



Village of Downers Grove Meeting Minutes Downers Grove Village Council

Civic Center
801 Burlington
Downers Grove, IL 60515
630-434-5500

Tuesday, July 18, 2006

6:30 pm

Council Chambers

1. Call to Order

Mayor Brian Krajewski called the regular meeting of the Village Council of the Village of Downers Grove to order at 6:30 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

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

2. Roll Call

Present: Commissioner Ron Sandack, Commissioner Stan Urban, Commissioner Marilyn Schnell, Commissioner Martin Tully, Commissioner William Waldack and Mayor Brian Krajewski

Non Voting: Village Manager Cara Pavlicek, Village Attorney Enza Petrarca and Village Clerk April Holden

Mayor Krajewski said he would like to remind everyone present that the Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions on the active agenda items for this evening's meeting. Following this, an opportunity is given for public comments and questions on any subject. Finally, if a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing.

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

The Mayor said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Workshop and Council Meetings

Executive Session Minutes for Approval Only - June 17, 2006

Council/Workshop Meeting - July 11, 2006

Commissioners Sandack and Tully provided corrections to the minutes of July 11, 2006.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

1. Tom Sisul, Attorney for XSport Fitness, discussed alternate proposals for the tollway signs.

He has worked with the staff and noted that he supports a proposal to reduce the request for a tollway sign by 12% to 388 square feet. Staff supports a maximum 300 square foot sign. He said the decision is with the Council. He appreciates the work of staff, and the consideration of the Plan Commission and the Council. The issue of the sidewalk has been resolved.

2. Barry Boyle, 1204 Pleasant Place, Lemont, commented on the Preserve at Belmont Avenue. He said he represents the owners of the site. He noted that issues were raised last week and the vote on this matter was postponed. He said last week Commissioner Schnell posed a question as to detention that was being provided for the existing five-unit building as well as the proposed 18-unit building. He said this project would be providing detention for the entire two-acre site which included the existing building and the proposed building. Next, Mr. Boyle discussed the matter of the size of the parcel. He clarified that the site is approximately .75 acres in size according to the engineer, Christopher Burke. While Mr. Boyle said he did not know the exact size of the parcel he said when the property was purchased four years ago it was over 2 acres in size and in the R-6 zoning district. This would allow for approximately 40 two-bedroom condominiums on the land area. The site plan shows 23 units split with five units on the eastern portion and 18 units on the western portion. The exact size of the western portion should not be an issue as this always was a two-acre site and the original site plan was for a total of 23 units.

Regarding the height variation, he noted that this issue never came up until the building permit was ready to be issued in December. At that time, over \$100,000 had been spent on professional fees for complete architectural and structural drawings. After being informed of the need for a height variation, he went before the Plan Commission in June. At that time, Mr. Benda indicated that the Village staff had personally promised him that the site would never get developed. He believes the Village staff, including members of the Zoning, Community Development, Engineering and Public Works were being continually harassed. Staff members felt that a public hearing would bring all the items into the open and then put them to rest. He noted he has built other condominium buildings on Pershing Avenue and the issue of height never came up. The difference between then and now is that, although the Village's actual definition of height has not changed, the baseline from which height is measured has changed.

Mr. Boyle said he hope the Village can see this as a well-developed plan. Approval of this project would improve the surrounding land.

The Mayor said he anticipates a motion to table this matter in order to obtain further information.

3. George Vogren, 933 73rd Street, spoke in favor the the sheltered care facility proposed to be built at 73rd & Main Street. He said he and his wife have followed this project since it was first announced. He said that critics of this project need to know that the land will not lie vacant forever. The shelter is a reasonable alternative to what otherwise could go on that site. The home is a good transition between commercial and residential properties. He encouraged the Council to vote in favor of the project.

4. Diane Apel, 800 Claremont Drive, spoke regarding Family Sheltered Services. She said she is opposed to this. Regarding the land not producing tax revenue, she asked if it is true that the land has not cost the taxpayers extra money. She said there may be additional children from the shelter attending Downers Grove schools and the shelter may require more police and other emergency services. She noted that this is a very sensitive issue. She asked for a definition of the term "domestic partner." She noted that the location is residential and private and could create an environment for more violence, and suggested that it might be better suited in a more public area for public awareness. She asked why the Carol Stream location is being closed. She noted that many of the tax paying residents never use the schools, etc. She commented on the services the community supports through generous giving and said Downers Grove has many homeless people because of public access to trains and buses. She said Downers Grove is not the County seat and asked why we have to build a shelter at this location. She suggested that if

the shelter must be built that it be in the middle of Downers Grove where there are still commercial properties available. She asked if the shelter will have to pay taxes.

Mayor Krajewski noted that a definition of domestic partner would have to come from the shelter. The staff of the shelter met with the PTAs. He said the Village is not building the shelter.

Manager Cara Pavlicek said there have not been buildings or structures built upon this land and it has not been improved. It has not therefore contributed at a property tax rate. To the extent that it is being privately purchased by a nonprofit group, there is no net loss in property taxes as it has been vacant for so long. There is no change to the tax base. Clients that may receive services at the shelter will oftentimes be residents of Downers Grove whose children go to Downers Grove schools. Downers Grove children in shelters currently have to go to schools in another community, which disrupts their lives. With a small facility in Downers Grove there is an opportunity for some residents of Downers Grove who need this service to allow their children to maintain their existing school status. She noted that the question before the Council is a zoning matter, as this is a commercially zoned property and this is a permitted use with a special use.

Ms. Pavlicek said staff would be happy to take questions after the meeting if more information is needed. She reminded the audience that the protocol of the meeting is to allow a speaker five minutes at the podium to list their questions.

The Mayor said he believes the community will see a decrease in police services as this facility will be in the southeast part of DuPage County where there is not a facility. Sadly, Downers Grove has numerous calls for service daily for domestic violence, many of which are repeat calls.

B. Comments and Questions on General Matters

1. Laurel Bowen, 829 Clyde Drive, thanked the Council for the meeting schedule included on the back of the agenda. She said the Village continues to amaze her. She spoke of the variance request brought by the Village on its own Village stormwater and floodplain ordinance as well as the DuPage County stormwater and floodplain ordinance regarding the same property for which the Village five years ago was put on probation for violating our own stormwater ordinance. The current stormwater ordinance allows for six inches of flood water on the street. The Village is recommending 18 inches of stormwater to be approved. The Village disregarded its own ordinance and codes five years ago by approving the Bradley development for seven homes adjacent to a wetland and floodplain. The County intervened and put the Village on probation for a year. The developer continued to work even after this occurred. Only after neighbors brought video photos of continued construction work at this property to the Village Hall did the Village enforce the work stoppage order. According to Code this property at Middaugh and 59th Street can only support two homes, yet the Village approved a seven home proposal and sold an easement for \$10,000 while rejecting other easement purchase requests by residents. She asked why the Village continues to disregard the impacts to neighbors' properties and homes and to neighboring communities. The Brookbank development sits along St. Joseph's Creek. She referenced a map showing that St. Joseph's Creek is a regional issue. She referenced an article in The Chicago Tribune regarding the 2005/06 Supreme Court session in which the Supreme Court ruled that environmental regulators have jurisdiction to protect wetlands from development when they impact rivers and lakes. Ms. Bowen said FEMA has redefined the floodplain area in Downers Grove. Many people have been financially affected by flood insurance bills as a result. Knowing this, the Council should not be agreeing to keep this variance request on the table. The Village must have considered the potential property damage that would result from such flood water where a wetland and floodplain already exist. She noted that, last week, at this location a Village vehicle was driving where there was no roadway. When asked what he was doing, he responded that he was putting down mosquito gauges. She asked why you would want more stormwater when you are already measuring for mosquitoes all

over the Village. There is standing water in this wetland area all the time, even during the drought. Be it resolved that the Pierce Downers Heritage Alliance, a nonprofit organization committed to preserving the environment of Downers Grove, hereby opposes any variance to the DuPage County Stormwater and Floodplain Ordinance and the Downers Grove Stormwater and Floodplain Ordinance regarding the development project on Brookbank and Middaugh Avenues between 59th Street and 60th Place. This resolution was unanimously approved. Ms. Bowen noted that she was in attendance at the June 14 meeting. She presented the minutes and said she voted. She objected to this project when it was brought before the Plan Commission five years ago for many reasons. The Village chose to ignore all resident protests. This area is a mudhole with no vegetation. Recent local press coverage indicates that the Village is attempting to improve the enforcement of local development ordinance, but is not making much headway. This is another example of the Village flaunting not just our own laws, but County and federal laws as well. Residents she has spoken with cannot believe that the Village is suggesting 18 inches of stormwater on any roadway to be acceptable. The Village Stormwater committee, made up of Mayor appointed residents, voted unanimously in favor of this variance on June 22. This was done even after a roomful of standing room only residents spoke against the proposal. Public Works acknowledged that the project could proceed without any variance. She said she was in attendance as was one Council member. She suggested that the Council was setting a precedent so that other Village development need not conform to any stormwater ordinances. She asked if the Council's concern for and protection of private property rights extends to floodwater damage due to inappropriate development. Andersen's Nelson Meadow's proposed development on Jefferson Street is another major floodplain impact waiting to happen to people living on St. Joseph's Creek.

The Mayor asked Ms. Bowen to finish up as she had exceeded her five minutes.

Ms. Bowen said the Village should be preventing impacts like this. The Village must answer to the residents. She said the laws are in place to protect the residents. Property and neighborhoods are to be kept and protected from such damage. She said the Council is not performing as good stewards on behalf of the residents. Ordinances are in place specifically to limit development in the floodplains which will cause adverse flooding and stormwater retention problems. Ms. Bowen said she adamantly opposes this proposed variance as being unnecessary and harmful to the interests of the citizens of the Village and surrounding Villages. The only benefit associated with this variance request is profit to the developer at the expense of all homeowners in the St. Joseph's watershed.

2. Roger Godel, 1237 60th Place, spoke regarding the Bradley Development. He said he was unaware that the stormwater ordinance allowed 6 inches of stormwater on the roadway. Raising it to 18 inches will mean a lot of water and a lot of flooding for the surrounding homeowners. He said he is against increasing the stormwater to 18 inches.

3. Emil Rusnak, 6001 Brookbank, said he lives across the street from the Brookbank Subdivision. He said he opposes the stormwater variance. The fact that the Village is a full waiver community does not allow the Village to benefit the builder. In the case of this project, the County reviewed the project to ensure that there will be no impact on the neighboring properties. After the review, it was determined that the water retention calculations were erroneous. The DuPage County Department of Environmental Concerns stopped the project. No development was to occur until all aspects of the stormwater ordinance were met. The project was shut down for several years. In 2004/2005, the Village issued two permits for Brookbank Prairie Subdivision to build two homes. He pointed out the detention pond. He discussed the elevation of the retention pond and said St. Joseph's Creek is emptying out into the retention pond as confirmed in minutes of December 7, 2004. The pond flooded over and the developer was pumping the water out for two days. In the Stormwater and Floodplain Oversight Committee meeting of June 22, Mr. Barber stated that St. Joseph's Creek is going to flow north into Barth's Pond, but Mr. Rusnak noted that water cannot flow uphill. The retention pond level raised the water level of the groundwater. Christopher Burke said in a written letter that if the

pond has any water in it, the groundwater in the sump pumps will be raised. Mr. Rusnak said he has lived here for 33 years. Up to five years ago, he barely had any water in his sump pump and his pump never ran. The water will not get to Barth's Pond. This variance, sought by the Village, will flood homes. Eighteen inches of water would be knee-deep on Brookbank Road. The variance that is sought is to increase the flood level on the roadway from 6 inches to 18 inches, a 12 inch variance. If the builder builds five more homes, he does not have any room for stormwater. The builder knew when he started that he did not have adequate land for stormwater retention. A letter from Mr. Hall dated May 26, 2006, said that unless the variance is granted, undue hardship will be put on the developer. Mr. Rusnak asked why the Village is permitting the builder to impact the neighboring properties. The Village has not been forthright. Mr. Rusnak said he hopes the Council will live up to its responsibility and deny this variance.

The Mayor said he cannot comment on this matter.

Attorney Enza Petrarca said there is pending litigation on this development.

The Manager said staff has not brought forward the recommendations of the Committee yet; therefore, staff has not provided the Council with a recommendation on this matter.

The Mayor said the street is going to be made two-way and the builder is going to be required to pay to do that. It is his understanding that if the variance is not sought, one side of the street will be below the other side.

4. Jerry Kiluk, 4733 Puffer Road, said he approached the Council last October about the extension of Puffer Road. At that time, the issue was put on hold. He asked for the plans for the extension, but never received the plans. He completed a Freedom of Information request, but never received any information from Public Works. He noted that a previous resident of Puffer Road asked for an extension of Puffer Road so he could have access to his house at 4741 Puffer Road, which was denied. He subsequently sold his house to a developer. Now Puffer Road is being expanded to provide access to the property. Mr. Kiluk said he asked that Puffer Road be repaired, but was told no because the equipment is too heavy to go on Puffer because there is not sufficient gravel underneath the road. But now the equipment can be brought on the road for the expansion. He asked for answers from Public Works. He was told that pursuant to the ordinance, the Village has to provide access to the resident. He said this is very suspicious. Public Works should have been able to provide him with some information. He said he lives on a street with no sewers. Expanding Puffer Road will cause runoff that will end up by his front yard. He asked about the pipe size to absorb the additional water that will go toward Downers Grove Golf Course pond. When there is heavy rain, the pond is full and Puffer Road stays under water as there is no place for the water to go. In the winter the pond freezes and there is ice on Puffer Road. He does not think it is a good idea to expand Puffer Road. Without any notification, Mr. Kiluk said when he arrived home today from work the path between Puffer Road and Puffer School was covered with trees that had been cut down. He provided pictures for the Council. He said the closest fire hydrant to his property is inaccessible. He feels this is a slap in his face because he opposed the project. He asked that someone from Public Works respond. He said people cannot use the path to get to the train station and the fire hydrant is blocked. He said Brian Parks contacted him today after many months of trying to reach him. The price of the asphalt to do this project has doubled. He does not think it is a good idea to spend taxpayers' money to expand the road for another approximately 200 feet. He asked that this matter be investigated. He said he hopes this project gets stopped.

The Mayor asked that staff review Mr. Kiluk's request for public information. Mr. Kiluk said he received an answer stating that Public Works does not have any plans.

The Mayor said the Council approved this a long time ago and it should have been built several months ago. Public Works is just now getting to this project. This relates to Belmont Road where the person who lives on Puffer Road cannot access his house without coming through

Belmont. Puffer is being extended to take into account the petitioner's house so he can access the street.

The Manager said the design will include a turnaround which provides emergency vehicle access.

Mr. Kiluk asked why it was not approved when the previous owner requested this.

The Mayor said it was to have been done months ago. The request came from Belmont Road, not Puffer.

The Manager said staff will be happy to provide a written answer to the Mayor and Council and to Mr. Kiluk. Ms. Pavlicek said she believes the debris will be cleaned up as expeditiously as possible. In response to Mr. Kiluk, the Manager said she said she will make sure the Village has appropriate fire access. She also said she would provide in writing the background on this matter within five to ten working days.

5. Laurel Bowen, 829 Clyde Drive, said the community will continue to pay for future costs of flooding problems. The next step is the County Stormwater meeting on August 1. She encouraged residents to voice their opinions to the Village and the County about the variance request for stormwater.

Ms. Bowen said the Village went to great lengths to move one of the few blue mailboxes left from Curtiss Street to the parking deck for safety reasons. She asked what has caused the work stoppage at Acadia on the Green at the height of the construction season.

The Manager said the work has been underground in the parking deck area.

6. Diane Apel, 800 Claremont Drive, said she asked questions earlier about the family shelter being proposed at 73rd and Old Main Street, and said none of her questions have been answered. She asked about the value of having the shelter in a residential area. She thinks it should be in a more public area. She asked why all the "clutter" is going into the south end of Downers Grove. She said the commercial land on Old Main Street has never been desirable because it is in a residential area. She said the people in the shelter could be harmed. She asked about the size of the parking lot and if all the people who will use the shelter are from Downers Grove.

The Manager said the proposed parking would be to service a number of uses including the administrative offices within the site. There are commercial activities such as counseling services that are available. Because of this, parking requirements are for more than just the residential beds.

Ms. Apel asked if people would be coming to the shelter 24 hours per day. With respect to the Mayor's comment about receiving numerous domestic violence calls, Ms. Apel asked what is being done to correct this situation.

The Mayor said the police are sent out every time a call is received.

The Manager said the role of a municipal facility and a 911 center is to respond to people who call for help. The issue before Council is not to determine the social service aspect that is handled by other government units, but it is to determine whether a commercially zoned piece of property may have a planned development to utilize this type of building and operation. She said the property in question is commercially zoned.

Ms. Apel said it has been vacant for a number of years. The residents in the area have enough traffic currently. She said this is not fair to the residents or our schools. She asked if the facility

will pay taxes.

Mayor Krajewski said there are 14 beds. He said he cannot imagine the impact on the schools will be very great.

Ms. Apel asked if any Council members live in the area. She said this can create violence. Being in a quiet area can cause problems.

The Mayor said neighbors in other communities testified that the shelter residents were good neighbors.

5. Public Hearings

6. Consent Agenda

COR 00-02425 Claim Ordinance: No. 5643, Payroll, June 23, 2006
Claim Ordinance: No. 5645, Payroll, July 7, 2006
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

BIL 00-02426 List of Bills Payable: No. 5630, July 18, 2006
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

MOT 00-02419 Motion: Authorize a Contract Not to Exceed \$83,000 with Baxter & Woodman Consulting Engineers, Crystal Lake, IL for Professional Engineering Services re: Reconstruction of Brick Streets
Sponsors: Public Works
A motion was made to Award this file on the Consent Agenda.

Indexes: Brick Streets

MOT 00-02398 Motion: Note Receipt of Minutes of Village Boards and Commissions
Summary of Item: Library Board - May 24, 2006, June 14, 2006, and June 28, 2006
Liquor Commission - June 1, 2006
Parking & Traffic Commission - May 10, 2006
Plan Commission - June 26, 2006
A motion was made to Award this file on the Consent Agenda.

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

A motion was made by Commissioner Tully, seconded by Commissioner Urban, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski

7. Active Agenda

ORD 00-02411

Ordinance: Amend the Comprehensive Zoning Ordinance to Designate X Sport Fitness as Final Planned Development #40

Sponsors: Community Development

Summary of Item: At their meeting of June 5, 2006, the Plan Commission recommended to designate XSport Fitness as Final Planned Development Number 40.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE X SPORT FITNESS AS FINAL PLANNED DEVELOPMENT NUMBER 40

ORDINANCE NO. 4790

Commissioner Tully moved to amend the Comprehensive Zoning Ordinance to designate XSport Fitness as Final Planned Development #40. Commissioner Urban seconded the Motion.

Commissioner Tully noted that there are several ordinances with respect to this proposal. He said this item will clarify the sign issue on the tollway.

Attorney Petrarca confirmed this and noted that the sign provision is in the ordinance as well as the resolution of final plat of subdivision.

Deputy Village Manager Dave Fieldman said this ordinance includes Option B, for tollway signage of 32-foot tall sign, 300 square feet in area, with a maximum of three panels.

The Manager square footage per panel is not allocated so the developer could allocate the square footage per tenant panel as they saw fit provided it substantially conforms to the drawings presented to the Council tonight.

Commissioner Tully ask about the signage if there is one tenant.

Mr. Fieldman said the Council would have the authority to establish regulations regarding the maximum sizes of an individual tenant panel.

Commissioner Tully said he is fine with the 32-foot height in light of the 8-foot berm issue. This is a unique location; therefore, he is not concerned about precedent issues. He is fine with the 300 square foot area for tollway signs. If it turns out that there is only one tenant, he suggested that there not be a single 300 square foot sign. He agreed with Mr. Fieldman that there be a maximum per tenant panel of no more than 225 square feet. The frame of the sign in such an instance would not change.

Mr. Fieldman suggested the following language: "An individual tenant panel shall not exceed 225 square feet in area."

Mayor Krajewski said he has no problem with 388 square feet in area. He said he would be open to considering a variance if the developer will attract retail businesses. He would not support a sign variance for a bank.

Commissioner Schnell said she has a problem with putting a sign the size of a billboard on the tollway. She feels it will set a precedent and will not vote in favor of this.

Commissioner Sandack said his initial reaction to the proposed tollway sign was that it was too large; however, following discussion with staff with respect to the uniqueness of this parcel, he can support Option B. He shares some of Commissioner Schnell's concerns, but said that this proposal is brought by way of a Planned Unit Development (PUD) which takes into

consideration any unique circumstances of the parcel. If variances comes in the form of a PUD, the Council would review them individually. Because this is a PUD, the Council has opportunities for control in terms of conditions placed on the approval. He agreed with Commissioner Tully's additional constraint with respect to the size of the sign if there is only one tenant. He said he does not feel the Council is setting a precedent as there are not that many shared parcels that could request multiple signs.

Commissioner Waldack said he is concerned about having a sign become a single advertisement. He feels a 300 square foot sign is awfully large and was hoping that a smaller size would be negotiated. He said he agrees with Commissioner Schnell that the Council would be setting a precedent if this is approved. He supports Option A.

Commissioner Urban said the height is acceptable to the Council and Plan Commission. He respects the compromise proposed by Commissioner Tully. He does not agree to limit the types of businesses. He agreed with the 300 square foot size. He said there are several signs on the tollway now that appear to be over 100 square feet in area. He realizes that bigger is better and shared an example of his own signs for his business. He said he will vote in favor of this provided that banks are not restricted.

Commissioner Tully clarified that a bank could go into the site, but could not advertise on the sign.

Commissioner Tully moved to amend paragraph 2, to add item 4, to add a condition that "No individual tenant panel shall exceed 225 square feet." Commissioner Urban seconded the motion.

Votes: Yea: Commissioner Tully, Commissioner Urban, Commissioner Sandack, Mayor Krajewski

Nay: Commissioner Waldack, Commissioner Schnell

The Motion carried. The Mayor asked for a vote on the Motion, as amended.

A motion was made by Commissioner Tully, seconded by Commissioner Urban, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:

Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Tully and Mayor Krajewski
Nay: Commissioner Schnell and Commissioner Waldack

Indexes: Planned Development #40-X Sport Fitness, Subdivision - XSport Fitness Subdivision, Special Use - 3200 Finley Road - XSport Fitness

ORD 00-02412

Ordinance: Authorize a Special Use to Permit a Drive-Through Banking/Restaurant Facility

Sponsors: Community Development

Summary of Item: At their meeting of June 5, 2006, the Plan Commission recommended authorizing a special use to permit a drive-through banking/restaurant facility at the northwest corner of Finley Road and Opus Place.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A DRIVE-THROUGH BANKING/RESTAURANT FACILITY

ORDINANCE NO. 4791

Commissioner Schnell clarified that this ordinance does not contain a sign provision.

Attorney Petrarca said the ordinance does contain a provision that it will conform with the requirements of the previous ordinance.

Commissioner Schnell said, to be consistent, she will not vote in favor of any of the actions relate to XSport Fitness as she does not agree with the sign provisions.

A motion was made by Commissioner Urban, seconded by Commissioner Sandack, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:

Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Tully and Mayor Krajewski
Nay: Commissioner Schnell and Commissioner Waldack

Indexes: Planned Development #40-X Sport Fitness, Subdivision - XSport Fitness Subdivision, Special Use - 3200 Finley Road - XSport Fitness

RES 00-02413 Resolution: Approve Final Plat of Subdivision for the XSport Fitness Subdivision

Sponsors: Community Development

Summary of Item: At their meeting of June 5, 2006, the Plan Commission recommended approval of the Final Plat of Subdivision for the XSport Fitness Subdivision.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE XSPORT FITNESS SUBDIVISION

RESOLUTION 2006-70

The Mayor noted that this resolution includes the tollway sign modification.

A motion was made by Commissioner Sandack, seconded by Commissioner Tully, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:

Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Tully and Mayor Krajewski
Nay: Commissioner Schnell and Commissioner Waldack

Indexes: Planned Development #40-X Sport Fitness, Subdivision - XSport Fitness Subdivision, Special Use - 3200 Finley Road - XSport Fitness

ORD 00-02414 Ordinance: Approve Final Planned Development Plans to Permit a Sheltered Care Facility for Planned Development #18

Sponsors: Community Development

Summary of Item: At their meeting of June 5, 2006, the Plan Commission recommended approval of the Final Planned Development Plans for Planned Development #18.

AN ORDINANCE APPROVING FINAL PLANNED DEVELOPMENT PLANS TO PERMIT A SHELTERED CARE FACILITY FOR PLANNED DEVELOPMENT #18

ORDINANCE NO. 4792

Commissioner Schnell said she believes this is an appropriate use for a commercially zoned site. It will serve as a transition between the commercial and the residential. She said it will behoove the shelter to get their message out as to what the shelter is trying to do, in an effort to dispel fears, as the site is developed. At the Plan Commission, people who live around a shelter said there have not been problems. This is a necessary facility in our society and provides a service to women that have no other place to go. The people being served are not creating problems within the residential communities. The Council's purview is whether this fits within the PUD process and she feels it does. She will be voting in favor of this.

Commissioner Waldack said he has had a number of e-mails and conversations with residents both for and against this item. Some people have legitimate concerns regarding traffic, lighting, headlights, etc. These are fair questions that have been adequately addressed. There has been a considerable amount of information available and he cannot explain why some people said they have not heard of this. He said no one is trying to slip this by as there has been a lot of public

discussion and it has been in the papers. He hopes the legitimate concerns have been resolved. If there was another commercial use, there would still be problems with dumpsters, headlights, usage, etc. He said he is pleased to see support for the facility.

Commissioner Waldack said he is saddened by people who oppose this project who, admittedly, do not know anything about it, and feel a project such as this does not belong anywhere in Downers Grove. He said that often people preface their comments with words such as "All due respect" but what follows is less than respectful. People say their "hearts go out to these people, but" and generally that heart only goes out to the tip of their tongue. He said the people that use the shelters are victims and are entitled to services. Unfortunately, in Downers Grove there are a number of domestic violence cases where the police have to respond. Having a facility like this reduces the number of calls and increases safety. He said he thinks this is an appropriate use for this neighborhood. The petitioners are very knowledgeable, know what they are doing, and have done this before. They recognized they needed something in this area. We are a community and it is hard to be reminded that not everything is pretty. We are a caring community and he will be supporting this. He suggested that those who oppose this reach out to this facility.

Commissioner Sandack said this a land use and zoning matter. This meets and exceeds the land use and zoning requirements. The preliminary planned development passed in February 2006. The petitioners did a number of things not required to reach out to the community. He noted there were articles in the local papers and many opportunities for people to hear and see what the petitioners planned to do. The property is situated in a commercial lot that has been vacant for a long time. The shelter will be an attractive building that will house administrative offices, provide counseling services, and other necessary services. Domestic violence is a reality in this community, as it is in other communities. He said he has no doubt but that this petitioner will be a good corporate citizen. He noted that nothing in the Municipal Code would permit a nay vote. He will be voting in favor of this.

Commissioner Tully said in February 2006 the Village Council unanimously approved a preliminary planned development amendment for the Family Shelter Services. The petitioner is requesting final planned development approval. The request has not substantially changed from the original approval. The requirements under the Municipal Code have been more than adequately met. This is a far less intensive use that what is permitted in the B-2 General Retail zoning classification. He noted that the open space is 67%.

Commissioner Tully said most of the residents who were at the meetings spoke in favor of this proposal because they educated themselves about it. The petitioner has been sensitive to the community and neighborhood. A number of items in the ordinance having to do with construction details, landscaping, etc., are being done to address some of the concerns raised by the neighbors. He said he is troubled about comments regarding putting domestic violence victims in commercial areas or out of residential areas. He noted that this is a commercial area, but commented that domestic violence, by definition, is in the residential neighborhood. Commissioner Tully said he will be voting in favor of this.

Mayor Krajewski thanked the petitioner for promoting the shelter and the facility on a regional basis and locally. He received many calls, and said that a number of callers had already heard of the shelter. He noted how moving it is to see the toys available to the children in the shelter at Christmas.

A motion was made by Commissioner Schnell, seconded by Commissioner Waldack, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:

Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski

Indexes: Planned Development #18-Venture

- ORD 00-02415** Ordinance: Approve an Amendment to Planned Development #1 to Subdivide a Single Lot and to Permit the Construction of Residential Structures
Sponsors: Community Development
Summary of Item: At their meeting of June 5, 2006, the Plan Commission recommended approving planned development amendments to Planned Development #1 and permit the construction of residential structures.

AN ORDINANCE APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT #1 TO SUBDIVIDE A SINGLE LOT AND TO PERMIT THE CONSTRUCTION OF RESIDENTIAL STRUCTURES

ORDINANCE NO. 4793
A motion was made by Commissioner Waldack, seconded by Commissioner Sandack, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:
Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski
Indexes: Planned Development #1-Meadowbrook Shopping Center, Subdivision - Midhurst Road
- RES 00-02416** Resolution: Approve Final Plat of Subdivision for the Midhurst Road Subdivision with Exceptions
Sponsors: Community Development
Summary of Item: At their meeting of June 5, 2006, the Plan Commission recommended approval of the Final Plat of Subdivision with exceptions for the Midhurst Road Subdivision.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE MIDHURST ROAD SUBDIVISION WITH EXCEPTIONS

RESOLUTION 2006-71
A motion was made by Commissioner Sandack, seconded by Commissioner Tully, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:
Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski
Indexes: Planned Development #1-Meadowbrook Shopping Center, Subdivision - Midhurst Road
- ORD 00-02420** Ordinance: Amend Disabled Parking Zone
Sponsors: Public Works
Summary of Item: This will make certain amendments to parking zones.

AN ORDINANCE AMENDING DISABLED PARKING ZONES

ORDINANCE NO. 4794
A motion was made by Commissioner Urban, seconded by Commissioner Schnell, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:
Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski
Indexes: Parking Regulations, Parking Provisions, Parking Restrictions, Handicapped Parking
- ORD 00-02421** Ordinance: Amend the Availability of Licenses
Sponsors: Village Attorney

Summary of Item: This will make certain amendments to the Liquor Control Ordinance concerning licenses.

AN ORDINANCE AMENDING THE AVAILABILITY OF LICENSES

ORDINANCE NO. 4795

A motion was made by Commissioner Schnell, seconded by Commissioner Waldack, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:

Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski

Indexes: Liquor Ordinance Amendments

ORD 00-02403

Ordinance: Amend the Comprehensive Zoning Ordinance to Designate Preserve at Belmont as Final Planned Development Number 39 with a Variation

Sponsors: Community Development

Summary of Item: At their meeting of May 1, 2006, the Plan Commission recommended to designate Preserve at Belmont as Final Planned Development No. 39 with a variation.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE PRESERVE AT BELMONT AS FINAL PLANNED DEVELOPMENT NUMBER 39 WITH A VARIATION

The Manager said Commissioner Waldack had questions regarding the parcel size and the corresponding calculations related to density, etc. She said staff wants to get more information to the Council in writing. She said the item and information will be available in the Workshop packet next week and the Council could vote on this next week.

Commissioner Sandack amended the Motion to table this to a date certain of July 25, 2006. Commissioner Tully seconded the Motion.

A motion was made by Commissioner Waldack, seconded by Commissioner Schnell, to Table to a Date Certain this file. Mayor Krajewski declared the motion carried by the following vote:

Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski

Indexes: Planned Development #39-Preserve at Belmont

8. Mayor's Report

RES 00-02423

Resolution: Appointments to Boards and Commissions

Sponsors: Mayor

Summary of Item: This will reappoint members to the following Boards and Commissions:

Architectural Design Review Board - Reappoint Carine Acks and Montrew Dunham to terms expiring April 30, 2009.

Board of Fire and Police Commissioners - Reappoint Timothy McJoynt to a term expiring April 30, 2009.

Liquor Commission - Reappoint Michele King, Sean Patrick Durkin, Robert Barnett and Daniel McInerney to terms expiring April 30, 2009.

Plan Commission - Reappoint Alan Jirik as Chair to a term expiring April 30, 2009; Reappoint Brett Webster and J. Philip Matejczyk to terms expiring April 30, 2009.

Police Pension Board - Reappoint Norman Sidler to a term expiring April 30, 2008.

A RESOLUTION REAPPOINTING MEMBERS TO VILLAGE BOARDS AND COMMISSIONS

RESOLUTION 2006-72

Mayor Krajewski said the members reappointed to the Architectural Design Review Board had one year terms and the board did not meet until halfway through their terms.

With respect to the Board of Police and Fire Commissioners, Timothy McJoynt was filling a vacancy and only served for a few months.

The Mayor thanked Commissioners Urban, and Schnell for their work. He thanked the residents for their interest in serving the community.

Commissioner Schnell said the reappointments to the Plan Commission provide a good mixture of experience to a Commission with many new members. She thanked the Plan Commission members for their time, commitment and good work.

A motion was made by Commissioner Tully, seconded by Commissioner Urban, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:

Votes: Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack and Mayor Krajewski

Indexes: Boards and Commissions

New Business

The Mayor said the municipalities in the County have an intergovernmental advisory committee that has met for over a year. It is made up of Mayor Krajewski, Mayor Hartwig of Addison and Mayor Pradel of Naperville as the municipal representatives. The County Board members serving on this committee are Grant Eckhoff, Tom Bennington, and Brien Sheahan. The agenda for tomorrow's quarterly meeting is County Wi-Fi, the smoking ban, DuPage Area Transit plan, and updates on the County prescription drug program, project Lightspeed, and the ComEd rates.

9. Manager's Report

The Manager noted that the Department of Counseling and Social Services also works with victims of domestic violence.

10. Attorney's Report

Future Active Agenda

11. Council Member Reports and New Business

12. Adjournment

Commissioner Tully moved to adjourn to Executive Session pursuant to Section 2(c) (3) of the

Open Meetings Act to consider the selection of a person to fill a public office, and pursuant to Section 2(c) (11) of the Open Meetings Act to consider pending litigation. Commissioner Urban seconded.

VOTE: YEA - Commissioners Tully, Urban, Waldack, Sandack, Schnell, Mayor Krajewski

Mayor Krajewski declared the motion carried and the Council convened into Executive Session at 8:05 p.m.