he believe the Plan Commission would meet in October and again in November for general training.

Chairman Rickard asked if another meeting would occur in September. Mr. Zawila said no second meeting was scheduled for September.

THE MEETING WAS ADJOURNED AT 10:43 P.M. UPON MOTION BY COMMISSIONER DMYSTRYSZYN. SECOND BY COMMISSIONER PATEL. A VOICE VOTE FOLLOWED AND THE MOTION PASSED UNANIMOUSLY.

/s/ Village Staff
 Recording Secretary
 (As transcribed by MP-3 audio)

**Village of Downers Grove
Human Service Commission**

Village Hall
801 Burlington Avenue
September 27, 2022
Meeting Minutes

Chair Aycock called the meeting to order at 7:00 pm and asked for a roll call.

Members Present

Chair Aycock
Member Drabik
Member Nicholson
Member Skerjan
Member Loftus

Members Absent

Member Silvester

Chair Aycock declared that a quorum was present.

Chair Aycock asked for a motion to approve the minutes of the June 28, 2022 meeting. Motion to approve the minutes by Loftus, seconded by Nicholson. Motion carried unanimously by voice vote.

Chair Aycock called on staff to provide an overview of the Village's Social Services Referral Program, August Monthly Highlights. Ms. Lippe summarized the performance data included in the staff report.

Ms. Lippe stated that she contacted the social worker in Wheaton. They track the number of referrals, type of referrals and acceptance rate. Wheaton makes 50 to 65 referrals per month with a 70% acceptance rate.

Chair Aycock called on staff to present the revised draft Social Services Gap Analysis report. Manager Fieldman noted that several changes to the draft report were made based on the discussion by the Commission at their June meeting:

- *Increasing Awareness of the Social Service Referral Program* has been identified as the top priority.
- Six additional actions to increase awareness have been included.
- Four additional actions to *Improve Senior Residents Access to Transportation* have been included.
- The calculation of the social services referral acceptance rate has been clarified.

Member Loftus noted that all public school districts and private schools in Downers Grove should be mentioned in the report. Chair Aycock noted that many of the students in District 66 may not be eligible for social services. Ms. Lippe noted that many students may not be Downers Grove residents. Manager Fieldman stated that the report will be revised to reference School Districts 58 and 99.

Chair Aycock said that she was pleased with the changes in the report. She noted that there are existing organizations that help arrange the provision of services for residents in need (example of an elderly person needing a light bulb changed). There may be such an organization in Downers Grove. This type of service may be helpful. Perhaps the HSC could explore. Ms Lippe noted that DuPage Senior Citizen Council has a program for minor improvements to homes and small chores. She noted that staff refers residents to this program.

Member Skerjan asked about completing satisfaction surveys. Manager Fieldman noted that the Village Attorney recommends that the Village does not inquire about the satisfaction of the services provided by the organization to which the resident was referred. Member Loftus said that the survey could ask “were you able to access to services” as opposed to inquiring about the satisfaction of the services provided by an outside agency.

Chair Aycock asked about the care of children and whether this should be a social service category that could be included in the referral program.

Member Drabik stated that the Village should consider inquiring about the percentage of service provider clients who came from Village of Downers Grove referrals. He noted that this information could be cross referenced with the existing acceptance rate. This would help understand the service demands and provision throughout the community.

Member Nicholson said that the draft report includes the recommendations of the HSC. He asked what are the next steps. He asked if the Village Council will provide direction on the next steps and if the HSC should wait for their direction. Manager Fieldman noted that the Village Council will consider the report and will either accept the report, reject the report or remand the report back to the HSC. The Village Council is responsible for providing policy direction on the recommendations in the report.

Chair Ayccok asked who on the Village team would be responsible for implementing the recommendations in the report. Manager Fieldman noted that the Village staff members would be responsible for completing the work.

Chair Aycock noted that the report is good. She asked the HSC members to comment on the quality of the report.

Member Nicholson asked for Ms. Lippe’s opinion on the draft report. She noted that the awareness of the social services referral program should be the top priority.

Member Drabik asked if the Village staff, especially the Police Department, is aware of the Human Service Commission and the social services referral program. Ms. Lippe noted that employees of the Police Department are fully aware and work well with her.

Chair Aycock asked if Ms. Lippe interacts with Good Samaritan Hospital. Ms. Lippe stated that she works with GSH Social Work personnel very closely on collaboration of resources. She suggested that the Village may wish to explore putting information about the Village social services referral program.

Member Loftus asked if there were any other availability gaps not noted in the report. Ms. Lippe indicated that there were not.

Member Skerjan asked about the taxi services and how the Village is aware of the availability gap. Ms. Lippe noted that transportation services is a type of service included in the categories and that the Village operates a taxi coupon subsidy program. Village staff is aware of the gap in services from resident calls to the Village.

Member Drabik discussed cross referencing the data to determine what source is using what medium to get to the Village. The Village should drill down in the data to determine the effectiveness of each type of referral.

Member Skerjan would like to make sure that the awareness campaign uses multiple platforms to reach all of the residents of the Village.

Member Drabik asked about the Responsible Department in the monthly staff report. Ms Lippe stated the Village Departments do well with educating residents about the social services program when providing referrals. The awareness of the program by staff is reflected in the number of referrals received by the various departments.

Member Loftus stated that there are detailed strategies and actions in the draft report to address awareness and other gaps. She stated that additional information and insight will become available as action steps in the report are implemented.

Motion made by Nicholson and seconded by Drabik to Accept the Draft Report and forward to the Council. Unanimous vote.

Manager Fieldman noted that staff is pleased with the report. The report will be placed on an upcoming Village Council meeting agenda. The Council is expecting this report as it is part of the Council's Priority Action Items. It is likely that the Council will consider the report prior to the next scheduled HSC meeting.

Chair Aycock asked for Public Comment. There were no public comments.

Motion to adjourn by Skerjan, second by Drabik. Voice vote unanimous. The meeting adjourned at 7:43pm.

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE
Thursday, October 6, 2022**

I. CALL TO ORDER

Chairman Strelau called the October 6, 2022 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

III. ROLL CALL

PRESENT: Mr. Johnson, Mr. Meta, Ms. Rutledge, Mr. Shah, Chairman Strelau

ABSENT: None

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

OTHERS: Kelly Bissias, Andy Ocampo, Breanna Miller, Araceli Martin, Zubin Kammula, Court Reporter

IV. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the May 5, 2022 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the May 5, 2022 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.

IV. 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 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 licenses."

"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."

Bucky's – 2181 63rd Street

Chairman Strelau stated that the next order of business was Bucky's #6519 located at 2181 63rd Street. She stated that the applicant is seeking a Class "P-2", beer & wine, 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.

Kelly Bissias and Andy Ocampo were sworn in by the court reporter. Ms. Bissias introduced herself as the District Manager and Ms. Ocampo introduced herself as the Liquor Manager for Bucky's. Ms. Bissias stated that they are seeking a P-2 license for the Bucky's gas station at Main & 63rd Street.

Chairman Strelau requested questions from the Commission.

Mr. Johnson asked how long each of them have been with the organization. Ms. Bissias replied eighteen years. Ms. Ocampo replied three years in December.

Mr. Johnson asked how many Illinois Bucky's locations there were. Ms. Kuchynka replied corporate reported 508 Illinois locations and reported 2,454 locations Nationwide.

Mr. Johnson referred to the application packet noted the number of violations that were disclosed in the State of Illinois from 2018 through 2021. He asked Ms. Bissias and Ms. Ocampo if either of them were involved in any violations or associated with any of the locations listed. Both replied no.

Mr. Johnson asked what policies were in place with regard to the sale of alcohol. Ms. Bissias replied that staff is trained extensively for tobacco and required BASSET certified training. She added that staff is re-trained annually with tobacco and BASSET certification training is required every three years.

Ms. Bissias advised that Bucky's regularly performs in house spot testing on its locations.

Ms. Bissias stated that it is their policy to suspend employees for a first violation and terminate employees for a second violation. She noted that staff is fully re-trained after a first violation and must be coached and re-trained and not allowed on the register alone until after suspension.

Mr. Johnson asked how often policies are reinforced. Ms. Bissias replied daily. She stated that as a district manager she oversees 11 stores. She advised that Ms. Ocampo is the manager of this location. Ms. Ocampo added that management oversees and pays attention to what team members do daily. She stated that she takes coaching very seriously.

Mr. Johnson asked Ms. Bissias to explain their scanning software and their carding procedures. Ms. Bissias replied that they request identification from anyone who appears under the age of 40 for tobacco. She stated that in her district she prefers to request identification 100% from anyone purchasing alcohol.

Ms. Bissias stated that the POS system will not allow clerks to scan liquor items past allowed sales hours.

Ms. Rutledge and Ms. Bissias about her statement carding 100% in her district. She asked if that policy varied throughout the district. Ms. Bissias stated that they must abide by company policies, but are

allowed to be more stringent if need be. She stated that they card 100% especially when the business just starts selling alcohol. She stated that she does not loosen up on that policy and is allowed to make that decision for her district. She stated that over the course of time, then can ease up on those restrictions.

Ms. Rutledge commented on the number of Illinois violations and noted that sales were made to minors. She asked if violations are reviewed and adjustments in policies made at the district level. She asked if violations are treated as isolated incidents or considered globally for corporate to institute more stringent policies.

Ms. Bissias replied that she has worked in the industry for 30 years and has never seen so many policies in place as with Casey's. She stated that violations are taken seriously. She stated that area district managers discuss policy every Monday and then she brings issues to the stores she oversees in her district. She stated that re-training is standard for violations and the clerk will be required to work with someone else. She stated that age restricted items come with a lot of training.

Mr. Shah stated that Ms. Bissias originally mentioned the store being located at 63rd and Main, but noted that the correct location was 63rd & Belmont. Ms. Rutledge thanked him for the clarification.

Mr. Shah asked Ms. Bissias if this location was the old Mobil station. Ms. Bissias replied yes.

Mr. Shah stated that he has been to other Casey's locations with a much larger footprint and asked if there are any future plans to expand this location. Ms. Bissias replied that there are thirty-six 800 square foot stores. She stated that their plan is to expand those to 1,980 square feet, but noted that may take 5-8 years for those expansions to be completed.

Mr. Shah asked about the internal secret shopper program and sked what happens to employees that fail internal tests. Ms. Bissias replied that staff is immediately retrained if there is a violation. She noted that they will also be required work alongside with the manager with hands on training and guidance given.

Mr. Meta asked Ms. Ocampo about the existing staff. Ms. Ocampo replied that her youngest staff member is 27 years old. She added that all employees have been working with her in excess of 1 ½ years. She noted that in the span of the two years she has been manager all tobacco stings have been passed. She stated staff regularly asks for identification.

Mr. Meta asked Ms. Ocampo what was the minimum age for Casey's staff. Ms. Ocampo believed an employee must be at least 16 to do maintenance work. She stated that they do not allow anyone under age to work the register, especially for tobacco or alcohol sales.

Mr. Meta asked if they will sell only beer and wine. Ms. Bissias replied yes. She noted that the store is small and they cannot get much product into the limited space they have.

Mr. Meta asked Ms. Bissias if other stores in her district sell alcohol. Ms. Bissias replied yes and stated no store she has overseen has had a violation.

Ms. Kuchynka noted that the applicant is seeking a beer and wine only license. She noted that Village is currently at the limit of P-1, full alcohol off-premise liquor licenses.

Chairman Strelau clarified that Downers Grove does not conduct "sting" operations and refereed to them as "controlled buys". She stated that the agents that come in to test establishments are under the age of 21. She advised that there is no trickery or deceit and bring their own valid under 21 license.

Chairman Strelau asked Ms. Bissias about the scanning of ids. She asked if they scan all licenses across the US. Ms. Bissias replied yes and the scanner recognizes all 50 state ids.

Chairman Strelau asked Ms. Bissias if cashiers scan liquor items outside of hours, did she mean the scanning of driver's license tool did not work or if the register scanning the product not work. Ms. Bissias replied that clerks must type or scan the UPC. She stated liquor will not allowed to be scanned at the point of sale, the item will not ring up and the register will block the sale.

Chairman Strelau stated that they have a good record at the store and employees that have been at the location for a long while. She stated that staff takes cues from management and recommended that they remind employees of the rules frequently.

Chairman Strelau asked staff for recommendations or comments pertinent to this request. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of the annual fee and satisfactory background checks.

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 their request for a Class P-2 liquor license.

MR. META MOVED TO FIND CASEY'S RETAIL COMPANY D/B/A BUCKY'S #6519, LOCATED AT 2181 63RD STREET, QUALIFIED FOR A CLASS "P-2", BEER & WINE ONLY, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. SHAH SECONDED.

Aye: Mr. Meta, Mr. Shah, Mr. Johnson, Ms. Rutledge, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Eurest Dining Services - Cafe – 3500 Lacey Road, 1st Floor Lobby

Chairman Strelau stated that the next order of business was Compass Group USA, Inc. d/b/a Eurest Dining Services - Cafe located at 3500 Lacey Road, 1st Floor Lobby. She stated that the applicant is seeking a Class "R-2", beer & wine, 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.

Ms. Breana Miller, Ms. Araceli Martin and Mr. Zubin Kammula were sworn in by the court reporter. Mr. Kammula introduced himself as the attorney representing Compass Group USA. He stated that they are requesting an R-2 license for 3500 Lacey Road.

Chairman Strelau requested questions from the Commission.

Mr. Meta asked if this location was an existing office building. Ms. Miller replied yes.

Mr. Meta asked them to explain the business. Ms. Miller stated that Compass Group offers contracted corporate dining food and beverage service and that Kore Investors is their client for this office facility. She stated that a café is proposed in the lobby of the building at 3500 Lacey Road.

Mr. Meta asked if it will be a full service bar. Ms. Miller replied no. She added that the new coffee bar will operate Monday through Friday during the day and include beer and wine service in the evenings one to two days a week. She noted that the building is not fully populated. She stated that this will be a private amenity for their tenants.

Mr. Meta asked if there is a restaurant in the building now that they will be taking over. Ms. Miller replied that there is another cafeteria in the building which is open for breakfast and lunch. She stated that food will be available at their café which will come from the commissary kitchen. She stated that a small oven will be able to heat things.

Mr. Kammula provided background on the Compass Group USA stating that it is a food service company with a number of divisions. He stated that the Eurest division specifically offers corporate amenities. He stated that they come into corporate building environments and provide food and beverage options for the tenants. He stated that they do not expect customers from off the street and is not a destination restaurant but simply for tenants to have access to food service during business hours.

Mr. Meta asked if it is restricted to tenants only. Mr. Kammula stated that anyone could walk in off the street, but it would be highly unusual.

Mr. Kammula stated that Eurest has 1,400-1,500 locations across the country. He noted that the clientele is typically limited to tenants of the office buildings.

Mr. Meta stated that he was confused about the menu which contained craft cocktail items. Ms. Miller apologized and noted that was a sample menu from another location.

Mr. Meta asked if opening the café is contingent upon receipt of a liquor license. Ms. Miller replied there is a coffee bar which will operate during the day. Ms. Martin stated that they will move ahead with the coffee bar and with approval of the liquor license would move ahead with offering beer and wine at the café.

Mr. Meta asked when they plan to open. Ms. Martin replied the first week of December.

Ms. Martin stated that she will be the general manager for the location. She stated that they do not have the coffee bar staff position filled at this time.

Mr. Shah asked if they will do private corporate events at building tenant's suites. Mr. Kammula stated the Commission will also be considering their K-2 license application as a part of tonight's meeting. He stated that it is their intention to do catered events for clients in the building. He stated that service would be in the respective office areas and delivered to individual suites.

Mr. Shah asked how they plan to check ids, knowing that this will be a corporate office with employees being older. Ms. Martin replied that most office dwellers are over the age of 21. She stated that all bartenders will be BASSET certified and will follow id checking guidelines. Mr. Kammula replied that company policy is to card anyone who appears under the age of 30.

Ms. Rutledge stated that they advised this is a new business concept for the location and that they would start with breakfast and coffee and see how the bar hours/days pan out. She asked about other locations across the country and wondered what they anticipate for this location based on this business model. Ms.

Miller replied with her experience as the regional director of Compass Group, typical bar hours are Wednesday through Friday, as populations have not fully returned. She stated coffee bar services would be offered Monday through Friday. She stated that bar serving hours are typically 3-7 p.m. Mr. Kammula agreed that similar locations in Illinois typically close by 7 p.m., with larger operation/services maybe going past 8:30 p.m. He stated that in instances where they are not busy, they may close even earlier.

Mr. Johnson asked Ms. Martin to elaborate on her experience. Ms. Martin replied that she has been in the food and beverage industry since she was 16. She stated that she has been a banquet hall server and currently works at Two Brothers Roadhouse in Aurora. She added that she has worked for the Compass Group overseeing catering services and training staff for off premise events.

Chairman Strelau asked Ms. Kuchynka if Cooper's Hawk still holds the license for their on-site cafeteria. Ms. Kuchynka replied yes. She stated that they are located in the lower level of 3500 Lacey. She stated that Eurest Café, completely unrelated, will be located on the 1st Floor of the office complex.

Chairman Strelau confirmed that this application was for a beer and wine license. She asked if the catering is for full alcohol. Ms. Kuchynka replied that the catering license will be heard as a separate application and noted that the Commission will vote on the R-2 license for the café first and will be considered separately.

Chairman Strelau asked how Levey fits into the operation. Mr. Kammula replied that Levey is another division of Compass Group USA. He stated that some materials provided in the application are labeled Levey, but they are essentially the same company. He stated that Compass is the sole owner of Levey.

Chairman Strelau asked if liquor violations were disclosed of Levey or liquor violations were disclosed of Compass. Ms. Kuchynka replied she would request violation information from Levey. Mr. Kammula stated that the applicant is Compass and d/b/a Eurest which is one division that handles the corporate café operations. He stated the Levey is owned by Compass, but the policies are all one in the same. He stated that in terms of violations, he who has represented them for the past seven years was unaware of a single violation in Illinois.

Chairman Strelau noted that the café will essentially operate 8 a.m. – 7 p.m. with a limited menu for breakfast and lunch, grab and go, and beer and wine service begins after 3 p.m.

Chairman Strelau asked if the bar is separate from where food is served and if it would be obvious to the customer that they cannot get a beer to go with a sandwich. Ms. Miller replied that the design is one large bar top. She noted that there is no display rail of beer or wine. She stated that all will be stored in under counter coolers. She stated that they may display beer or wine only in the later hours.

Chairman asked if they plan to sell beer at lunch if there is a request. Ms. Miller replied no, there would only be a barista on staff during the day and a bartender on staff only during the late afternoon.

Mr. Shah asked if they will serve bottles and cans. Ms. Miller replied yes.

Chairman Strelau asked staff for recommendations or comments pertinent to this request. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of the Certificate of Occupancy, satisfactory background checks 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 their request for a Class R-2 liquor license.

MS. RUTLEDGE MOVED TO FIND COMPASS GROUP USA, INC. D/B/A EUREST DINING SERVICES – CAFÉ LOCATED AT 3500 LACEY ROAD, 1ST FLOOR LOBBY, QUALIFIED FOR A CLASS R-2, BEER & WINE ONLY, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. JOHNSON SECONDED

VOTE:

Aye: Ms. Rutledge, Mr. Johnson, Mr. Meta, Mr. Shah, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Eurest Dining Services - Catering – 3500 Lacey Road, 1st Floor Lobby

Chairman Strelau stated that the next order of business was Compass Group USA, Inc. d/b/a Eurest Dining Services - Catering located at 3500 Lacey Road, 1st Floor Lobby. The applicant is seeking a Class “K-1”, full alcohol, catering liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated.

Ms. Kuchynka noted that the individuals representing the catering application are the same and do not require them to be re-sworn in by the court reporter.

Chairman Strelau requested comments from the applicant.

Ms. Miller stated that 3500 Lacey is a multi-tenant space. She stated that companies that host meetings will have an opportunity to offer cocktail service in their individual units. She stated that the catering license will be by-request events.

Chairman Strelau asked if the liquor service will include food from the cafe. Ms. Miller replied no. She stated that they have an off-premise catering company that will provide food as there is no full service kitchen at this site.

Chairman Strelau requested questions from the Commission.

Mr. Johnson asked if Live Feed Chicago was affiliated with Levey. Ms. Miller stated that Live Feed Chicago is their off-premise caterer for the City of Chicago which is one of the commissary kitchens they subcontract with.

Ms. Rutledge had no questions.

Mr. Shah asked if their employees will serve the tenants who request catering in their suites. Ms. Martin replied yes. She stated that the client would outline the scope of services they would like. She stated that Eurest staff would set up the bar, serve and deliver the alcohol. She noted that alcohol would never be left without a server present.

Ms. Kuchynka requested for clarification and asked if food service would be provided. Ms. Martin replied that clients can order breakfast, lunch or snacks and may include alcohol upon request.

Ms. Shah envisioned that this would be a controlled event with employees of the tenant only. Mr. Kammula replied that the catering license would not be used for events open to the public. He stated that company policy is that catered events have to be private in nature. He stated that there is a pre-determined host that has a contract for serving X number of people at a certain cost. He stated their employees will be there to staff and control alcohol. He stated that they will be responsible for carding and recognizing signs of intoxication and preventing over service.

Ms. Kuchynka asked Mr. Kammula if this service would be limited to the 3500 Lacey Road tenants. Mr. Kammula replied yes.

Ms. Kuchynka noted that the catering license they are seeking would allow them to cater events throughout the Village. Mr. Kammula stated that they will not be advertising business outside of the facility. He stated that their intent is to focus on this particular client and service this building. Ms. Rutledge confirmed that the client is the landlord and it their needs that are being met with this service. Mr. Kammula stated that they are being brought in by a corporate landlord who does not want to be in the food and beverage business. He stated that they are hired for this expertise and envision the amenity being of value to the building and their tenants.

Mr. Meta asked Ms. Kuchynka if this license required to have food service. Ms. Kuchynka replied that as there is a sale, a license is required.

Mr. Meta requested clarification and asked if happy hour events be held with just liquor or will food be required.

Chairman Strelau also asked if tenants can simply order alcohol without food. Ms. Kuchynka stated that K-1 license authorizes the sale of alcohol in connection with the catering of foods. Ms. Petrarca stated that food service is required according to the definition of the K-1 license. She stated that the sale of alcohol shall be incidental to the food service. Mr. Kammula stated that they can certainly build the food service requirement into their contract. He added that if a client wants liquor only, they will advise that liquor only service is contrary to the Code.

Ms. Petrarca confirmed that the alcohol must be incidental to food service. Chairman Strelau noted that their contract will need to be specific. She noted that this is a different arrangement than the Commission would normally have for catering applicants but wanted them to be clear of the Village requirement for food service.

Mr. Kammula noted that they can tell clients that they cannot order liquor without food. Mr. Meta stated it could be an adjustment of their menu offerings. Mr. Kammula replied they will comply with the Code 100% and advise the client there has to be food served. Ms. Kuchynka noted that provision could be detailed in the service contract and/or offer alcohol only with a meal package.

Mr. Meta stated he felt that they were originally describing portable bar service for the facility. He was glad for the clarification.

Chairman Strelau confirmed that they are not doing the full liquor in the café because they are out of P-1 licenses. Ms. Kuchynka replied there are no caps on restaurant licenses. Ms. Petrarca confirmed the P-1 licenses are off-premise licenses.

Chairman Strelau asked about the corporate role of Levey. Mr. Kammula stated that the Levey materials should have been labeled Compass so as not to add to the confusion. Ms. Miller stated that Compass Group USA is the parent company of Levey, Eurest and Cartwell Associates. She stated that company policies are all the same for these affiliated groups. She stated that Levey services sports and entertainment venues, Eurest services business and industry venues and Cartwell services higher education venues.

Chairman Strelau about other locations that have a commissary kitchen. Ms. Miller replied Nalco Ecolab of Naperville offers the Live Feed menu.

Chairman Strelau asked staff for recommendations or comments pertinent to this request. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of the satisfactory background checks 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 their request for a Class K-1 liquor license.

MS. RUTLEDGE MOVED TO FIND COMPASS GROUP USA, INC. D/B/A EUREST DINING SERVICES – CATERING LOCATED AT 3500 LACEY ROAD, 1ST FLOOR LOBBY, QUALIFIED FOR A CLASS K-1, FULL ALCOHOL, CATERING LIQUOR LICENSE. MR. JOHNSON SECONDED.

VOTE:

Aye: Ms. Rutledge, Mr. Johnson, Mr. Meta, Mr. Shah, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

V. NEW BUSINESS

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

Ms. Kuchynka referred to the past month end report for May through September.

Ms. Kuchynka advised that licensees are currently in renewal. She noted that the current licenses expire October 31st and noted that tomorrow is the deadline for submittal.

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 advised that there will be a November meeting.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Mr. Johnson moved to adjourn the October 6, 2022 meeting. The meeting was adjourned by acclamation at 7:30 p.m.