



# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

February 13, 2024

07:00 PM

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## 1. Call to Order

Cub Scout Troop #86 lead the room in the Pledge of Allegiance to the Flag.

## 2. Roll Call

**Council Attendance (Present):** Mayor Barnett, Commissioner Hosé, Commissioner Sadowski-Fugitt, Commissioner Gilmartin, Commissioner Tully, Commissioner Glover, Commissioner Davenport

**Council Attendance (Not Present):** None

**Non-Voting:** Village Manager Dave Fieldman, Village Attorney Enza Petrarca, and Village Clerk Rosa Berardi

**MOT 2024-10265** — A. Motion: Allowing for Electronic Participation for the February 13, 2024 Village Council Meeting

**MOTION:** To adopt the motion Allowing for the Electronic Participation for the February 13, 2024, Village Council Meeting.

**RESULT:** Motion carried unanimously by roll call.

**MOTIONED TO APPROVE:** Commissioner Hosé

**SECONDED BY:** Commissioner Sadowski-Fugitt

**AYES:** Commissioners Hosé, Sadowski-Fugitt, Davenport, Tully, Glover, Gilmartin, Mayor Barnett

**NAYES:** None

## 3. Minutes of Council Meetings

**MIN 2024-10185** — A. Minutes: Village Council Meeting Minutes – February 6, 2024

**MOTION:** To adopt the meeting minutes of the February 6, 2024, Village Council Meeting, as presented.

**RESULT:** Motion carried unanimously by voice vote.

**MOTIONED TO APPROVE:** Commissioner Hosé

**SECONDED BY:** Commissioner Sadowski-Fugitt

**AYES:** Commissioners Hosé, Sadowski-Fugitt, Davenport, Tully, Glover, Gilmartin, Mayor Barnett

**NAYES:** None

## 4. Public Comments

Debbie Anderson Phillips, EQDG, announced the second annual One Book, One Town, all community read. She shared that the book that was chosen is the House in the Cerulean Sea by T.J. Klune and provided details about events taking place in the downtown and at the Downers Grove Library related to the community read.

Rich Kulovany, past Village Commissioner, offered his thanks to the Council for their work on the Long Range Plan. He said that he appreciates their work as a team.

**5. Consent Agenda**

**BIL 2024-10177** — A. Bills Payable: No. 6782 - February 13, 2024

**RES 2024-10279** — B. Resolution: Approve an Extension and Change Order to the Agreement with Infosend, Inc. for Utility Bill Printing and Mailing Services

**Summary:** This resolution approves an extension and change order to the agreement with Infosend, Inc. in the amount of \$20,000 for utility bill printing and mailing services for a one year term.

**RESOLUTION 2024-21**

**A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION AND CHANGE ORDER TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND INFOSEND, INC.**

**MOT 2024-10283** — C. Motion: Authorize the Purchase of Five Axon Interview Room Tablets and Two Corresponding Axon Servers from Axon Enterprises, Inc.

**Summary:** A motion is requested to authorize the purchase of five Axon interview room tablets with two corresponding Axon Servers from Axon Enterprises, Inc.

**MOT 2024-10267** — D. Motion: Accept the Butterfield Road Corridor Plan, Prepared by the Chicago Metropolitan Agency for Planning (CMAP), and Forward the Plan to the Village's Comprehensive Plan Consultant for Consideration in the Preparation of the Village's Updated Comprehensive Plan

**Summary:** This motion accepts the Butterfield Road Corridor Plan, prepared by the Chicago Metropolitan Agency for Planning (CMAP), and forward the plan to the Village's Comprehensive Plan consultant for consideration in the preparation of the Village's updated Comprehensive Plan.

**RES 2024-10286** — E. Resolution: Abrogating Certain Public Easements in the Village of Downers Grove for 529 Franklin Street

**Summary:** This Resolution abrogates a five-foot wide public utility easement at 529 Franklin Street.

**RESOLUTION 2024-22**

**A RESOLUTION ABROGATING CERTAIN PUBLIC EASEMENTS IN THE VILLAGE OF DOWNERS GROVE FOR 529 FRANKLIN STREET**

**RES 2024-10284** — F. Resolution: Approve an Addendum to the Agreement between the Village of Downers Grove and the Illinois Department of Transportation at IL 56 - State Contract Number 60P75

**Summary:** This Resolution is approving the execution of an addendum to the agreement between the Village of Downers Grove and the Illinois Department of Transportation at IL 56 - State contract number 60P75.

**RESOLUTION 2024-23**

**A RESOLUTION AUTHORIZING EXECUTION OF AN ADDENDUM TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION AT IL 56 – STATE CONTRACT NUMBER 60P75**

**MOTION:** *To adopt the consent agenda, as presented.*

**RESULT:** *Motion carried unanimously by voice vote.*

**MOTIONED TO APPROVE:** *Commissioner Hosé*

**SECONDED BY:** *Commissioner Sadowski-Fugitt*

**AYES:** *Commissioners Hosé, Sadowski-Fugitt, Davenport, Tully, Glover, Gilmartin, Mayor Barnett*

**NAYES:** *None*

**6. Active Agenda**

**ORD 2024-10280** — A. Ordinance: Increasing the Number of K-1 Catering Liquor Licenses

**Summary:** This ordinance is increases the number of K-1 Catering Liquor Licenses.

**ORDINANCE 6037****AN ORDINANCE INCREASING THE NUMBER OF K-1 CATERING LIQUOR LICENSES**

Mayor Barnett explained that the Liquor Code is available online at downers.us and said that some types of licenses are limited and adjustments are made as they are needed.

*MOTION: To adopt **AN ORDINANCE INCREASING THE NUMBER OF K-1 CATERING LIQUOR LICENSES**, as presented*

***RESULT:** Motion carried unanimously by voice vote.*

***MOTIONED TO APPROVE:** Commissioner Hosé*

***SECONDED BY:** Commissioner Sadowski-Fugitt*

***AYES:** Commissioners Hosé, Sadowski-Fugitt, Davenport, Tully, Glover, Gilmartin, Mayor Barnett*

***NAYES:** None*

**7. First Reading**

**ORD 2024-10276** — A. Ordinance: Approving an Amendment to Planned Unit Development #31 to Construct a New Multi-Family Residential Development

**RES 2024-10277** — B. Resolution: Approve a Plat of Subdivision for 3201, 3211, 3221 and 3231 Woodcreek Drive

Community Development Director, Stan Popovich, presented Items A and B via a PowerPoint presentation. He shared a maps that included access points, parking lots, pedestrian connections and storm water management. He also shared a bird's-eye view of the complex. Mr. Popovich explained that the Plan Commission recommended approval of the items at their at their January 22 meeting.

**Village Council Comments/Questions**

Commissioner Tully shared that this was contemplated when the amendment was made and is consistent with the anticipated change. He added that these met the criteria listed in the Municipal Code.

Mayor Barnett shared that he is glad that this is happening but he believes the project is a bit underwhelming. He expressed he is slightly disappointed to see that this looked very similar to the other buildings in the area.

Commissioner Gilmartin asked about the future development of the subdivision with the open lot - whether or not it is planned for multi-family or would it revert back to office spaces.

Mr. Popovich said that preliminarily the idea was that it would be a parking deck with an office building, but not as a part of this development or petition.

Mayor Barnett explained that this was located in the Esplanade area of town. He said that this is an office park that was set up for one use, office buildings, etc., and last year an amendment was made to this Planned Unit Development to expand the uses – in this case residential use. He explained that due to the effects of COVID things like this need to be done in an attempt to make the best use of the space in town

**ORD 2024-10278** — C. Ordinance: Authorizing a Special Use for 1204 75th Street to Permit a Second Drive-Through

Mr. Popovich once again presented via PowerPoint. He explained that the petitioner is looking to add a double drive-through on the side of the building. He shared a map of the property and the pedestrian connections, noting that this project met the Comprehensive Plan requirements and that the Plan Commission recommended approval.

**Village Council Comments/Questions**

Commissioner Davenport said that it was good to see White Castle doing good business at that location and the fact that they are putting in a second drive-through is a sign that their business is robust.

Commissioner Tully shared that he is happy to see activity at 75<sup>th</sup> and Lemont. He said though he is sometimes concerned about drive-throughs, he has no concerns about this one.

**ORD 2024-10282 — D. Ordinance: Amending Certain Parking Provisions**

Village Manager Fieldman presented and explained that this ordinance amendment would codify the no parking restrictions that were approved temporarily at the staff level at a couple locations on Washington - just south of Ogden, including Sherwood - from Grant to Chicago, and on Brian Grant Court. He explained this ordinance would also establish no parking restrictions on Granville and would modify parking regulations near Downers Grove, South High School on streets like Bolson Boundary Road, Boundary Court, Oxnard, and Stonewall.

**Village Council Comments/Questions**

Commissioner Davenport inquired about the restrictions at Springside and Brunett and if this would be suitable there.

Manager Fieldman said that staff would look into this to be sure it is consistent in the area.

Commissioner Gilmartin said that he lives near this area and he intends to support this item when voted on. He also shared that he believes the Washington Street area, 200 feet from South Ogden, is an extremely smart use of no parking. The Commissioner stated that there is a NAPA Auto Parts and Firestone near the area, which both create difficult parking and turning situations. He spoke of the narrowing of the street on Sherwood Avenue to Grant and said that he feels very comfortable with moving this forward and believes that this is in the best interest of the Village.

**Public Comment**

Janet Whittingham, resident, asked how far south on Washington Street there would be no parking – asking if this would be near her home.

Manager Fieldman clarified that this would be closer to the intersection.

**8. Attorney's Report**

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

1. An ordinance approving an amendment to Planned Unit Development #31 to construct a new multi-family residential development.
2. An ordinance authorizing a Special Use for 1204 75th Street to permit a second drive-through.
3. An ordinance amending certain parking provisions within Chapter 14 of the Municipal Code.

**9. Mayor's Report**

There was no Mayor's Report.

**10. Council Member Reports**

Commissioner Davenport wished everyone a Happy Valentine's Day.

*At 7:23 p.m., Mayor Barnett called for a 5 minute break and stated that the meeting would reconvene in the Committee Room for the Manager's Report – Fairview Focus Area discussion. He invited all to attend.*

**11. Manager's Report****INF 2024-10271 — A. Information: Fairview Focus Area Implementation - Regulatory Framework Discussion**

The meeting reconvened at 7:29 p.m. in the Committee Room.

Mayor Barnett explained what this portion of the meeting would entail and turned the meeting over to Mr. Popovich to present for the evening.

Mr. Popovich shared a PowerPoint presentation and reviewed the Fairview Focus area implementation process. He explained that the regulatory framework would be discussed during this meeting. He showed a color coded map of the F-1, F-2 and F-3 areas within the Fairview Focus Area. Mr. Popovich gave the bulk regulations of Fairview 1 and Fairview 2, including the maximum and minimum height requirements, setbacks, Build-to-Zone, density, parking, and design guidelines. He shared a Downtown and Fairview area density comparison. He then reviewed the current regulations of the Build-to-Zone in the Downtown area and provided staff's suggestions for the Fairview Focus Area. Mr. Popovich provided an answer to a Council Question that had been submitted prior to the meeting, and reviewed a slide within the PowerPoint to give a better description of what is currently allowable under the Municipal Code. He reviewed the height requirements in the F-2 area and provided examples of F-1, F-2 and F-3. He then reviewed the F-3 Area Bulk Regulations. He gave an example of F-1 and F-3 adjacent buildings and F-2 and F-3 adjacencies.

Mr. Popovich then reviewed the Council's direction given at past meetings on the F-3 residential housing types, residential accessory uses and structures and shared details about extended family accessory housing and home occupation concepts. He also reviewed the land uses within the F-1, F-2 and F-3 areas.

Manager Fieldman reminded all that staff spent 60-90 minutes in meetings with individual Council members to discuss this information, so they did not hear it for the first time at this meeting. Manager Fieldman explained what the Council objectives for this meeting would be.

Mayor Barnett reminded everyone that the Council members had been briefed on this information at their individual meetings. The Council had also had discussions on the topic with staff publicly at past Council meeting. He said the the next step in the process was towards putting together an ordinance. He explained the goal for the evening was to work through what Manager Fieldman listed on the white board, one section at a time. He started with a discussion about the map and asked for questions.

Commissioner Sadowski-Fugitt spoke about the F-1 and F-3 intersecting areas reminding her of the recent Main Street discussions, where there could be a taller building next (or behind) a house – stating it felt intrusive. She said that there is more overlap here than in the downtown area, and that gives her pause with having taller buildings next to single family homes. She stated that she thinks there might need to be a readjustment.

Mayor Barnett redirected the discussion to any comments about map lines.

Commissioner Sadowski-Fugitt said that she thinks there may be a need to readjust some of the map lines.

Mayor Barnett spoke of the Rogers boundary adjustment that was made earlier in this process, using it as a delineation. He asked if the same should be done to the north side of 2<sup>nd</sup> Street.

Commissioner Davenport said he thought there were other ways to address the concern.

Commissioner José said that he thinks the change to Rogers was a good change. He said he is open to a change to the 2<sup>nd</sup> Street delineation, however, he agrees that some other ideas may ameliorate the concerns.

Commissioner Gilmartin asked about overlap (that appears as a cloud) shown on the map versus what the actual separation would be in reality, further stating that the map makes things appear closer than they actually are. He said likely there would be a street that delineates the areas.

Manager Fieldman asked if there was a map that always showed a street in between the different areas, would that that address the Council's concerns.

All commissioners concurred.

Commissioner José pointed out that he did not have any concern with the multi-story, multi-family properties that located on the corners.

Manager Fieldman confirmed that as the map is tightened up and the discussion moved toward zoning, the concern of incompatibility of both height and setback between areas F-1 and F-3 would be alleviated by placing a street between the two.

Commissioner Sadowski-Fugitt said she appreciates the flexibility and that this helps to ameliorate the issues.

Commissioner Davenport referenced a slide in the PowerPoint, pointing out that the foot note on the setback for F-1 and F-3 should also apply to F-2's rear yards. He said that with the adjacencies of all of the areas, he thinks a height and set-back limitation should be considered.

Mr. Popovich referenced a slide and recapped the set-back and side setback of properties in adjacent areas being tied to height restrictions. He explained this was about the intensity and the higher buildings being furthest away from the residential areas.

Commissioner Davenport spoke about daylighting and by doing this, it would allow daylight onto all properties. He asked how we came up with the 35 foot width for the street setback with the adjacencies.

Mr. Popovich said it is in the existing Zoning Ordinance for the downtown.

Commissioner Gilmartin said he needed clarity on what was proposed. He referenced a slide in the presentation and asked for confirmation that the suggestion is to require any buildings within 35 feet in distance from each other (located side to side) need to be the same height.

Mr. Popovich used a slide in the presentation showing the F-1 and F-3 adjacency.

Commissioner Gilmartin asked for confirmation about setbacks and height limits.

Mr. Popovich explained in the slide referenced there was a 25 foot setback and a 20-35 foot side setback (east to west) between the buildings.

Commissioner Hosé asked Mr. Popovich to provide some insight along the train tracks where there are grade changes.

Mr. Popovich said the Village's height requirements are measured by property lines. He said that off the railroad track you may see a taller building in the back. He shared an example of the Marquee on Maple in the downtown, saying that it is taller in the back than it is in the front. He reiterated that the Village measures height from the street.

Mayor Barnett said that some of the Village's biggest challenges over the years have been the daylighting issue that Commissioner Davenport mentioned, and they have been driven by existing zoning. He said that this is the Council's chance to reflect on some of the things that may have been learned from other areas.

Commissioner Davenport asked Manager Fieldman if the design guidelines would be discussed in this section.

Manager Fieldman opened the discussion to the design guidelines.

Commissioner Davenport asked if they would want to apply the rule to F-1, for when someone has a major remodel or is renovating a substantial part of their facade - the proposal is only for the current design guidelines to only apply to new builds

Commissioner Gilmartin said the current design guidelines have parameters on remodels. He asked for confirmation of when they do and do not apply.

Mr. Popovich shared the aforementioned parameters in the current guidelines.

Manager Fieldman said this proposal is only for new buildings in an attempt to be less restrictive.

Commissioner Davenport shared that he believes it is okay to be less restrictive, but thinks there needs to be an area to draw the line by adding certain types of remodels to the guidelines for this area.

Commissioner Sadowski-Fugitt said she does not want to be as restrictive as downtown, but see what Commissioner Davenport is trying to say.

Mayor Barnett requested that staff pull the minutes from conversations associated with the current design guidelines before the next Council meeting.

Commissioner Gilmartin said he agrees with less restrictive and is curious if the Downtown Design Guidelines should be applied to this area. He said that since some of the areas in Fairview do not have many buildings, he would be concerned about tying this area to the Downtown Design Guidelines.

Commissioner José said that he feels the opposite and is not looking for an eclectic look – he would like a more cohesive look.

Manager Fieldman said there would be more discussion in the next meeting regarding the applicability of the Downtown Design Guidelines.

Mayor Barnett said that the next topic of discussion would be parking.

Commissioner José said he understands the direction they are headed in terms of parking, but wants to tap the breaks on it. He spoke about the area around Goldfinger Brewing Company, which can get congested when they host big events and expressed concerns if more than one business are having them – especially with more developments going into that area. He said Rogers is difficult to drive down when people are parked on it. The Commissioner expressed concern for the residential areas nearby and said he wants to be mindful of them.

Manager Fieldman said asked if the Commissioner was specifically concerned with parking within F-2, or if was a concern with parking requirements when it is adjacent to residential neighborhoods.

Commissioner Hose concurred that it is about the residential neighborhoods and gave further details as to why.

Mayor Barnett said he thinks the sorting will happen with the adjacencies. He said they knows that parking is a big concern, especially with the adjacencies. He further stated they need to figure out how to respect people's expectations that move into the neighborhoods, while still figuring out a way to be progressive with the area. He said he thinks adjacency issues with parking, density, height and setback restrictions will keep coming up and he does not have a solution.

Commissioner Tully said that this may play out with the uses – explaining there are many uses that could be put in that are not going to have the events mention. He gave an example of discussions that were had about a month ago with regard to the neighborhoods near O'Neill Middle School.

Commissioner José said expectations can change over time and thinks the Council needs to be mindful of that.

Mayor Barnett said that this may be something to work on down the road.

Manager Fieldman explained that once the discussion moves from framework to zoning, staff will use the direction given by the Council as the basis, further stating that it does not mean that anything is locked into place. He this is in order to continue moving forward with the process. He asked for confirmation to use the parking regulations that are in place for this.

The Council concurred.

Mayor Barnett said the next part of the discussion was Build-to-Zone.

Commissioner Gilmartin asked for Mr. Popovich to bring up a slide and asked for clarification as to whether the example of the property shown was allowed to have a 30 foot non-rooftop space.

Mr. Popovich confirmed said it would be allowed and provided further context as to why.

Commissioner Gilmartin asked if they could also have an indent in the building of 30 feet.

Mr. Popovich confirmed.

Commissioner Gilmartin said that he would not have a strong opinion on 30 versus 50 feet. He asked if the slide with the courtyard model (because the space goes deeper than it is wider) is something popular and if it is viable – further asking if there had been any requests for it.

Commissioner Sadowski-Fugitt asked if these “courtyards” could theoretically be an open patio space.

Mr. Popovich concurred and said it could be used as an outdoor dining space.

Commissioner Tully said that he thinks they should be as flexible as possible here, especially if it is the most viable use of space.

Manager Fieldman asked if they are doing maximum flexibility and openness is okay, he asked for the staff team to confirm if a Build-to-Zone should even be required.

Commissioner Tully explained that he is not saying to get rid of the Build-to-Zone, but he thinks the flexibility should be with the configuration of the building.

Commissioner Davenport asked why even have the Build-to-Zone at that point.

Mayor Barnett said that most people would probably try and get the most square footage value out of their property, but because their may be those people that may not, he thinks the Build-to-Zone should be in place.

Commissioner Tully said the configuration should allow for maximum flexibility, but he believes there should be a regulation on how much carve out one has.

Commissioner José said he agrees with Commissioner Tully and thinks A, B and C are all okay options.

Mr. Popovich explained the setbacks in F-1 are listed at 0-5, but if there was the desire to push it back further, they could make them 0-10 – in order to provide depth and not have the buildings at the property line.

Village Attorney Petrarca asked if everyone would be okay with a 0-10 split.

The Council had split opinions.

Mayor Barnett asked if the other numbers mentioned, 50 and 30, were tied to anything and asked where they came from.

Mr. Popovich explained he thinks there has be a maximum. With regard to Build-to-Zones, he gave an example and said that the thinks like flexible areas will need to be taken into consideration as to whether they should be considered square footage. He said going forward they would have to play with the shapes of the lots.

Mayor Barnett said he is less concerned with the square footage and more with the percent of the face, further stating that the whole point is the street wall premise.

Mr. Zawila said the current code is a percentage of facade or a maximum of 35 feet.

Mayor Barnett asked for any other questions. Commissioner Tully thanked the staff for the three-dimensional drawings.

Mayor Barnett said the next part of the discussion would be about land uses. He explained there were three sections to this 1) Residential Use; and 2) Home Occupational Uses; and 3) The Table of Uses. He referenced the slide showing the extended family unit concept – this was discussed by the Council in past meetings. The Mayor asked if the Council was still in agreement.

The Council Concurred.

Mayor Barnett then moved onto home occupation – also previously discussed by the Council. The Mayor once again asked if the Council was still in agreement. He then asked the Council what they would think about someone using a garage right now for a home occupation such as doing taxes versus someone running a bakery or other food to go service. He suggested there may be an impact on neighbors because of the parking that may be required for people coming and going.

Commissioner Tully asked about DuPage County Health Department requirements, how viable it would be for someone to put a bakery in their garage with all of the necessary plumbing and other requirements that they would have.

Commissioner Sadowski-Fugitt said that running a food to go business would need to accommodate more people than someone doing taxes.

Mayor Barnett asked if the person would be able to figure it out and was willing to spend the money, how would the Village respond.

Manager Fieldman said he thinks it would be feasible for someone to take their primary house kitchen and modify it to meet County Health Department requirements.

Commissioner Sadowski-Fugitt said she would be okay and thinks that there would not be a lot of interest and believes it would only be maybe only 1-2.

Commissioner Tully said that this would be similar to a catering business.

Commissioner José said he is willing to think about it. He said that the catering piece makes sense, but to-go food he is unsure of.

Manager Fieldman said it would be hard to craft an Ordinance to differentiate between the two.

Commissioner Davenport asked if there could be a special use in this area and if it was proposed, could the Village explore it.

Commissioner Sadowski-Fugitt said because of the limit on the number of employees allowed (only 2-3 people total) it would limit the amount of business and lessen the concern.

Commissioner Davenport asked how this would be policed.

Commissioner José said that comment makes him lean towards no as his answer.

Mayor Barnett said he wanted everyone to think about it.

Commissioner José said that this would be more permissive in the F-1 and F-2 areas than in F-3.

Commissioner Davenport said that this is already more permissive than what is allowed.

Mr. Popovich shared that he thinks more work needs to be done on this piece, but agrees with Commissioner Sadowski-Fugitt. If the number of employees is limited, people could not have a full service kitchen. He asked what size a typical kitchen is.

Commissioner Davenport said it would be a couple hundred square feet.

Mayor Barnett said he thinks a couple employees could produce a large quantity.

Commissioner Davenport pointed out that this might already be going on in town. He said his point is that if there are not a lot of complaints about it already happening then what are they worrying about.

Commissioner Gilmartin said the challenge is allowing the one type of business that they are not thinking about. He spoke of a catering business that could have a commercial kitchen located down the street to send stuff to. He asked if someone doing customer wedding invitations would be considered retail. He said the idea of being less restrictive does not feel as comfortable to him and he would like staff to dive in further.

Manager Fieldman said that staff would dive in further with regard to the F-3 area.

Commissioner Tully reference areas F-1 and F-2 with regard to personal improvement services, he said he wants to stick with what is currently allowed in the downtown (the DC, DB and DT areas).

The Council concurred.

Commissioner Sadowski-Fugitt said if they were talking about uses that are artist focused, she thinks tattoo and body piercing is an art form. She wants to keep them as permitted but more them up on the table.

Manager Fieldman showing the Land Use Table slide, explained in terms of personal improvement services, tattoo and body piercing can be left out and not included as a personal improvements service, but still be permitted. He asked if the Council agreed.

The Council concurred.

Commissioner Gilmartin pointed out he thought there could be an issue with the special use for bed and breakfasts in F-3 – in terms of having a concern with possible Airbnb and VRBO. He said he knows it is an allowable special use in the downtown but he thinks downtown is different than a residential area.

Mayor Barnett asked Attorney Petrarca to share commentary at a later time, as to whether there is an ability to control this through parking related requirements.

Commissioner Gilmartin asked if a bed and breakfast is required to follow the same health codes as a home occupation.

Mayor Barnett asked Attorney Petrarca to check on this.

Manager Fieldman recapped that bed and breakfast in F-3 as proposed, would be a special use - a couple of Council members questioned this. He said following that lead, staff would look into adding parking requirements and then this can be reviewed to see if that would be enough control.

Mr. Zawila shared the description of bed and breakfast that is in the Zoning Ordinance: An owner occupied private residence that offers sleeping accommodations to guests and that the owner's principal residents food may only be served to overnight guests of the bed and breakfast establishment.

Commissioner Hosé asked for the definition of sheltered care.

Mr. Popovich gave the description that is defined in the State Ordinances and gave the example of a supportive living facility on Lacey Road, north of Ogden.

Commissioner Hose would like nursing home and sheltered care removed from F-3.

The Council concurred.

Manager Fieldman confirmed that they will be removed from F-3.

Commissioner Hosé asked for trade school to be brought up in the land use table slide and asked for a broader definition of trade schools.

Mr. Popovich explained there is a wide range of schools that are included in the definition. He noted that there is a cosmetology school already located just north of the Fairview

Manager Fieldman asked if the concern is about trade schools becoming industrial and having an impact on the residential areas.

Mayor Barnett asked if there would need to be built in constraints on the usage. He used an example of the trade school having a backyard full of utility poles – he asked for confirmation that this could not happen with some of the restrictions in place.

Mr. Popovich said they would have to build to the Build-to-Zone in the front, but there is nothing in the back that says they could not have the poles. However, he said there were other restrictions that come into play, i.e. if they were operating outside, there are noise restrictions.

Commissioner Davenport asked what the current zoning would allow in F-1 and F-2. He asked if this is already a permitted use.

Mr. Popovich stated that this is currently a permitted use in the B2 and B3 zoning districts.

Commissioner Davenport said they are already in the area.

Manager Fieldman said it makes a difference if they already went in by right.

asked if this was making them more restrictive.

Commissioner José stated he understands there are already cosmetology schools there, but wants to know if there are other trade schools in the F-1 and F-2 areas already.

Commissioner Tully stated that if there are any there, they would be grandfathered in.

Mr. Zawila read the definition of trade schools as listed in the Zoning Ordinance.

Mayor Barnett said thinking of second floor residential buildings, there are some activities that could be part of some trade schools, in neighboring buildings, that should be prevented in those areas.

Commissioner José stated that he is okay with the definition, but still not completely comfortable.

Commissioner Gilmartin only wants it in F-2 and does not want it allowed in F-1.

Manager Fieldman clarified that the direction he is hearing is the concept of trade school as permitted in F-2, as long as it is not an industrial type.

The Council agreed.

Manager Fieldman asked the Council if they want to allow this in F-1.

Mayor Barnett said he has witnessed a vocational trade school this in Fairview and in Downtown today.

Commissioner Sadowski-Fugitt said she is okay with keeping in F-1 as a trade school that also offers a service.

Manager Fieldman clarified the concept he is hearing is that F-1 trade schools have to be open to public service.

Commissioner Gilmartin asked if there could be a restriction on allowing trade schools in F-1 only if they offer are open to service the public. He also asked about restricting the schools to allow the only services that are permitted in F-1 area.

Manager Fieldman said this is good framework. He said the concept is not to allow the trade school to be more impactful than the underlying area.

Mayor Barnett referred to the presentation and expressed concern about typical uses. He said he wants to be sure that there is a note about ruling out contractor offices- he wants to be sure there is no storage yards. The uses are corporate offices, i.e. therapists, counselors, architects, etc. He does not want to see trucks stored there, he wants the buildings to be used as true office space. He asked for the definition of building service.

Mr. Zawila read the definition of building services.

Mr. Popovich said he believes the issue may be someone that drives a work truck home and then back to the office.

Commissioner Tully asked if they really needed to make a distinction and gave the example of a concrete company office – they would not drive mixer trucks to work.

Commissioner Gilmartin said he is thinking of a plumber and their office. They might park their trucks with company logos there. He said he is concerned with contractor offices.

Mr. Popovich said currently staff does differentiate when someone calls in. He gave an example of a cement company having an office in a high rise, they would not have any trucks there because that office is only for sales.

Mayor Barnett suggested adding some wording from the description that Mr. Zawila read.

Manager Fieldman asked if the Council was ok to leave this as proposed.

Mayor Barnett said what was discussed was current practice, he is ok leaving it as is.

Manager Fieldman referred to the list on the whiteboard and said he put checkmarks where he heard concurrence and the Council gave direction on land uses (he check marked that too). He said items for future further discussion include design guidelines and applicability and some more work on the home occupation items.

Commissioner Davenport asked if there could be an increase of building coverage allowance in F-3.

Mr. Popovich said because the F-3 is reading as more of a residential zoning classification, he suggests going with the standard 32%.

Commissioner Davenport suggested being a little more permissive, especially with home occupations.

Mayor Barnett said this area was already contemplated as residential, but possibly to allow office use and duplexes. He said allowing duplexes as a multi-family dwellings would be one way to expand on residential density, without adding more apartment buildings. He said the Council and staff already talked about looking at ways to limit home occupation uses so that they do not get out of control, so the Mayor said he does not want to expand that.

Manager Fieldman said they could add building coverage in the next discussion.

Mr. Popovich explained what constitutes as the building coverage – again stating that it is 32% of the lot area.

Commissioner Gilmartin shared that he learned today that there is no building height minimum in the Zoning Code.

Commissioner Davenport said in the building code, in order to have an occupiable room, there must be a seven (7) foot or higher ceiling.

Manager Fieldman stated that the design guidelines, home occupancy and building codes would all be a part of the next discussion.

### **Public Comment**

Rich Kulvany asked for clarification on F-3 family accessory housing. He also spoke about possible issues with parking and said that he thinks people will have more cars further away from the downtown and express trains. He said he

would like to stick with the Downtown Design Guidelines in this area.

Janet Whittingham shared that she thinks five (5) story buildings are too high, giving the example of Maple Ave in downtown having buildings that are too high. She expressed concerns about residential parking in this area, the public engagement piece of this. She said commercial uses in residential areas need to be considered because odors associated with those uses can affect homeowners.

Warner Kiunte said he passed out an affordable housing packet to the Council – he spoke about a grant structure that Highland Park used for affordable housing. He spoke about people with special needs and addressing their housing needs. He asked the Council to take this into consideration.

Chris Johnson thanked the staff for the way they have efficiently put the presentations together.

Mr. Popovich thanked Mr. Zawila for his work on the graphics.

## 12. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

**MOTION:** *To adjourn the February 13, 2024 Village Council Meeting.*

**RESULT:** *Motion carried unanimously by voice vote.*

**MOTIONED TO APPROVE:** *Commissioner José*

**SECONDED BY:** *Commissioner Sadowski-Fugitt*

**AYES:** *Commissioners José, Sadowski-Fugitt, Davenport, Tully, Glover, Gilmartin, Mayor Barnett*

**NAYES:** *None*

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 9:12 pm.

Respectfully Submitted,

Rosa Berardi  
Village Clerk