

VILLAGE OF DOWNERS GROVE

Human Service Commission

Minutes

September 5, 2007

Commission Members Present: Members: Lisa Stach, Scott Jacaway, Diane Johnson, Lynn Bedalov, and Theresa Carlquist

Members Absent: Chairman, Jeff Rogers

Staff Liaison: Andrew J. Matejcak, Director, Counseling and Social Services

Guests: Kathryn Engel-Accettura

Catherine Rivera

Dan Rudnick

I. Roll Call

The meeting was called to order at 6:35pm. A quorum was obtained.

II. Approval of Minutes

Ms. Theresa Carlquist made a motion to approve the minutes from the April (deferred approval) and August meetings. Mr. Scott Jacaway seconded the motion which was unanimously approved.

III. Discussion

Staff Liaison Director Matejcak introduced Catherine Rivera, a Human Service Commission candidate who was attended by invitation at the request of Commission Neustadt who, along with Director Matejcak interviewed Ms. Rivera as part of the Youth in Government program. Also as a new guest attendee and resident, Mr. Dan Rudnick of 9S 339 Cumnor Rd. introduced himself to the commission at the meeting.

The commission began discussion of the Human Service related issues they, as individual members, thought would be relevant topics to bring forth to council for further consideration and direction. Ms. Lynn Bedalov identified a program the Village used to run that involved used medical equipment available for loan to residents. Additionally Ms. Bedalov inquired about how residents in ongoing conflicts with each other might be involved in dispute mediation that could lessen the frequency of Police calls and Code Service calls made as a result of the conflicts.

Ms. Lisa Stach noted the Citizen Summit participation recently held by the Village and complimented the Council in their solicitation of views from the residents for the direction of the Village. She noted there was focus on senior services, transportation issues, busses. Ms. Stach suggested the need to have publicity for the services that are available so that more people could be aware of the many services provided. She also suggested a ride sharing program or a community center for the Village. The idea of a community center for "one stop" information was also supported by various members.

Ms. Diane Johnson expressed concerns for elderly neighbors, having had flooding and power outages, who may not have been able to financially afford to replace food. Ms. Johnson noted the need for neighbors to reach out with assistance. Ms. Bedalov added that Chicago has a call tree program where volunteers sign up for a 2 street or block area for assisting in such situations and perhaps the Village could look into something like that. A question was also raised if the Village has a 311 phone hook up.

The need for awareness in the media for children's safety was suggested by Ms. Kathryn Engel-Accettura, who noted the need for caution due to construction traffic and because school is back in session and school busses make frequents stops.

Senior Services issues were echoed by Mr. Scott Jacaway noting the usefulness of polling seniors and seeing what their needs were and how they ranked. He also advocated the idea of a centralized senior resource. Additionally Mr. Jacaway asked about a place for kids or teens to hang out at and a schedule of activities & events. He noted D.A.R.E. lock-ins for kids and the relationship building that exists between the Police and children in informal ways. Additional surveys of youth for their needs and concerns were also suggested.

Ms. Theresa Carlquist noted that she too was impressed with the many services that are out there that no one person could get a handle on. As a commission, the HSC could serve as a clearing house for information and believed that would be a role the HSC could serve for

seniors and youth. Ms. Carlquist noted the efforts of the Kiwanis Club and School District 58 in setting up after school activities for children in the junior highs in the form of clubs. Ms. Carlquist also shared with the new members the coordination of the HSC with the Park District in the development and implementation of Grovestock, a musical venue for young musicians that talents and musical styles are not represented at formal high school band ensembles. Ms. Carlquist, Ms. Engel-Accettura and Director Matejcek discussed the feedback from the Park District on the challenges of hosting dances for youth born out of experiences with declining youth interest and participation in such events.

Director Matejcek discussed the Medical loan closet the Village offered and its discontinuation due to staffing cuts impacting the logistics of the program and problems with how the items were returned by the users. Following the Township taking it over and having similar experiences, an third entity took it over only to discontinue it over issues of liability. He also discussed the program was suggested to a non-profit entity as a fundraising/donation service to assist them in their revenues and activity level.

Mr. Jacaway also shared in further discussions that a commissioner had noted a free helmet program offered by Good Samaritan hospital for skateboarders to reduce injuries.

Ms. Catherine Rivera reported that Doctors at Good Samaritan also offered every student in North High School a free cardiac screening and Ms. Johnson raised the possibility if they could do that for seniors at the Lincoln Center. Continuing with the topic of services for youth Ms. Rivera was asked how do youth find out about programs and events. She replied that the school has a site referred to the Blackboard which posts school related to students and also youth find out events through word of mouth. The commission also discussed the complexities of youth hang out sites in the downtown area. It was noted the some HSC members had met with youth and members of the COP unit and downtown representative to address the issues in response to problems of youth loitering. A consistent message from the youth was that they wanted a place to hang out but did not want supervision that would also be a requirement. Another finding was that some of the problematic loitering that had a negative impact on business owners was by youth that were not from Downers Grove but rather came to particular areas to congregate. The commission also discussed the potential for a fine arts venue and the presence of religious youth groups that could provide youth with constructive opportunities for socialization.

Adjournment: The meeting closed at 7:50pm

Submitted by: Andrew J. Matejcek, Staff Liaison

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
September 26, 2007**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:35 p.m. Trustees present: Greene, Humphreys, Read, Daniels. Trustees absent: DiCola, Vlcek. Also present: Library Director Bowen, Assistant Director Carlson. Visitors: none.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of August 22, 2007. It was moved by Read and seconded by Greene **THAT THE MINUTES OF THE REGULAR MEETING OF AUGUST 22, 2007 BE APPROVED.** Ayes: Greene, Read, Daniels. Abstentions: Humphreys. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Humphreys and seconded by Read **TO APPROVE PAYMENT OF OPERATING INVOICES FOR SEPTEMBER 12, 2007 TOTALING \$12,553.48 AND SEPTEMBER 26, 2007 TOTALING \$57,490.13, FOR A GRAND TOTAL OF \$70,043.61, AND ACKNOWLEDGE PAYROLLS FOR AUGUST TOTALING \$156,593.91.** Ayes: Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

- **Action to appoint a Secretary Pro Temp since Board Secretary DiCola is absent tonight, and a secretary's signature is needed on the Per Capita Grant Application**

Trustee Wendee Greene was nominated and appointed to serve as Secretary Pro Temp.

- **Action to continue participation in the Illinois Non-resident Library Card Program**

It was moved by Greene and seconded by Humphreys **THAT THE DOWNERS GROVE PUBLIC LIBRARY CONTINUE TO PARTICIPATE IN THE ILLINOIS NON-RESIDENT LIBRARY CARD PROGRAM.** Ayes: Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

It was moved by Read and seconded by Greene **TO USE THE GENERAL MATHEMATICAL FORMULA TO DETERMINE THE NON-RESIDENT LIBRARY CARD FEE AT \$215, EFFECTIVE OCTOBER 1, 2007.** Ayes: Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

- Review of *Serving Our Public Standards of Illinois Public Libraries*, "Chapter X, System and ILLINET (Illinois Library and Information Network) Membership Responsibilities"

This year's Per Capita Grant requires library boards to review the section of the State Standards for Illinois Public Libraries that deals with the Board's responsibilities as a member of a library system (MLS) and as a member of the ILLINET (Illinois Library and Information Network). Downers Grove has always been committed to participating in the great cooperation that exists between most Illinois libraries. The Board had no questions regarding the System and ILLINET Membership Responsibilities chapter.

- Review the Library Disaster Recovery Plan

A requirement of this year's Per Capita Grant was the development of a Disaster Recovery Plan. An outline of a plan was provided by the State with the Per Capita Grant Application. The library's existing Emergency Manual that the Board reviewed in detail last year covers all of the requirements of a Disaster Plan, with the exception of a section that identifies the In-House Disaster Recovery Team and the priorities for preserving or salvaging materials, records, and equipment. The Board packet contained the new section that will become the introduction to the Emergency Manual.

It was moved by Read and seconded by Greene **TO APPROVE THE DISASTER RECOVERY PLAN.** Ayes: Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

- Review and approval of the 2008 Public Library Per Capita Grant Application

A copy of the grant application was in the packet for the Board's review.

It was moved by Humphreys and seconded by Read **TO APPROVE THE 2008 PUBLIC LIBRARY PER CAPITA GRANT APPLICATION AND SUBMIT IT TO THE ILLINOIS STATE LIBRARY.** Ayes: Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

- Approval of renewal of the Library's Property Insurance Policy

The packet contained a proposal for the annual renewal of the library's property insurance policy. Last year the library changed to the Indiana Insurance Company. Their proposal for the new year is a little less than last year, in spite of increases in the replacement value of the library building, furnishings, and collections. This proposal does waive the optional terrorism coverage, that was waived in past policies. Bowen recommended renewing the library's current policy for the year that begins October 1, 2007.

It was moved by Read and seconded by Humphreys **TO ACCEPT THE PROPOSAL FROM INDIANA INSURANCE COMPANY FOR PROPERTY, LIABILITY, AND WORKERS**

COMPENSATION INSURANCE. Ayes: Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

- Action to cancel the October 10, 2007 Board Meeting.

Bowen proposed canceling the next regular meeting of October 10, 2007 because he will be attending the Illinois Library Association Conference in Springfield, and Assistant Director Carlson will be absent on a family vacation.

It was moved by Greene and seconded by Humphreys **TO CANCEL THE REGULAR MEETING OF OCTOBER 10, 2007.** Ayes: Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

REPORT FROM THE ADMINISTRATION

The Village tech staff has had on-going problems enabling library administration to print on the library's printers when connected to the Village finance system. A short-term solution allowed the library to catch up on printing monthly reports, but the Village will continue to work on a permanent solution. The Board packets contained Financial Reports for August, which is 66.6% of the fiscal year. Although the revenue report showed that the library had collected 55.69% of the revenue projected for the year, Bowen reported that he had checked that day and with the second property tax collection in September, the library had collected 96% of the total revenue for the fiscal year. The expenditure report showed that through August the library had expended 60% of the annual budget. The library materials lines 5860 seem to be a little under spent; however, publishers' promotions for the December holidays began in August and most of the invoices approved at this meeting were for materials, so Bowen is confident the departments will catch up by the end of November.

Public Act 92-0873, the Elevator Safety and Regulation Act, went into effect this summer, and building owners are required to register all conveyances located within the State of Illinois with the State Fire Marshall's Department of Elevator Safety. Bowen wondered why the State was doing this, since the library's elevators fall under local codes and Village inspection requirements. He thought he understood when he noted that upon receipt of the registration for the library's passenger elevator and dumbwaiter, the library would be billed \$30 per conveyance device annual license fee. (Note: This law does not apply to municipalities with populations of more than 500,000.)

Since the three-day loss of power in the library that resulted from a late August storm, Bowen has given some thought to handling such a situation in the future. While it would be prohibitively expensive to provide backup generators to fully power the library, it might be feasible to provide enough power to maintain the library's website and email server and to maintain the telephone system. After querying other libraries about how they handle this, Bowen believes a natural gas powered generator would be the best choice for the library. Several libraries in the area have such a system. It is powered from the library's natural gas line and comes on automatically if power is interrupted. As long as the natural gas lines are in operation, the generator can run. There is no need to bring in gasoline or diesel fuel, and natural gas generators are considerably quieter and have much less offensive exhaust fumes. Based on his preliminary investigation, Bowen believes an appropriately-sized unit would easily fit within the enclosed area at the north end of the building where the electrical transformer and natural gas regulator are located. He has obtained recommendations from a couple of vendors and will be investigating further.

The Forest Street parking lot north of the library will be closed for the Rotary Club Oktoberfest the coming weekend. It will be closed Thursday morning for set-up through Sunday night. Bowen hopes the lot will be open by Monday morning.

The library will be using PayPal to offer library patrons the option of donating online by credit card to the library foundation, and a link will be added to the library foundation's website.

Due to a family emergency, Terry Dowd, Inc. has postponed the re-installation of the library's Walter Gordinier sculptures which was to occur on September 20. They are trying to reschedule the installation for mid-October, and they will not charge the library storage for the additional month.

Carlson met the day before with Dave Frigo of Hitchcock Design Group, the group that designed the library's Garden Walk and landscaping in 1998. They discussed expanding the Garden Walk in possibly two phases in two directions, to the southeast around the front of the library and to the northwest around the "Children of Peace" sculpture, as well as refreshing the library's landscape. Frigo will provide quotes for expanding the library's brick walk and for refreshing the landscape. He also suggested using the planter next to the stairs from the parking lot to the handicapped entrance for a piece of sculpture since plants do not do well, and have been replaced every year, in that location.

Library staff have been busy filling 15 open clerk and shelver positions due in part to students returning to school and retirements. Recent retirees are Elizabeth Kubis, Computer and Magazine Clerk, and Esther Byrne, 27-year veteran shelver in Reference Services. Lorri Bogolin was hired to fill the open monitor position. Her background is nursing and administration.

The library's email newsletter, *e-ssentials*, is now being sent as an HTML page including photos, graphics, and links to information on the library's website. Publicity and Programming Coordinator Carol Kania created the new version and has received positive feedback. If the page does not appear with graphics in someone's email, there is a link at the top of the email that a patron can click on to view the email as a webpage.

The library will host a traveling exhibit of "Art and Architecture in Illinois Libraries" October 4 through November 1. Allen Lanham, Dean of Library Services, from Eastern Illinois University received a grant to document the art and architecture in Illinois libraries. The exhibit was first displayed at an ILA Conference two years ago. Since then, the research team visited many additional libraries in Illinois, including Downers Grove, to photograph their architecture and art collections, with the goal of creating a digital archive. The current Downers Grove Public Library building and art collection were photographed and will be part of the searchable database. In conjunction with the exhibit, and paid for by the grant, the library has scheduled a special program on Carnegie libraries for October.

Per President Daniels' request at the last meeting, Carlson handed-out bar graphs comparing January through June statistics for 2006 and 2007 for those areas that had shown a little decline. She will provide additional graphs to show annual cycles in the future.

An Edible Arrangement of fruit was sent from the Board and Administration to Trustee Pat Vlcek who is out of the hospital and recovering at home.

TRUSTEES REQUEST FOR INFORMATION AND ANNOUNCEMENTS

The Sanitary District has invited Trustees to their annual open house at the Waste Water Treatment Center on October 6, from 9:00 a.m. to noon.

Trustee Humphreys reported that Federal Bureau of Prisons has been directing the purge of all but a very selected number of religious books from prison libraries. Carlson had heard on NPR earlier that day that, due to the outcry from religious groups and others, the directive had been changed from a short list of religious books allowed in prison libraries to a short list of banned religious books.

Trustee Greene will be a new library volunteer shelvee at her children's school so she will better understand the work of shelvees soon.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

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

Thursday, August 2, 2007

II. ROLL CALL

PRESENT: Ms. Strelau, Ms. King, Mr. McInerney, Ms. Dietrich, Mr. Barnett, Chairman Kubes

ABSENT: None

STAFF: Assistant Village Attorney Ann Marie Perez, Liaison to the Liquor Commission Carol Conforti

OTHERS: Stephanie Watts, Brian Stacy, Ramprasad Saini, Mark Stutz, Court Reporter

III. APPROVAL OF MINUTES

Chairman Kubes asked for approval of the minutes and asked members if there were any corrections, changes or additions.

Hearing no other changes, corrections or additions, the minutes of the June 14, 2007 Liquor Commission meeting were approved.

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

IV. APPLICATION FOR LIQUOR LICENSE

Chairman Kubes made the following statements:

“A part of tonight's agenda is to conduct a public hearing on liquor license applications. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information.”

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

“The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations.”

“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) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission.”

“A court reporter is present to take the proceedings verbatim. Staff is also present for purposes of summarizing the proceedings.”

Rishi R. Corp. d/b/a 7-Eleven , 4240-48 Main Street

Chairman Kubes stated that the first order of business was to consider a liquor license application for Rishi R. Corp. d/b/a 7-Eleven located at 4240-48 Main Street. He added that they are seeking a Class "P-2", beer and wine, off-premise consumption license.

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

Mr. Ramprasad Saini, Mr. Brian Stacy and Ms. Stephanie Watts, were sworn in by the court reporter. Mr. Saini introduced himself as the franchisee and liquor manager of the 7-Eleven. Ms. Watts introduced herself as the Loss Prevention Manager for corporate 7-Eleven. Mr. Stacy introduced himself as the Field Consultant for 7-Eleven.

Mr. Saini stated that he has worked at the 7-Eleven at Maple and Belmont in Downers Grove for 13 years. He stated that it is his goal to train all employees in the 7-Eleven programs and Come of Age alcohol training program.

Ms. Watts added that 7-Eleven utilizes the Come of Age alcohol training program which is recognized by the State of Illinois. She added that all associates and franchisees are trained in the program on how to sell age-restricted products and how to refuse sales.

Ms. Watts advised that they are installing a state-of-the-art DVR system in order to aid franchisees and police anytime there is activity at the establishment.

Mr. Barnett appreciated that Mr. Saini was interested investing and operating in the community. He stated that White Hen Pantry training programs were positive and had a high level of effectiveness. He asked about the new "Come of Age" training program offered by 7-Eleven. Ms. Watts replied that it is a different program that what White Hen offers. She noted that the program is recognized by the State. She noted that it teaches the associates how to sell age-restricted products and how to refuse sales. She stated that Come of Age is a computer based training program which is loaded on a computer at the store. She stated that it gives the employer the ability to do training on-site at any time. She advised that the franchisee has gone through a 6-week training program which is comprised of the Come of Age program, crime and deterrence training and operational work training.

Mr. Barnett noted Ms. Watts comments on crime deterrent and how to refuse sales training. He recognized the importance of those two elements. He noted that it could be a challenge for employees to refuse sales. He reminded them of the dangers of underage kids loitering and them asking customers to purchase liquor for them. He encouraged the applicant to be vigilant.

Ms. King stated that she did not see information in the manual about fines that are issued by the Village in the event cashiers sell to a minor. Ms. Conforti noted that those fines were included in the manual. Ms. Watts stated that the licensees are advised to contact the local villages. Ms. Conforti noted that she had met with Mr. Saini and thoroughly explained the Village programs, ordinances and fines.

Ms. King asked Mr. Saini if he had liquor handling experience. Mr. Saini replied yes. Ms. King noted that the liquor manager application did not include this information. Ms. Conforti noted that Mr. Saini has experience and has worked at the 7-Eleven located on the corner of Maple and Belmont for 13 years. She noted that she would update the application with that information. Ms. Conforti stated that the 7-Eleven location is under County jurisdiction. She did explain the difference in Village ordinances vs. County ordinances. Mr. Saini noted that the hours of operation are different for unincorporated DuPage.

Ms. Strelau stated that she had no questions. She commented on the thoroughness of the application and noted that she liked the manual, especially the visuals.

Mr. McInerney stated that the Village conducts control buys and the Village wants to be certain that licensees are acting responsibly in the community. He was pleased with the computer based training and its availability on site. He stated that the manual was good. He noted that Mr. Saini should establish a positive culture for the employees at the establishment.

Ms. Dietrich commented about Mr. Saini's liquor handling experience and noted that should be included on the application. She stated that she liked the training. She noted that she was confused with the training certificate included in the packet. She noted that the certificate states "Come of Age - 2005". She noted that the certificate was signed in 2007. She asked if the computer program was created in 2005. Mr. Saini replied that the program was created in 2005 and that is the current title of the program is. Ms. Watts understood her confusion and would mention that to corporate.

Chairman Kubes asked 7-Eleven representatives how many White Hen locations have been converted. Mr. Stacy replied thirty-eight (38). Chairman Kubes asked how the transition was going along. Mr. Stacy replied very well. Ms. Watts stated that they have about 25% of White Hen Pantry franchisees that did not want to continue on to 7-Eleven, but did have a positive experience with those who have.

Chairman Kubes liked the manual, but asked if it is only computer based. Ms. Watts stated that the employees can get the manual on line or in print form. He asked if each individual receives a certificate for their personnel file when the training program is passed. Ms. Watts replied yes.

Chairman Kubes asked how many employees are at the location. Mr. Stacy replied 12. He notified they are all currently certified under the White Hen Pantry TAM program, and will be trained with the Come of Age program when the license is transferred. He stated that the Come of Age program is very interactive and they get more education out of the program than with TAM.

Chairman Kubes asked if they will have a daily log. Mr. Stacy replied there is a store journal.

Chairman Kubes asked if the cash register prompts for the customer's date of birth. Mr. Saini replied yes. He noted that the date of birth can be entered into the computer.

Chairman Kubes asked if there were any employees under 21. Mr. Stacy replied that there is one stock person, who does not operate the register that is under 21. Mr. Saini added that he plans to have all employees over 21.

Chairman Kubes noted that strip malls tend to attract teens, especially if they are close to the high schools. He asked about window signage and site lines for employees. Mr. Saini stated that it is 7-Eleven policy to limit signage to ensure there are clear views to the exterior. Ms. Watts stated that the windows adjacent to the sales associates are empty.

Chairman Kubes noted that the liquor is toward the back of the store. Mr. Saini replied yes. Mr. Stacy added that most beer is in the cooler. He noted that there is 8-foot aisle shelving unit holding wine. He noted that they may add a 3-foot wine cap at the end of an aisle in the middle of the store.

Chairman Kubes recalled the mention of a surveillance system. Ms. Watts replied yes. She noted it captures the individual on video, the product they bring up and captures the POS as the associate rings it up.

Chairman Kubes asked if this was the first White Hen to 7-Eleven transfer in the Village. Ms. Conforti replied it was the second.

Chairman Kubes asked if the applicant had any more comments. Hearing none, Chairman Kubes asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "P-2" liquor license application.

MS. KING MOVED TO FIND RISHI R. CORP. D/B/A 7-ELEVEN LOCATED AT 4240-48 MAIN STREET, QUALIFIED FOR A CLASS “P-2”, BEER & WINE, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. STRELAU SECONDED.

VOTE:

Aye: Ms. King, Ms. Strelau, Mr. McInerney, Mr. Barnett, Mr. Barnett, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

The Motion carried.

Stillwater Restaurant, Inc. d/b/a Stillwater Restaurant & Wine Bar, 5141 Main Street

Chairman Kubes stated that the next order of business was to consider a liquor license application for Stillwater Restaurant, Inc. d/b/a Stillwater Restaurant & Wine Bar located at 5141 Main Street. He added that they are seeking a Class “R-1”, Restaurant on-premise consumption liquor license and a Class “O” Outdoor liquor license.

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

Mr. Mark Stutz was sworn in by the court reporter. Mr. Stutz introduced himself as part owner and liquor manager of Stillwater Restaurant & Wine Bar. He stated that he was seeking a liquor license for a full-service restaurant.

Mr. Barnett stated he was pleased that an establishment was being re-opened at this location. He noted that the manual was well done. He asked Mr. Stutz to describe operations and to elaborate on the Wine Bar. Mr. Stutz advised that the establishment will operate as a restaurant. Mr. Stutz noted that there are two entrances into the restaurant. He noted that a manager or supervisor will be present at both entrances. He stated that they removed one bar from the former establishment, to enlarge the dining area. He noted that the dining area and Wine Bar are separated by a wall with a new doorway that was constructed between the two former establishments. He stated that they are seeking a 30 and older crowd.

Ms. Conforti distributed a copy of the restaurant menu and the bar menu to the Commission and noted they were updates to the menu that was included in the packet.

Mr. Barnett asked if the Wine Bar portion of the establishment will be a destination. Mr. Stutz replied yes. He indicated that wine consumption is considered to be the highest growing consumption in liquor service. He noted that they will be serving higher end wines and that they plan to serve wine by the glass and bottle, complimented by a tapas-style appetizer menu.

Mr. Barnett stated that the Village has challenges with DUIs and he asked Mr. Stutz how he plans to deal with this problem. Mr. Stutz stated that they are legally responsible for their customers. He noted that they will call a cab or take keys away. He stated that if patrons refuse a ride, they will contact the Police Department. Mr. Barnett stated that this operation may be different from what Mr. Stutz is use to at Joyful’s Café and asked that he underscore the issue of over service with employees.

Ms. King asked if they are going to keep Joyful’s in operation. Mr. Stutz replied yes. Ms. King asked

where he will be. Mr. Stutz stated that he will be very hands on while serving as the liquor manager at Stillwater full time. He plans to hire another manager and new cooks. He noted that Joyful's is self-sufficient and noted that they now stop dinner service at 7:00 pm.

Mr. Stutz stated that there were substantial building and health code violations. He stated that there are a number of improvements that needed to be done. He noted that plumbing was replaced as sanitation was an issue.

Ms. King stated that she liked the manual. She asked if they plan to have 19 year old servers. Mr. Stutz replied that he did not have any servers under 21. He stated that they will not allow anyone under the age of 21 in the Wine Bar.

Ms. Strelau asked if they plan to use the outdoor seating area. Mr. Stutz was not sure if it would be ready in time to open it this year. Ms. Strelau stated that there are regulations for outdoor seating area and wanted them to be mindful of those regulations.

Ms. Strelau referred to the sample picture of driver's licenses contained in the manual. She noted that the State of Illinois has a vertical under 21 license. She suggested that they include an example of that license in the manual. Mr. Stutz noted that the State usually gives a copy of the updated ones, but they were not available. She noted that he may get the document from Ms. Conforti.

Mr. McInerney was glad to see that Mr. Stutz was taking over the property. He stated that the outside floor plan is different and noted that there was no outdoor bar. Mr. Stutz stated that the Health Department rules have changed and they are no longer allowed to have a bar without a roof and need plumbing for a sink. He noted that they plan to take out drinks from the interior bar.

Mr. McInerney asked if the outdoor fencing will remain the same. Mr. Stutz replied that next year their future plan is to put up a different 6 foot wrought iron gate and make it resemble a flower garden. He noted that they will wait until next year to deal with that expansion.

Mr. McInerney stated that the menu looked great.

Ms. Dietrich stated that the materials looked great. She noted that there is a lot of new housing downtown that may help his business. She had no questions.

Chairman Kubes was pleased that Mr. Stutz took pride and care in designing the establishment. He noted that with this expanded business, food service and location, Mr. Stutz can expect to triple the expected liquor service from what he experienced at Joyful's. He understands that the establishment will have a different atmosphere from before.

Chairman Kubes asked about the layout, particularly the hallway to the restrooms. Mr. Stutz replied that area was taken out, as it was not handicapped accessible. He noted that the restrooms will be in the same location. He added that the bus station was removed.

Chairman Kubes asked about the glass doors. Mr. Stutz replied that there is a glass door between the lounge and dining area near the hostess podium, separating the areas and another at the back of the lounge. He stated that the lounge doors will be kept closed at all times and nobody under 21 will be allowed in the Wine Bar area.

Chairman Kubes commented on the well-written manual. He echoed Ms. Strelau's comment about the new under 21 vertical identification and stated that he should get that color copy document as soon as possible for inclusion in their manual. Mr. Stutz noted that there is a new Illinois proper serving on line class and all of the identification samples are included in the training.

Chairman Kubes asked how many employees Mr. Stutz plans to hire. Mr. Stutz replied 40, full and part

time. Chairman Kubes asked about turnover. Mr. Stutz stated that with the check average he expects and if the employee earns well, turnover may be only 20%. He stated that at Joyful's, his turnover rate is only about 5% and commented that he has a great staff.

Chairman Kubes mentioned that although he has operated other establishments in the past as this is a new venture he reminded them to be cautious and wished him luck.

Ms. Dietrich asked if anyone under 21 is allowed in the lounge. Mr. Stutz replied no. She asked if a patron would be allowed in with a child. Mr. Stutz replied that they would frown upon that, but did not believe it would be a problem in the afternoon. Ms. Dietrich asked if parents came in with a 19 year old, if they minor would be carded. Mr. Stutz replied yes.

Mr. Stutz advised the way the wine bar area is designed, it is not an area intended for kids. Mr. Stutz noted that Downers Grove has a conservative market. He stated that in the old establishment, patrons had to wait in the bar and he felt that because of the way the area will be separated, they will not be forced to wait in a bar area if waiting to dine.

Mr. Stutz advised that the physical bar seats 12. He stated that most service in the Wine Bar would be done at the tables.

Ms. Dietrich stated that another Dowers Grove establishment experienced problems when carding solely at the door. She noted that a bartender got in trouble for serving a minor because the bartender assumed that the patron was carded at the door. She wondered what their carding policy would be for the Wine Bar. Mr. Stutz replied that they will try not to let under 21 year olds into the lounge area in the evening hours, and noted that servers will be advised to card at the table. Ms. Dietrich felt that carding at the table would be advisable.

Mr. Stutz stated that they may have special events. He noted that they are designing the area as a jazz and wine bar with entertainment on the weekends. He noted that they may have bands under 21, in which they will plan for those special circumstances.

Chairman Kubes asked how long Mr. Stutz held a license at Joyful's. Mr. Stutz replied about 2 years.

Ms. Conforti stated that staff had concerns that there were two entrances to the establishment, one being to the dining area and one being solely for the bar/lounge area. She stated that in an effort to prevent the establishment from being operated or advertised at two separate entities, staff recommended that only one entrance be utilized for the entire establishment and that both areas of the establishment are operated under the same hours and with the same menu.

Ms. Dietrich asked Mr. Stutz if he was ok with the recommendation of staff. Mr. Stutz felt that it is not fair and would rather not have a full menu. He noted that the menu is extensive and would offer food up until 1 hour prior to close. Ms. Conforti noted that they are allowed to have a reduced late night menu but wanted to be sure that the same menu was offered throughout the entire establishment. At the beginning of the meeting, Mr. Stutz provided what seemed to be two different menus, namely one she distributed to the Commission entitled "Bar Menu". Ms. Conforti reminded the Commission of the issue with Oliver's/Louie Linguini's where they had two entrances one being a lounge area and restaurant. The license was charged with operating two separate entities as the lounge remained open while the restaurant was closed.

Ms. Conforti expressed concern that staff does not want the Wine Bar to operate at any time that the dining area is not in operation. Mr. Barnett stated that the ordinance requires a consistent menu available up until one hour prior to close. Ms. Conforti stated there should not be two separate menus. Mr. Stutz stated that the whole menu will be available throughout, but they will be promoting the tapas/appetizer style menu in the Wine Bar area. Mr. Barnett clarified for the record that they may have a reduced late night menu, however, the lounge section will be able to order from the reduced menu that would be

available in the dining area. Mr. Stutz stated that they plan to promote the bar menu in the lounge, however, the dinner menu will have a smaller version of the bar menu. Ms. Dietrich asked if a customer can go in the lounge and order dinner. Mr. Stutz replied yes. Chairman Kubes stated that Ms. Conforti is ensuring that there are not exclusive menus for each area of the establishment. Mr. Stutz noted that it will not operate as two separate establishments. He noted that there will be one awning and the same decor. Ms. Conforti stated that the hours of operation must be the same for the entire establishment.

Mr. Barnett asked Ms. Conforti about her concern with the two separate entrances. Ms. Conforti replied that she wanted to be sure that they do not operate as two separate establishments or close one side so only customers could enter the lounge area only or during late night hours. Mr. Stutz noted that they will have to have both entrances open due to fire safety requirements.

Chairman Kubes wondered if servers will be serving in both areas or if will they be trained separately. Mr. Stutz stated that all staff will be cross-trained. He stated that the lounge will be more casual than the dining area, but noted that they will be in similar uniforms. Chairman Kubes wondered if patrons will be turned away from dining. He wanted to be sure that the restaurant would not close if they did not have customers for a long period of time and/or in the late evening. Mr. Stutz replied that he would like to only leave open a section of the dining area so they could start cleaning and close the unused parts down.

Ms. Conforti noted her concern that if an under 21 year old wanted to go in and get something to eat, they might be turned away since the Wine Bar area is for patrons 21 and over. Mr. Stutz noted that if someone wants to eat they will be served. Mr. Barnett noted that to be in compliance, he not serve anyone under 21 and that food service be available up until 1 hour prior to close. Mr. Stutz noted that he and Ms. Conforti had extensive conversations over this issue. He stated that he understands Ms. Conforti's concerns as there was not appropriate compliance at this location in the past.

Ms. Conforti stated that she wanted to get staff concerns on the record.

Chairman Kubes noted that they have one kitchen, one liquor license and only one bar.

Chairman Kubes asked if the applicant had any more comments. Hearing none, Chairman Kubes asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "R-1" liquor license application.

MS. DIETRICH MOVED TO FIND STILLWATER RESTAURANT & WINE BAR LOCATED AT 5141 MAIN STREET, QUALIFIED FOR A CLASS "R-1", ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. McINERNEY SECONDED.

VOTE:

Aye: Ms. Dietrich, Mr. McInerney, Mr. Barnett, Ms. King, Ms. Strelau, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

The Motion carried.

Chairman Kubes asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O" liquor license application.

MR. BARNETT MOVED TO FIND STILLWATER RESTAURANT & WINE BAR LOCATED AT 5141 MAIN STREET, QUALIFIED FOR A CLASS "O-1", OUTDOOR ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. KING SECONDED.

VOTE:

Aye: Mr. Barnett, Ms. King, Mr. McInerney, Ms. Strelau, Mr. Barnett, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

The motion carried.

Chairman Kubes asked when they plan to open. Mr. Stutz replied they are hoping to open after Labor Day.

That concluded the application hearing for the evening's meeting.

V. OLD BUSINESS

Chairman Kubes asked for discussion, update from staff or comments from the Commission regarding old business.

Ms. Strelau referred to a letter sent to Sam's Wine & Spirits and asked for clarification. She noted that there seemed to be a question as to whether they have complied with the Mayor's Order for a POS system that prompts for a date of birth. Ms. Conforti stated that staff believes that they have not complied with what they represented to the Commission at their disciplinary hearing. She stated that the hand-held unit they purchased scans to check the validity and date of birth on the identification, but it is not connected to the cash register, therefore it does not lock the drawer which leaves the potential for the transaction to be completed. Ms. Strelau asked what the next step is. Ms. Conforti noted that Sam's was given until the 31st of July to comply, but they had not. The Village Attorney subsequently wrote a letter stating that they pay a \$2,500 fine and serve a 1-day suspension as the Order indicated would happen if they had not purchased the system. Ms. Conforti stated that the Village may receive an appeal. She noted that testimony may be taken from original transcripts. She stated that under the Ordinance, they do have an opportunity to appeal. She stated that Sam's felt they were in compliance as they distributed materials concerning the hand-held units, however, staff was of the impression that the units would be directly connected to the cash register, which they are not. She reviewed minutes of the previous violation, where they were looking into an inventory system. She felt that the features of the hand-held units was misrepresented at the hearing. Mr. McInerney stated that they testified under oath. Ms. Conforti replied yes. She noted that staff believed the system to be compatible with their registers. Ms. Perez added, that at the hearing, Ms. Dietrich directly questioned if the software units would lock the register if the identification was under 21, where Mr. Rosen stated it was his understanding that the drawer would lock and the sale could not proceed.

Ms. Conforti stated that the Village was lenient with the fines and by ordering no days of suspension, given their previous violation record, and took into consideration the fact that they were seeking a new license to operate under new ownership. Ms. Conforti advised that they complied with the Order and signed a contract with a secret shopper.

Ms. Conforti noted that the drawer locking system is costly. She noted that they would need a whole new system that would also track their inventory. Ms. Perez stated that they may have looked into systems that do not provide all the services they needed. Ms. Strelau recalled during an application that a shop owner during application who advised the Commission about a drawer locking system. Ms. Dietrich believed that Sam's testified that in the City they carded everyone and their system prompted for the customer's age in every sale at their original application hearing. Ms. Strelau asked what may happen. Ms. Conforti replied they could appeal to the Illinois Liquor Control Commission within 20 days. Ms. Strelau asked if they will be fined on a rotating basis. Ms. Conforti replied no. Ms. Conforti

stated that Sam's believed that they had met the requirements of the Order. She stated that if they do not comply with the terms of the order they have a to pay a fine and serve a one day suspension. Mr. McInerney asked if another control buy has been done yet. Ms. Conforti replied no. She noted that licensees who fail are subject to a re-test.

Chairman Kubes asked if Sam's is aware that the Commission will not be lenient with any future violations. Ms. Conforti replied yes. Mr. McInerney stated that their behavior of being a good neighbor and whose primary business is the sale of alcohol has not been reflected. Ms. Conforti noted that another followup letter was sent July 31st. Ms. Perez stated that she was in contact with the attorney about the intent of the Order. Ms. Strelau recalled that an applicant informed the Commission about a purchasable system and thought it could be in the minutes of the liquor hearing for Leo's Liquors on Ogden.

Ms. Conforti commented that the Wine Boutique ordinance was adopted. Chairman Kubes asked about the ordinance and if food service shall be required. He wondered if there are hours listed in which food has to be served. Ms. Conforti replied that any licensee with on-premise consumption must serve food one hour prior to close and noted this provision is contained in Section 3-31(d) of the Code. Mr. Barnett noted that the provision is in the restaurant classification, but not in the Wine Boutique classification.

Ms. Conforti noted that she provided a copy of the Liquor Control Ordinance, Chapter 3.

Chairman Kubes asked about the Class O - Outdoor consumption licenses. He noted that, per Ordinance, food must be available at all times during operation. He asked if the food service provision would need to be changed to one hour prior to close. Ms. Conforti made a note and could treat it as a technical amendment. She added that it should read one hour prior to the "close" of the establishment, so not as until the close of the outdoor area. Ms. Strelau agreed that the times of food service should be consistently stated in each classification. She wanted it consistent as licensees will only focus on the section of the Ordinance that pertains to their license.

Ms. Conforti noted that she may need to reschedule the September meeting to the 13th, due to a conflict.

Ms. Dietrich asked who the new Council liaison is to the Liquor Commission. Ms. Conforti advised it was Commissioner Marilyn Schnell.

VI. NEW BUSINESS

Chairman Kubes asked for discussion, update from staff or comments from the Commission regarding any new business.

Mr. Barnett advised that he forwarded Legal staff a proposed change to the Liquor Ordinance concerning campaign contributions. He asked that the item be placed on the September agenda, but understood that the Council is in the process of amending other sections in the Code pertaining to such issue. Ms. Perez noted that the Village Council is considering other ethics issues at their meeting of August 14th. Ms. Conforti stated that the Village is considering an Ethics Policy as a whole and what elected officials can or cannot accept from certain individuals. She stated that the Legal Department has drafted a policy that will cover the entire Code. She noted that in lieu of placing the policy in Chapter 3, or including it in every chapter, it is standard to keep the policy in one area and apply it Village-wide. Mr. Barnett stated that the Council is dealing with gifts they can and cannot receive. He advised that he would like to prohibit licensees from providing campaign contributions to the Liquor Commissioner. Mr. McInerney noted that liquor licensing is unique in that the Liquor Commissioner/Mayor is the end-all decision maker.

Ms. Strelau stated that she would like to licensees prohibited from contributing to the campaign of the Liquor Commissioner/Mayor. She wanted to be sure licensees were aware of the ethics ordinance. Mr. Barnett noted that even permit holders could have incentive to contribute to elected officials. He asked that the Commission think about the issue and discuss the matter in the future.

Ms. Perez noted that the Liquor Control Act may have had provisions about campaign contribution restrictions and needed to do further research as to why and how the legislation has since changed.

Mr. McInerney noted that staff should be mindful of local businesses and residents and their ability to retain the right to participate in political campaigns.

Ms. Strelau asked if surrounding towns had similar ordinances. Mr. Barnett replied he had not gone that far with research. Chairman Kubes agreed with the idea and indicated the group should discuss the matter on a future agenda.

Chairman Kubes asked about the Carbondale article. Mr. Barnett noted that the Carbondale Mayor wished to amend the ordinance to revert authority to issue licenses from the Village's Liquor Commission back to the sole authority of the Mayor.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Mr. McInerney moved to adjourn the August 2, 2007 meeting. The meeting was adjourned by acclamation at 8:00 p.m.

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, OCTOBER 1, 2007, 7:00 P.M.

Chairman Jirik called the October 1, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler

ABSENT: Mr. Webster

STAFF PRESENT: David Fieldman, Deputy Village Manager; Michael Millette, Assistant Public Works Director/Engineering; Jeff O'Brien, Senior Planner; Damir Latinovich, Planner; and Stan Popovich, Planner

VISITORS: James F. Russ, Attorney, 4915 Main Street, Downers Grove Matt Borgard, 4800 Highland Avenue, Downers Grove; Donna Retzlaff, 211 S. Cass Avenue, Westmont; Paul & Therese Brzezinski, 2211 Hadow Avenue, Downers Grove; Mark Toman, 1109 61st Street, Downers Grove; Mary Keppner, 4903 Puffer Road, Downers Grove; John & Cherise Madsen, 4823 Cross Street, Downers Grove; Tonia Yackle, 4520 Drendel Road, Downers Grove; Nancy Johnson, 5S140 Francisco Avenue, Downers Grove; Andrea VanBoren, 6576 Fairview Avenue, Downers Grove; Larry Rosol, 1129 Fairview Avenue, Westmont; Fred Foss, 6579 Davane Lane, Downers Grove; Philip Barr, 4605 Puffer Road, Downers Grove; Kerry & Peggy Richmond, 6575 Davane Lane, Downers Grove; Rob __, Ogden Avenue, Downers Grove; Norman Polcyn, 5913 Dunham Road, Downers Grove; Richard Olson, Fairview Ministries, 210 Village Drive, Downers Grove; Steve Stewart, Fairview Ministries, 210 Village Drive, Downers Grove; John Gray, New Life Management & Development; Gene Guskowski, AG Architecture, 1414 Underwood Avenue, Suite 301, Wauwatosa, WI; Mike Shrake, Gewalt Hamilton, 820 Lakeside Drive, Suite 5, Gurnee; Frank Muraca, ARCH Consultants, 250 Parkway Drive, Suite 166, Lincolnshire, IL; John Martin, Hock Bouma, 1755 S. Naperville Road, Wheaton; Mr. Jason Mitchell, 6572 Fairview Avenue, Dowers Grove

Chairman Jirik led the audience in the reciting of the Pledge of Allegiance.

Minutes of the September 10, 2007 - An error was noted on the first page to delete "Chairman Pro Tem Waechtler Jirik" and insert "Chairman Pro Tem Waechtler." Minutes were approved with revision on motion by Mr. Waechtler, seconded by Mr. Beggs. Motion carried by voice vote of 8-0.

Chairman Jirik proceeded to explain the protocol for the meeting.

FILE NO. PC-31-07 (Continued from 09-10-07) A petition seeking an Amendment to Chapter 28 of the Municipal Code-Zoning Ordinance, Article 13(c) Residential Accessory Structures; James F. Russ, Jr., Attorney/Petitioner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-31-07.

Mr. O'Brien, Senior Planner, reminded the Commissioners the petition was a text amendment to the Zoning Ordinance relating to Article 13, specifically Sections 28.1300(b) and 28.1300(c), as it pertains to permitting a residential accessory structure to be constructed on a lot prior to the time of construction in cases where two contiguous lots are held in common ownership. A principal use has to be established before a primary structure is added. In September 2006, he explained the Village amended its Zoning Ordinance to remove the "zoning lot" concept. As a result, the Village was asking residents to reduce any substandard, non-conforming, and adjacent lots with the goal to obtain larger setbacks, lot coverage for better drainage, etc.

Staff did have some outstanding issues with the concept of building accessory structures on lots of record before a principal structure is established. Specifically: 1) allowing accessory structures on a lot without a principal structure. The Village does not want vacant residential lots being used for storage and other accessory uses that can be detrimental to residential neighborhoods when not clearly part of a single family residence; 2) Contiguity, as proposed by the petitioner, is not a well-defined term. There are several instances where property owners hold two or more lots in common ownership where the lots are not side by side. Contiguous properties can be side to side, back to back or corner to corner. In case of the latter two, accessory uses and structures could be farther from the principal residence and closer to the neighbors. These uses could have negative impacts on surrounding neighbors and 3) the concept that accessories would terminate once the principal use or once the two lots have been sold. It is hard to enforce because the Village has no administrative tool to determine when the lots are sold. Therefore, staff was recommending denial of the petition since it would have a detrimental affect on the amendments that were adopted by the Village Council in 2006.

Mr. O'Brien explained what "accessory structures" were, including garages, sheds, swimming pools, and gazebos. He also explained in some instances there may be two primary structures on the lots while the owner is building the new structure and wants to tear down the old structure and, at that point the Village requests that a full letter of credit be posted. Mr. O'Brien stated the issue was new due to the Village removing the zoning lot concept. Going forward, Mr. O'Brien explained any existing accessory structure would be considered legal non-conforming and could remain until it was destroyed beyond 50% of its value. If a resident had such a non-conforming matter, a consolidation plat could be prepared by the resident to eliminate the non-conformity. Chairman Jirik believed the burden would be minor to the resident.

Chairman Jirik invited the petitioner to speak.

Mr. James Russ, Attorney, 4915 Main Street, Downers Grove, representing the Schmitts, who were present, stated the issue came up when his clients were obtaining a permit for their gazebo. In 2004, they purchased the lot to the south of their residence and razed the structure. In 2005, they landscaped that lot. In 2007, the Schmitts sought a permit for a gazebo on the southern lot but were informed of the Zoning Ordinance which would prevent them from receiving a permit for the gazebo. They were told to seek a variation by the Village. However, in speaking with staff,

Mr. Russ stated that the only resolution conveyed to him was to seek a text amendment. Mr. Russ distributed copies of the definition of a “zoning lot” from the 1965 Zoning Ordinance and proceeded to read the definitions from 1974, 2002 and 2004. Given the definitions, Mr. Russ pointed out his clients could have built their gazebo as of right since there was no obligation other than to have a permit for a gazebo.

Mr. Russ discussed the changes to the 2006 amendment and explained he was proposing a text amendment to the language in Sections 28.1300. The language refers back to the same type of language that was in the zoning lot definition. A number of options could have been made to solve the issue. However, he said after speaking with staff and the Village’s legal counsel, it was determined Section 28.1300 was the most reasonable place for the text amendment.

The proposed language was as follows: “Residential Accessory Structure shall be permitted on zoning lots that are contiguous to and under common ownership with the zoning lot of the principal structure or use served. Upon termination of common ownership of several zoning lots, the residential accessory structure must be removed from any zoning lot without a principal structure.”

Mr. Russ reviewed the issues raised in staff’s report: 1) *Accessory structures need a principal structure.* Mr. Russ was in agreement with this issue; 2) *“Contiguity” is not a well-defined term.* He also believed “contiguity” needed to be better defined; 3) *Zoning lots require more Village resources to enforce.* Mr. Russ disagreed and believed this issue fell under the responsibility of the property owner to notify the Village that an accessory structure has been removed or built and the primary structure that now makes the property conform, and to file it with the Recorder of Deeds; 4) *Determining ownership.* Mr. Russ stated the Village had access to PIN numbers; and 5) *One of the purposes for the change in the ordinance is to combine lots and remove substandard lots.* Mr. Russ stated people purchase multiple lots for investment, personal use, etc. and by requiring the consolidation of lots, the regulation amounted to a taking of the property without compensation for the loss in value of a buildable lot.

Mr. Russ discussed the various sizes of the Village’s lots, and the reality was that not all lots in Downers Grove were 75 feet wide. By having the consolidation of lots, Mr. Russ felt it may dissuade people from purchasing properties. Staff’s report states that neighbors have an assumption that the Zoning Ordinance offers protection. Mr. Russ pointed out his client thought the same protection existed in 2004, but the Village changed the protection. Essentially, he would like to return that protection to his client. Mr. Russ believed the Village was mandating consolidation. He stated a lot split could not be created because an exception would be necessary and in the future, if his client wanted to return the lots to their original platted condition, it could not be done. He believed the Village was using the Zoning Ordinance to fulfill the idea of larger lots in the Village.

Mr. Russ asked for a positive recommendation for the text amendment in order for his client to construct a gazebo. Chairman Jirik clarified the text amendment was a “blanket” revision.

Mr. Russ clarified that the subject property was located at 4929 Seeley with two 60-foot wide lots. The earlier letter he was referring to which could be recorded with the Deeds Office was explained as a letter coming from the Village that an accessory structure was on the parcel and specific criteria would have to be included. If ownership or continuity went away, the accessory structure would have to be removed from the property, and the document becomes a lien against the property,

similar to a Special Service Area, and would show up in the title report. He believed it was not a cumbersome process.

Mr. Beggs voiced concern about what other items were included in the definition of a Residential Accessory Structure and what was detrimental to the neighborhood. Mr. O'Brien explained why the term "detrimental" was in the report and provided some examples around the Village that have occurred in the past. Per Mr. Beggs' question, Mr. O'Brien explained the consolidation of the lots was to get the accessory structures behind the home and on the same lot. He noted the Village Council also wanted to have larger lots in the Village as demonstrated through the recent amendments to the zoning ordinance and subdivision ordinance. Mr. O'Brien stated the Village was not mandating to place accessory structures on a vacant lot. In contrast to that comment, Mr. Russ cited a Highland Avenue home with a pool at the front setback line. Mr. Waechtler stated the petitioner could solve the issue by consolidating the two lots, but Mr. Russ stated his client's lots were more saleable as two separate lots.

Mr. O'Brien discussed the process an owner would have to follow to consolidate two lots and then to subdivide them in the future. He reiterated the text amendment affected all residents in the Village. Ms. Hamernik asked for Mr. O'Brien's opinion on the recording of a letter with the Deeds Office as suggested Mr. Russ. Mr. O'Brien believed the recording of the letter would require a signoff by the Village and proof would be required that a purchaser for both lots was taking place. If the lots were going to a separate purchaser, the Village would have to grant a permit to tear the accessory structure down but getting that permit becomes cumbersome and enforcement becomes an issue. Per Mr. Quirk's question, staff explained how the Ordinance would affect a house with two overlapping zoning lots.

Chairman Jirik reviewed his understanding of what staff was proposing and suggested consideration for the amendment to be more straight to the point; i.e., any accessory structure would be placed in the rear yard "period" and therefore, it would be very restrictive. Asked what staff thought of the restrictions, Mr. O'Brien stated staff was comfortable with what is currently in the Ordinance.

Chairman Jirik opened up the meeting to public comment. No comments were received. The public comment portion was closed.

Mr. Russ stated he and his client did not have any objections about adding additional restrictions to the amendment, and it was up to the Commission to decide. He believed staff and he were coming from different positions

Discussion followed that many of the older neighborhoods did have small lots, which was the character of the neighborhood and to push for larger lots may or may not be appropriate. Mr. Matejczyk believed it was a large burden on the owners to go for a consolidation simply to add an accessory structure and then after approving that lot they are losing their ability to come before the Commission for a variance. He believed they were losing value in the lot being purchased. He believed better wording may come before the Commission in the future. Mr. Beggs was in favor of the petitioner's text amendment proposal, noting that as long as the accessory structure was going to be removed once the lot was sold, it was good protection for the maintenance of the second lot and the accessory structure would be used by the principal house. Other comments included better clarification of "contiguous" to include "side by side" or "back to back." Chairman Jirik cautioned the Commissioners that the edification of the language would be more broad.

Chairman Jirik stated the current zoning was fine as it was working, but if the Commission was considering backing off a bit, it had to consider certain protections, such as the lien, or clarification of the word “contiguous”, etc. Furthermore, he believed in some cases there had to be some residual incentives for an owner to combine lots, but if there was not going to be a consolidation, then to be more restrictive in the siting to reduce complaints. He opened up those comments to the Commissioners.

Mr. Waechtler expressed concern about opening up the issue further, citing some of the issues he has seen associated with accessory structures sitting adjacent to neighbors and causing issues between neighbors as well as increased enforcement. He agreed with staff’s negative recommendation. Concern was raised by Ms. Hamernik that this was the only place in the Code where zoning lots would only deal with accessory structures and the fact that the definition of “contiguous” would be different and it was adding more work for staff. She particularly referenced corner lots as being complicated. Others agreed the definition of “contiguous” needed better clarification.

Mr. Beggs suggested the following language: “Residential Accessory Structures shall be permitted on zoning lots that are contiguous to and under common ownership with the zoning lot of the principal structure or use served. Contiguity shall be defined by a common boundary line at least 50 feet long.” The Commissioners could revise the footage if necessary.

Chairman Jirik offered that if the Commissioners believed some form of relief should be granted from the Ordinance but the proposed wording did not capture it, he suggested forwarding the matter to the Village Council for review but then that the Council refer it back to the Plan Commission in order to hold a public hearing and give staff time to better define the language as an ordinance change versus a petition change. Concern was raised that the language could not be written immediately. As a third alternative, Mr. O’Brien recommended that the Plan Commission direct the petitioner to revise their language and continue the petition to the October 22 Plan Commission meeting.

Mr. O’Brien reiterated staff did not support the concept proposed by the petitioner. He indicated staff believed the existing zoning language was the most appropriate manner to handle accessory structures and lots of record. He stated the petitioner drafted the language and the petition was reviewed by staff. The Plan Commission could give the petitioner direction. Mr. Waechtler discussed that he did not want to proliferate 60 –foot wide lots.

Chairman Jirik confirmed with Mr. Russ that his client would not object to a continuation of the meeting.

WITH RESPECT TO FILE NO. PC-31-07, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A NEGATIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE AMENDMENTS TO SECTIONS 28.1300(B) AND 28.1300(C) OF THE ZONING ORDINANCE ASSOCIATED WITH PC 31-07.

MOTION FAILED FOR LACK OF A SECOND.

WITH RESPECT TO FILE NO. PC-31-07, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION CONTINUE THE MATTER TO A DATE CERTAIN, THAT DATE BEING OCTOBER 22, 2007.

SECONDED BY MR. MATEJCZYK.

Mr. Russ confirmed with the Chairman his understanding of the Plan Commission's direction.

ROLL CALL:

AYE: MR. QUIRK, MR. MATEJCZYK, MR. BEGGS, MR. COZZO, MRS. HAMERNIK, MRS. RABATAH, MR. WAECHTLER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 8-0

(The Plan Commission took a break at 8:25 p.m. and reconvened at 8:32 p.m.)

FILE NO. PC-28-07 (Continued from 08/06/07) A petition seeking 1) Final Plat of Subdivision approval; 2) Rezoning from R-4, Single Family Residential & R-6, Multiple Family Residential to B-2, General Retail Business for properties located at the Southwest corner of Belmont Road and Haddow Avenue, commonly known as 4900 to 4940 Belmont Road, Downers Grove, IL (PIN's 08-12-211-006,-007,-008,-009,-010, 08-12-217-001, 08-12-211-013 and 1) Final Plat of Subdivision approval; 2) Front Yard Setback Variation for properties located at the Northeast corner of Belmont Road & Hitchcock Avenue, commonly known as 5005 to 5009 Belmont Road, Downers Grove, IL (PIN's 08-12-215-001,-002,-003,-004,-005,-006,-007); Village of Downers Grove, Petitioner/ Owner

Chairman Jirik reminded the Commissioners this matter was continued from August and the Commission would be charged with reviewing new information only.

Chairman Jirik re-swore in those individuals who would be speaking on File No. PC-28-07.

Mr. O'Brien stated the Village of Downers Grove was also the petitioner on this matter. He noted on August 6, 2007 the Plan Commission held a public hearing, and a number of concerns were raised at that meeting, including whether other options or locations for the parking lots and underpass design were pursued. He reviewed each of these concerns as outlined in the memo staff prepared. There was concern about the Village's standing as the petitioner. Mr. O'Brien stated the Zoning Ordinance permitted the Village to apply for rezoning and subdivision approval.

He stated the neighbors raised concerns about potential traffic conflicts with Puffer School on Haddow Avenue and students' safety. He noted the Village's traffic engineers reviewed the traffic on Haddow Avenue and found that the arrival and dismissal time for Puffer School did not coincide with the peak traffic periods for the proposed parking lots. He stated a traffic signal for the intersection of Belmont and Haddow is proposed. Mr. O'Brien indicated concerns about safety and cut-through traffic as a result of the proposed signal could be addressed through prohibiting left turns from 4:00 p.m. to 6:00 p.m.

Mr. O'Brien explained the lighting and screening of the parking lot. He noted the Village requires adherence to approved plans which Metra will have to follow. If the plans are not followed, Metra would be subject to enforcement per Village Code.

He stated the concerns of project funding were not within the purview of the Plan Commission and the Village Council would be discussing the project funding at the Council meetings in the upcoming weeks. Finally, Mr. O'Brien indicated drainage patterns in the area would not be impacted because of the landscaped berm. He noted an inlet on the west side of the berm would collect the runoff from the residential properties and direct to the public storm sewer system.

Minutes from the August 6, 2007 meeting were provided to the Commissioners, along with written comments received from Ms. Cherise Madsen, 4823 Cross, Downers Grove, and Mr. Paul Brzezinski, 2219 Haddow Avenue, Downers Grove. Staff recommended approval of the rezoning and the Plat of Subdivision to consolidate the lots at the southwest corner of Haddow and Belmont Road and also recommended approval of the Plat of Subdivision to consolidate the lots at the northeast corner at Hitchcock and Belmont Road and the variation for the one parking space. Staff was still recommending its recommendations from its August 6, 2007 staff report.

Mr. Matejczyk stated staff was very responsive to the issues raised at the last meeting and appreciated the supporting documentation. Per a question on the relocation of the entrance/exit to the parking lot on Haddow, Mr. O'Brien reviewed its new position on the overhead projector, noting it was not across from the school's driveway. Asked if a representative from Puffer school attended the August 6th meeting, Mr. O'Brien stated there was no representative at that meeting or this meeting. Staff did speak with District 58 representatives who did not have issues with the proposal.

Mr. Mike Millette, Village Assistant Director of Public Works, referenced a letter about the conversation he had with Principal McDaniel relative to a safety evaluation the Department had to conduct. At that time, the principal had no issues.

Asked if there was any difficulty with a condition that tied any physical development to the execution of the construction of the underpass unless and until the underpass was built, Mr. O'Brien stated there were no conditions to the actual construction of the underpass, only the demolition of the structures on the site. Deputy Village Manager Fieldman reiterated the plans, as approved, must be completed in its entirety, and was the purview of the Commission. The intergovernmental agreement, while not under the purview of the Commission, contemplates and requires the construction of the entire project. Lastly, as to funding, Mr. Fieldman stated Metra would have the funding in place before construction begins. A numbers of checks and balances were in place.

Should the funding fall short as it relates to R zoning to B zoning, Mr. Fieldman stated the Village would be open, as the property owners, to subject itself to restriction on title that the site will only be used for a certain purpose to protect the neighborhood, and the condition would have to be tied to the plat.

Chairman Jirik opened the meeting to public comment as it relates to the new information.

Mr. John Madsen, 4823 Cross Street, conveyed his understanding of the relocation of the entrance to the parking lot on Haddow Avenue. He voiced concern about the young children at Puffer Street

and whether the entrance was relocated for ease of use. Secondly, as to staff's potential solution on northbound Belmont to insert a No Left Turn restriction between 4:00 p.m. and 6:00 p.m., Mr. Madsen suggested rethinking that solution for the residents. Lastly, he appreciated staff doing a field visit to the school and doing a traffic study but preferred an actual professional traffic expert review the matter.

Mrs. Terry Brzezinski, 2219 Haddow Avenue, said her husband received a letter from Deputy Village Manager Fieldman on September 25, 2007 which she read, summarizing that there were conditions being placed on the project. As to the other options or locations being considered for the parking lots, she was not aware of any other locations being considered for the lots. As to the 1998 hearing and the recommendations that came out of it, Mrs. Brzezinski presented a copy of the map that coincided with that hearing, which showed no parking lots for the proposed underpass at Haddow and Belmont. She also distributed information provided by Metra from its informational meeting in March 2002 which was the first time it proposed parking lots to be considered for the project. She stated there were other options for parking lots and when Metra was asked to pursue those for parking lots, Metra told the residents there was a Federal law requiring them to replace a certain number of parking lots within a specified distance. However, since then it was determined that no such Federal law existed. She personally went to the FTA to confirm that there was no Federal law. Also there was a vacant lot at the corner of Burlington and Puffer Roads which made more sense for parking replacement. She requested that those options be explored since the proposed lot did have issues.

Mrs. Brzezinski also stated she could not find language in the intergovernmental agreement that "requires" replacement parking. She questioned staff's reference to the intergovernmental agreement in its memo to the Plan Commission. She questioned the traffic study and the fact that the signal on Haddow Avenue would increase traffic because it would cause motorists to come to a signalized traffic signal. Now a parking lot was being added. She preferred an independent traffic consultant review the matter. Mrs. Brzezinski questioned the "proposed" traffic signal which would show up on some plans and not on others and whether it was warranted or not. As to the concern of lighting and screening of the parking lot, Mrs. Brzezinski asked if the proposal was the first parking lot in a residential area and if so, other significant landscaping should be considered due to the nearby residents. Asked if there was a berm height requirement, Mr. O'Brien stated it was a six-foot fence minimum. She asked that no speakers be allowed at the proposed parking lot.

Mrs. Brzezinski missed the discussion about rezoning of the property and asked whether the option of keeping the land as residential was a consideration. If the site was to remain residential, quality of life would be better and so would security. She asked if the entrance could be placed on Belmont Road since it would alleviate safety and traffic concerns on Haddow. She cited the apartment building across the street.

Ms. Donna Retzlaff, 211 S. Cass Avenue, Westmont, resides east of the south parking lot and was asking for clarification of the variance being requested. She asked if hearings were heard on the permits. She asked about the permit for the grading, wherein staff stated she would have to speak to Mr. Mike Millette of Public Works.

Mrs. Cherise Madsen, 4823 Cross Street, Downers Grove, referring to staff's September 21, 2007 memo, points out that there are no conflicts with the Puffer School morning/afternoon operations, that no traffic/safety issues exist, and that no further analysis needs to be conducted. She expressed

concern about the last minute commuter rushing to the parking lot and jeopardizing the safety of the children. She had issues with the No Left Turn restriction and the proposal adding to the overall congestion of the area.

Ms. Nancy Johnson, 5S140 Francisco Avenue, Downers Grove, did not support the proposal due to the traffic it would place on Haddow Avenue.

Mr. Paul Brzezinski, 2211 Haddow Avenue, stated he resides near the school and next to the proposed parking lot. He stated the school is open from sun up to sun down. He saw no benefit to adding a parking lot next to residential when there were other commercial lots available.

Ms. Tonia Yackle, 4520 Drendel Road, Downers Grove, stated her children were new to Puffer School, and safety was a concern as well as the traffic patterns on Haddow.

Ms. Donna Retzlaff, 211 S. Cass Avenue, Westmont, stated Metra approached her parents to purchase their property but never came forward with a proposal. There were other options.

Mrs. Terry Brzezinski, 2211 Haddow Avenue, responded and presented a plan which was approved by the Village Council. She stated Metra was looking to place the parking lot on the lot referenced by Ms. Retzlaff. She stated Metra would have had to apply for a revised FONSI from the FTA, which it did not.

Mr. John Madsen, 4823 Cross Street, said the wisest thing mentioned was tying the parking lot into the overall project moving forward. He believed it would allow time to address the safety issues.

Chairman Jirik closed public comment and opened up the matter to Commissioner comments.

A dialog followed about the speakers, wherein staff suggested tying them in as a condition not to be included. As to approving the parking lot and tying it to the overall project moving forward, dialog followed that the Commission did not do that for any other petitioner and did not tie zoning and subdivision changes on partial issues. Chairman Jirik stated the plan was very strict and was following a timeline. Lastly, Mr. Waechtler pointed out that after visiting the Puffer School site, he did note it had a fenced playground at the northwest corner for protection for the students. Chairman Jirik believed the main issue was traffic.

As to the restricted hours and the residents having difficulty accessing their neighborhood, Mr. Millette explained the layout of the area and discussed how the residents currently access their area. He explained the original concept discussed with the County was due to the concern of cut-through traffic to avoid Ogden and Belmont. The restricted hours would dissuade that. Discussion followed that if the lot was completed and cut-through traffic began to increase, the Village's Parking and Traffic Commission would review the issue. Mr. Millette clarified two issues were at hand. When asked earlier if the parking would cause a safety issue to the school, Mr. Millette stated it would not. He then pointed out the area of conflict on the map. In addition, he pointed out the No Left Turn signal was an alternative that Metra did not initially select, but if it became an issue of cut-through traffic, staff could revisit the matter.

Mr. Waechtler believed the Chairman was hinting that an annual review of the traffic take place after the proposal is completed. Chairman Jirik concurred, stating that having the necessary

remedies for it would be key. Mr. Beggs proceeded to point out some of the other parking lots situated next to residential areas with high traffic, such as North High School and the lot at Gloria Dei. He pointed out how the Village worked to fit those lots into those locations. While he empathized with the concerns of the residents, he believed what staff presented was the best solution to date.

WITH RESPECT TO FILE NO. PC-28-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF'S CONDITIONS NOTED IN STAFF'S REPORT DATED AUGUST 6, 2007:

- 1. THE PROPOSED PLANS SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED AUGUST 6, 2007; AND THE CONTRACT PLANS FOR BELMONT ROAD GRADE SEPARATION PROJECT PREPARED BY URS DATED FEBRUARY 1, 2006; EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PARKING STALL LABELED 201 IN THE SOUTHWEST CORNER OF THE PROPOSED SOUTHEAST PARKING LOT SHALL BE REMOVED FROM THE PLANS TO PRESERVE A MINIMUM REQUIRED 25 FOOT PARKING SETBACK FROM HITCHCOCK AVENUE.**
- 3. THE STRIPED ISLAND IN THE NORTHWEST PARKING LOT SHALL BE LANDSCAPED WITH CURB AND GUTTER TO MATCH THE OTHER ISLAND IN THE SAME PARKING LOT.**
- 4. PRIOR TO THE COMMENCEMENT OF SITE DEVELOPMENT ACTIVITIES, THE APPROPRIATE PERMITS (WATER, STORMWATER, SITE DEVELOPMENT, RIGHT-OF-WAY, ETC.) SHALL BE OBTAINED FROM THE APPROPRIATE PERMITTING AUTHORITY.**
- 5. PUBLIC ADDRESS SYSTEMS SHALL NOT BE PERMITTED IN THE PARKING LOTS.**

**SECONDED BY MRS. HAMERNIK.
ROLL CALL:**

As to having a traffic review in the future, Mr. Matejczyk believed the citizens would step forward if there were traffic concerns in the area.

**AYE: MR. MATEJCZYK, MRS. HAMERNIK, MR. BEGGS, MR. COZZO,
MR. QUIRK, MRS. RABATAH, MR. WAECHTLER, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 8-0

FILE NO. PC-35-07 A petition seeking 1) Final Planned Development Amendment to Planned Development #32 Fairview Village for the expansion of Fairview Village at 210 Village Drive, Downers Grove to include new assisted living, independent living and skilled nursing facilities commonly known as 210 Village Drive, Downers Grove (PIN 09-21-102-007); 2) Preliminary

Planned Development Amendment to expand Planned Development #32 Fairview Village for the construction of four multi-family buildings at the intersection of Fairview Avenue and Lynn Gremer Court and to rezone such property from R-3, Single Family Residential to R-5A, Townhouse Residential, Downers Grove (PIN's 09-20-213-013,-014,-015,-016,-017,-018,-019); Steve Stewart, Petitioner; Fairview Ministries, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-35-07.

Mr. Stan Popovich, Planner, stated the petitioner, Fairview Village, was seeking two requests: 1) final planned development amendment for the main campus at Fairview and 66th Avenue and 2) an auxiliary campus encompassing seven lots within the eastern portion of the Green Acres Subdivision, calling for a preliminary planned development and rezoning.

For the main campus, the petitioner seeks a final planned development amendment to the existing current planned development. The current parcel is 38.77 acres with 506 independent living, skilled nursing, and sheltered care units with a common interior building space and accessory structures totaling 519,981 square feet. The petitioner is proposing to demolish six independent living cottages, the three-story skilled nursing facility, and three ancillary buildings along with the relocation of the barn. In its place, the petitioner is proposing to construct a new four-story skilled nursing and assisted living building and a new four-story independent living building with underground parking. All three buildings will be interconnected. The proposed project will result in a total of 661 independent living, assisted living, and skilled nursing units. Combined with the common interior building space, the existing space, and the proposed space, the proposal will total 885,352 square feet.

Mr. Popovich referenced the engineering plans, noting new roads will be proposed including a new loop road. A new intersection will tie into the existing 66th Street intersection. Two existing parking lots east of the skilled nursing will be combined into one lot. New lots will also be incorporated to the site. A 220 car parking garage will be located under the independent living wing. A new road will tie in the new northern entrance to the southern entrance which will provide better traffic circulation. The petitioner will be providing 685 parking spaces which exceeds the Village's requirement of 559 spaces. Approximately 25.9 acres of green space will be located throughout the development. Planned developments in the R-5A district require 40% (15.51 acres) green space.

The proposed height of the independent living facility is 55 feet 10 inches, and the skilled nursing and assisted living buildings are 51 feet 4 inches. The maximum height for this development is 35 feet or 66 2/3% of the shortest distance between any wall of such building and any exterior boundary line of the planned development. For this proposal, the maximum allowable height was 110 feet. Mr. Popovich presented various elevations of the proposal.

Per Mr. Popovich, the Main Campus proposal complies with the Village's bulk requirements of the Zoning Ordinance. The Future Land Use Map (FLUM) calls for 6 to 11 dwelling units per acre and the proposal, as proposed, would be 17 dwelling units per acre, but staff believes the impact is sufficient but not significant due to the type of age restricted proposal it is. It was consistent with the goals of the FLUM. No plat of subdivision is required for the main campus. However, the main campus is required to provide donations to the school and park district, but those donations are counted only for the independent living facilities. The petitioner does receive credit for removing

six independent living cottages which results in 196 independent living units to be calculated for donation, or approximately \$433,140.65 to be split between two school districts and the Dowers Grove Park District. An existing park district easement exists over two ponds on the north side of the facility and for the improvements, the Park District has to approve the improvements or release the easement. The petitioner was currently working with the Park District. Staff stated that documentation will have to be presented to the Village prior to the issuance of development permits.

One sign is proposed, and it meets the Sign Ordinance. Extensive stormwater engineering and public improvements are planned. The water in the two ponds will be lowered to improve the capacity of the ponds to handle the main campus, auxiliary campus, and the remaining parcels of Green Acres Subdivision. An easement over the ponds will need to be provided by the petitioner to the Village. Staff was comfortable with the proposed stormwater plan. A traffic study was enclosed in the Commissioners' packets. Details followed. Staff believes the existing roads will be able to handle the additional traffic. A photometric plan in the packet was referenced; details followed. No lighting is planned toward the property lines. A fire command center will be required to be installed as well as an automatic sprinkler system. A fire safety and evacuation plan will be required by staff for both the new buildings and for the occupied buildings during construction. No public comment has been received at this time.

The Village of Westmont and City of Darien have been sent staff's report regarding the proposal with informational questions returned. Additionally, on September 24, 2007 a neighborhood meeting was held. Staff recommended approval of the main campus with the listed conditions in its memo.

The Auxiliary Campus 2.9 acre proposal is a conversion of seven lots within the eastern portion of the Green Acres Subdivision. Proposed is a Preliminary Planned Development Amendment to become part of the Final Planned Development on the Main Campus and a Rezoning from R-3, Single Family Residential to R-5A, Townhouse Residential. The R-5A rezoning is requested to be consistent with the existing zoning of the main campus. Per staff, the discussion tonight is only for a land use and preliminary plan and approval request. The final development, building plans, site plan, etc. will have to return to the Commission and Village Council.

Proposed are four (4) two-story apartment buildings that would each contain eight units with underground parking for its residents. The existing single-family house would be converted into a clubhouse and executive offices. Additional on-street parking will be provided to the north. Lynn Gremer Court will be removed, vacated and replaced with an access drive. Staff believes the two curb cuts along Fairview are adequate as two curb cuts were approved for the Green Acres Subdivision based on the lot layout.

A 20-foot setback exists from the western (rear) property line and 30 feet from the north, east and south property lines. Staff believes a 30-foot setback was a sufficient setback for the proposal as adequate landscaping and buffering can be installed in this setback. Approximately 98 parking spaces are proposed to the required 48 parking spaces. The site provides approximately 71,000 square feet of green space or 56% green space from the required 40% green space. The Final Planned Development Amendment auxiliary campus proposal will be reviewed for zoning compliance by the Commission and Village Council. When viewed together, both the main campus

and auxiliary campus comply with the bulk requirements of the Zoning Ordinance as shown in the staff report.

The auxiliary campus property is designated as Residential at 0-6 dwelling units per acre. The proposed development would create a density of 11 dwelling units per acre. Staff believes that due to the age-restricted use of the proposal, the proposal will meet the spirit of the Future Land Use Map. Through proper screening, Mr. Popovich believes the single-family residential area will be buffered appropriately.

A Plat of Subdivision and a Plat of Vacation will need to be prepared for the auxiliary campus proposal. The proposal will require school and park district donations. The Green Acres developer previously paid donations based on seven (7) four-bedroom units and, therefore, the petitioner will receive credit for those units, based on their 32 units, the total donation will total approximately \$80,837.34.

No signage is being proposed, and no detailed engineering plans are being provided because the request is for a preliminary plan approval, but it will be required for the final development amendment process. As previously noted, the two detention ponds on the main campus were designed to accommodate the proposed main and auxiliary campus developments and the remaining parcels of the Green Acres Subdivision. New easements will be required within the auxiliary campus. The Village is requiring an additional study of the water main which will be provided during the final planned amendment process. A traffic study and photometric plans will be required as well as automatic sprinklers for safety. The existing single-family house may have to go under changes as well, due to fire issues. The petitioner is aware of that.

No public comments were received on this auxiliary proposal which was also discussed at the September neighborhood meeting. Staff recommended approval of the auxiliary campus proposal subject to the conditions in staff's memo.

Per a question, Mr. Popovich clarified that the petitioner will be required to maintain the underground stormwater and detention systems. However, if the petitioner does not maintain the stormwater systems, the easement would allow the Village to complete the necessary maintenance.

Mr. Rick Olson, CEO of Fairview Ministries, 210 Village Drive, Downers Grove, introduced Mr. Steve Stewart, summarizing that he has been involved with the senior living industry for 30 years. He reviewed the history of the ministry and stated the master plan before the Commissioners was a very good plan because it positioned the ministries to continue to serve seniors in the future. He discussed the number of activities that the seniors participate in and wanted to be responsive to the needs of the community while planning for the long-term.

Mr. Olson introduced Mr. John Gray with New Life Management and Development. Mr. Gray explained his firm works exclusively in the senior living area and, in particular, for non-profits such as Fairview Ministries, in developing new projects and expanding projects. He discussed that the project has three goals: 1) repositioning the main campus to offer additional opportunities for area seniors to access the programs and services; 2) replace the aging Baptist home with a state of the art healthcare facility; and 3) to expand the service offerings to residents through the auxiliary facility. After a market study was conducted, it was determined that the number of seniors were increasing, and Fairview wanted to meet that need.

Mr. Gene Guskowski President with AG Architecture, 1414 Underwood Avenue, Wauwatosa, Wisconsin, discussed that the materials on the project will be the same as the main campus with some additional materials being added. Amenities will include the Wellness Center, new dining areas, a fitness/aquatic center, focus on care levels of living for the long-term, a concierge; and private rooms. Also planned are a performing arts/theater; physician offices; a daycare center; underground parking, and green space. Details of the auxiliary campus followed. Mr. Guskowski summarized that the Fairview Ministries was providing various strategies that will allow Fairview to remain vital and vibrant in the senior marketplace.

Chairman Jirik opened the meeting up to public participation.

Ms. Andrea VanBoren, 6576 Fairview Avenue, Downers Grove stated her home faces Fairview Village currently and is adjacent to the proposed auxiliary campus. She discussed the number of residential areas surrounding her home and their market values. She is opposed to the proposed auxiliary campus because it is in direct view of her home and next to her neighbor. The proposal will leave two undeveloped lots on Davane Lane which she feels will draw apartment or townhome development. Inconsistent zoning will make the area an unstable market choice. Plans for the club house and executive office shows evidence that the proposal is not residential at all but a business use. Through hearsay, she heard there was going to be a shuttle run between Fairview and the auxiliary campus, which was a business/nursing home. She believed with a turn of the real estate market, the buildings could become rental units. She supported a traffic study for the auxiliary campus and voiced her concerns about the current traffic difficulties she has encountered. She believes they will jeopardize the safety of the seniors as well. She stated the new townhomes just south of 63rd Street were a good transition from commercial back to residential. While an office building was originally proposed, the Village denied the variance, due to other available parcels on 63rd. She believed the proposed variance would change the character of the neighborhood, density, and safety of the area.

Mr. Jason Mitchell, 6572 Fairview Avenue, Downers Grove, discussed that he moved to the area due to the open space. He feared that the proposal would affect property values and he asked to see some data provided by Fairview to prove otherwise. He did not believe they would have that information. He supported the activities that were taking place at the main Village and would support that part of the proposal. He just did not support multi-unit development next to him.

Mr. Kerry Richman, 6575 Davane Lane, was familiar with the Village since he lived there. He did have concerns about the auxiliary proposal due to the established residential area. He also was concerned about the two empty lots on Davane Lane.

Ms. Von Boren stated during staff's presentation there was mention that no comments were received from the residents. However, she had a petition with 20 names on it not supporting the auxiliary campus proposal. She submitted the petition.

Mr. Larry Rosol, Rosol Construction Co., 6556 Barrywood, stated his home was in the area and the concern about resale value should be mitigated because the auxiliary proposal had plans to buffer off the entire proposal from the residential to create its own community. The single lots on Davane would remain as single-family lots. He believed that some of the residents were misinformed on the proposal.

Mr. Fred Foss, 6579 Davane Lane, Downers Grove, stated his concerns about the amount of parking, specifically, that it calculated out to be three parking spaces per unit. He believed there would be added stress placed on emergency facilities and increased traffic due to adding employees. He requested that a traffic study be done.

Per a question, Mr. Popovich stated the traffic study for the main campus showed an increase of 4% on Fairview Avenue. Minor increases were at 8:00 a.m. and during the evening peak hours, however due to the type of housing, the majority of the increase is seen during non-peak hours. A traffic study for the auxiliary campus would be required by staff.

Chairman Jirik closed public participation.

In response to the above concerns, Mr. Gene Guskowski with AG Architecture, explained that the single-family home was significant and had a high level of finish within it. It offered an opportunity for a passive community space. Amenities of the home followed, noting it would be a community space for the new 32 residents. A marketing office or an executive office may exist there. The shuttle discussion was raised because it was asked if there was an opportunity to offer a shuttle between the two campuses since one already existed. Lastly, there 98 parking spots existed but 60 could be placed in the underground garages. The additional spaces were for guest parking. There was no intention to expand west on the Davane lots. As to the traffic study, Mr. Guskowski stated there would be little traffic generated from the site because seniors do not usually drive during the peak hours. A traffic study would be forthcoming.

Comments from the Commissioners followed. Mr. Waechtler inquired about the reduction in the skilled nursing facility on the main campus, wherein Mr. Guskowski explained it was due to the marketplace. The trend was to reduce skilled nursing and replace it with assisted living. Other dialog followed that a minimum age of 62 would be required for use of the auxiliary campus. However, the average age of move-in on the main campus was 78 years of age. Mr. Waechtler did not understand why the developer had to pay contributions to the school district when no students would be residing at the campus. Senior Planner, Mr. O'Brien agreed, but stated the Village had a subdivision ordinance that when any plat of subdivision is filed or planned development amendment is filed involving residential dwelling units, the Village is obligated, through an intergovernmental agreement, to collect school donations. The petitioner, however, can seek relief from the school district.

Mr. Waechtler suggested that the intergovernmental agreement be reviewed because he did not agree with that portion of it. In reviewing the zoning map, he pointed out where the auxiliary proposal would sit; i.e., surrounded by single family residential.

WITH RESPECT TO FILE NO. PC-35-07, MRS. HAMERNIK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF A FINAL PLANNED DEVELOPMENT AMENDMENT TO FAIRVIEW BAPTIST HOME PLANNED DEVELOPMENT #32, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY A.G.**

ARCHITECTURE DATED SEPTEMBER 10, 2007; THE PRELIMINARY ENGINEERING PLANS PREPARED BY GEWALT HAMILTON ASSOCIATES, INC. DATED JULY 20, 2007, LAST REVISED AUGUST 21, 2007; THE PRELIMINARY LANDSCAPE PLANS PREPARED BY 3D DESIGN STUDIO DATED AUGUST 21, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

- 2. THE VILLAGE SHALL ASSUME OWNERSHIP OF THE WATER MAINS. AS SUCH, EASEMENTS SHALL BE PROVIDED OVER ALL WATER MAIN PIPES, VALVES, FIRE HYDRANTS AND ALL OTHER WATER APPURTENANCES WHICH GIVES THE VILLAGE THE RIGHT TO MAINTAIN AND REPAIR THE MAINS AND WATER APPURTENANCES. A PLAT OF EASEMENT SHALL BE PREPARED AND ACCEPTED BY THE VILLAGE PRIOR TO THE ISSUANCE OF SITE DEVELOPMENT PERMITS.**
- 3. ALL THE FIRE HYDRANTS ON THE SITE WILL BE OWNED AND MAINTAINED BY THE VILLAGE AND SHALL BE PAINTED YELLOW.**
- 4. A COMPLETE LEAK DETECTION SURVEY SHALL BE CONDUCTED FOR THE ENTIRE EXISTING WATER SERVICE ON THE SITE. ALL REPAIRS SHALL BE COMPLETED BY THE OWNER PRIOR TO VILLAGE ACCEPTANCE.**
- 5. AN IEPA WATER PERMIT SHALL BE SUBMITTED TO THE VILLAGE FOR THE INSTALLATION OF NEW WATER MAIN ON THE SITE. WATER MAIN CONSTRUCTION SHALL NOT BEGIN UNTIL AN APPROVED PERMIT IS RECEIVED FROM THE IEPA.**
- 6. AN EASEMENT SHALL BE PROVIDED OVER ALL STORMWATER DETENTION FACILITIES AND PIPING. A PLAT OF EASEMENT SHALL BE PREPARED AND ACCEPTED BY THE VILLAGE PRIOR TO THE ISSUANCE OF SITE DEVELOPMENT PERMITS.**
- 7. DISABLED PERSONS ACCESSIBLE PARKING SPACES SHALL COMPLY WITH THE ILLINOIS STATE LAW FOR ACCESSIBLE PARKING.**
- 8. A COMPLETE MANUAL AND AUTOMATIC DETECTION SYSTEM SHALL BE INSTALLED THROUGHOUT THE NEW INDEPENDENT LIVING, ASSISTED LIVING AND SKILLED NURSING FACILITIES. ALL DETECTION SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD.**
- 9. A COMPLETE AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE INSTALLED THROUGHOUT THE NEW INDEPENDENT LIVING, ASSISTED LIVING AND SKILLED NURSING FACILITIES.**
- 10. AN ADDITIONAL FIRE HYDRANT SHALL BE INSTALLED ON THE NORTH SIDE OF THE SKILLED NURSING BUILDING IN AN APPROVED LOCATION.**
- 11. AN APPROVED FIRE SAFETY AND EVACUATION PLAN SHALL BE DEVELOPED FOR THE INDEPENDENT LIVING (EXISTING AND NEW), ASSISTED LIVING AND SKILLED NURSING FACILITIES. THE PLAN SHALL BE SUBMITTED AND APPROVED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- 12. AN APPROVED FIRE SAFETY AND EVACUATION PLAN SHALL BE DEVELOPED FOR THE EXISTING SKILLED NURSING BUILDING WHICH WILL BE OCCUPIED DURING CONSTRUCTION. THE PLAN SHALL BE SUBMITTED AND APPROVED PRIOR TO THE ISSUANCE OF ANY VILLAGE CONSTRUCTION PERMITS.**

13. FAIRVIEW VILLAGE SHALL PROVIDE THE VILLAGE WITH WRITTEN DOCUMENTATION FROM THE DOWNERS GROVE PARK DISTRICT IDENTIFYING THE RELEASE OF THE PARK DISTRICT EASEMENT WITHIN FAIRVIEW VILLAGE OR THEIR CONSENT TO ALLOW IMPROVEMENTS WITHIN THEIR EASEMENT. THIS DOCUMENTATION SHALL BE SUBMITTED TO THE VILLAGE PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT PERMITS.
14. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$433,140.65 AS SCHOOL AND PARK DONATIONS (\$321,411.58 TO DOWNERS GROVE PARK DISTRICT, \$81,504.52 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$30,224.55 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

SECONDED BY MR. BEGGS.

ROLL CALL:

AYE: MRS. HAMERNIK, MR. BEGGS, MR. COZZO, MR. MATEJZCYK, MR. QUIRK, MRS. RABATAH, MR. WAECHTLER, CHAIRMAN JIRIK.

NAY: NONE

MOTION CARRIED. VOTE: 8-0

Positive comments followed on staff's presentation and the petitioner's presentation and the fact that the petitioner held a public meeting with the neighbors. As to the auxiliary facility, Mr. Beggs pointed out that in general the Commission has seen medical facilities grow up on residential areas which have complemented the areas and not detracted from them. He agreed such facilities were growing up and growing out and applauded the confidence displayed by Fairview in order to expand its facilities. He favored the plan being presented. Discussion followed that there was a previous attempt to move commercial further south on Fairview which the Village Council did not support. Mr. Waechtler voiced concern about the proposal encroaching upon the beautiful residential neighborhood on the west side of Fairview. Chairman Jirik believed the proposal offered an opportunity for a diversity of housing which did not exist and was serving an unserved population which would be done in good taste. He believed the proposal was an asset.

WITH RESPECT TO FILE NO. PC-35-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL APPROVING THE PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO FAIRVIEW BAPTIST HOME PLANNED DEVELOPMENT #32 (AUXILIARY CAMPUS) AND REZONING OF THE SUBJECT PROPERTIES, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE FINAL PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY A.G. ARCHITECTURE DATED SEPTEMBER 10, 2007 AND THE PRELIMINARY LANDSCAPE PLANS PREPARED BY 3D DESIGN STUDIO DATED AUGUST 31,

2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

- 2. THE PETITIONER SHALL FILE A PETITION FOR A FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, PLATS OF EASEMENT, AND A PLAT OF VACATION FOR THE LYNN GREMER COURT RIGHT-OF-WAY NO LATER THAN ONE (1) YEAR AFTER VILLAGE COUNCIL APPROVAL IF SAID APPROVAL IS GRANTED. IF A PETITION IS NOT FILED WITHIN ONE (1) YEAR, ANY APPROVALS GAINED FROM THIS PETITION FOR A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT SHALL BE NULL AND VOID. THE BUILDING ELEVATIONS AND SITE PLAN SHALL SUBSTANTIALLY CONFORM TO ANY PLANS APPROVED BY THE VILLAGE COUNCIL AND PLAN COMMISSION.**
- 3. PRIOR TO THE PLAN COMMISSION CONSIDERATION OF THE FINAL PLANNED DEVELOPMENT AMENDMENT, THE FOLLOWING COMMENTS SHALL BE ADDRESSED:**
 - a. A REVISED STORMWATER GRADING PLAN SHALL BE PROVIDED THAT ADDRESSES STORMWATER CONVEYANCE FOR THE WESTERN PORTION OF GREEN ACRES SUBDIVISION.**
 - b. THE SITE SHALL PROVIDE FOR OVERLAND FLOW ROUTES FROM DAVANE LANE THROUGH THE SITE AND ACROSS FAIRVIEW AVENUE WITHOUT NEGATIVE IMPACTS TO THE SITE OR FAIRVIEW AVENUE.**
 - c. BEST MANAGEMENT PRACTICES FOR STORMWATER QUALITY SHALL BE IMPLEMENTED ON THE SITE.**
 - d. ALL EXECUTED UTILITY EASEMENTS SHALL BE ABROGATED, AND NEW EASEMENTS SHALL BE PROVIDED OVER ALL RELOCATED UTILITIES, STORMWATER FACILITIES AND OVERLAND FLOW ROUTES.**
 - e. THE VILLAGE SHALL ASSUME OWNERSHIP OF THE WATER MAIN AND WATER APPURTENANCES. AS SUCH, EASEMENTS SHALL BE PROVIDED OVER ALL WATER MAIN PIPES, VALVES, FIRE HYDRANTS AND ALL OTHER WATER APPURTENANCES.**
 - f. A TRAFFIC STUDY SHALL BE COMPLETED FOR THE SITE. THE STUDY SHALL DETAIL THE IMPACT OF THE DEVELOPMENT ON THE SURROUNDING ROAD NETWORK AND ASSESS THE PROXIMITY BETWEEN THE TWO PROPOSED CURB CUTS ONTO FAIRVIEW AVENUE.**
 - g. A PHOTOMETRIC PLAN SHALL BE SUBMITTED.**
- 4. THE EXISTING LYNN GREMER COURT RIGHT-OF-WAY SHALL BE VACATED.**
- 5. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.**
- 6. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL DETECTION**

SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.

- 7. A FIRE HYDRANT SHALL BE LOCATED WITHIN 100 FEET OF EACH PROPOSED AND EXISTING BUILDING'S FIRE DEPARTMENT CONNECTION.**
- 8. EACH PROPOSED APARTMENT BUILDING SHALL HAVE ONE MAIN ELECTRICAL DISCONNECT OR A SHUNT TRIP SYSTEM THAT CUTS POWER TO THE ENTIRE BUILDING.**
- 9. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS FOR THE AUXILIARY CAMPUS DEVELOPMENT, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$90,837.34 AS SCHOOL AND PARK DONATIONS (\$63,691.89 TO DOWNERS GROVE PARK DISTRICT, \$20,932.49 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$6,212.96 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

AYE: MR. BEGGS, MR. MATEJCZYK, MR. COZZO, MR. QUIRK, MRS. RABATAH, CHAIRMAN JIRIK

NAY: MRS. HAMERNIK, MR. WAECHTLER

MOTION CARRIED. VOTE: 6-2

Mrs. Hamernik voted Nay because she did not believe the proposal was consistent with the west side of Fairview even though she saw the benefits of the proposal. Mr. Waechtler liked the main campus proposal but voted Nay because he did not feel the auxiliary campus was right for the area, even though it was a wonderful project.

The Commission was informed the next meeting is scheduled for October 22, 2007. Mr. O'Brien stated the parking regulations reviewed earlier this year were adopted. The Chairman thanked the Commissioners and staff for their efforts on the projects. Mr. Waechtler asked if there would be a joint meeting with the Village Council in the near future. The Chairman would follow up with a letter.

MR. WAECHTLER MOVED TO ADJOURN THE MEETING. MRS. RABATAH SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 11:40 P.M.

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

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 26, 2007

Call to Order

Chairman White called the meeting to order at 7:30 PM.

Roll Call

Present: Mr. Benes, Mr. Domijan, Ms. Earl, Mr. LaMantia, Ms. Majauskas,
Chairman White

Absent: None

A quorum was established.

Staff: Jeff O'Brien, Stan Popovich, Damir Latinovic

Minutes

Mr. Benes moved to approve the minutes of the July 25th Zoning Board of Appeals meeting as presented. Mr. Domijan seconded the Motion.

AYES: Mr. Benes, Mr. Domijan, Ms. Earl, Mr. LaMantia, Ms. Majauskas,
Chairman White

NAYS: None

The Motion passed 6:0

Meeting Procedures

Chairman White reviewed the procedures for the petitions, saying that the Board has the authority to either grant or deny variation petitions and the Board's decision is final. Chairman White asked Staff to verify that the required public notices were filed in a timely manner, and Mr. O'Brien confirmed that they were. Chairman White then explained the procedures to be followed during the meeting, and called upon anyone intending to speak to rise and be sworn in.

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FILE NO. ZBA-09-07 A petition seeking a signage variation for property located at the Northwestern corner of Ogden and Florence Avenues, commonly known as 310 Ogden Avenue, Downers Grove, IL (PIN 09-04-110-029, 0289, 027); Rod Mourad, Luxury Motors, Inc, Petitioner; Abbas Real Estate, LLC, Owner.

Chairman White asked if the petitioner is present.

Petitioners' Presentation

Mr. Eddie Hartsell of Express Signs, 212 Amendodge, Shorewood, IL, representative for the petitioner, presented the petition. Mr. Hartsell explained the request is to install new wall signage on the existing Luxury Motors building located at 310 Ogden Avenue. Currently there is existing wall signage on the east, south and west side of the building. The building has frontage along Florence Avenue to the east and along Ogden Avenue to the south. Mr. Hartsell stated the location of the building close to the Ogden Avenue right of way presents a hardship to the owner and he is, therefore, requesting relief from the Zoning Ordinance to install a new wall sign on the west side of the building where signage is not permitted.

Chairman White clarified the petitioner is not requesting a variation from the total sign surface area permitted on the property.

Mr. Benes asked for clarification on what existing wall signage will be removed and where new wall signage will be installed. Mr. Hartsell explained currently there are three wall signs on the building, one each on the east, west and south sides of the building. He said they would like to replace the existing signage on east and west side of the building only. No new signage is proposed on the south elevation due to low visibility.

Mr. Benes inquired if this signage was independent of the signage on the Bentley building and the buildings across the street. Mr. Hartsell explained there was no signage on the buildings across the street, and staff clarified the Bentley building has a separate sign calculation.

Ms. Majauskas asked if the total area of new signage will be within the maximum permitted for this property, and Mr. Hartsell confirmed stating it will be less than what is currently on the property.

Ms. Earl asked if there is a monument sign proposed for the property and Mr. Hartsell explained there is not.

There being no further questions from the Board, Chairman White called upon Staff to make its presentation.

Staff's Presentation

Jeff O'Brien explained the requested sign variation for the site. Per the Sign Ordinance, wall signs are permitted only on building facades fronting public right-of-ways. As the property has frontage on Florence Avenue to the east and Ogden Avenue to the south, a new wall sign may be installed only on the east and south sides of the building. The petitioner is proposing to install signage also on the west side of the building. Mr. O'Brien stated the location of the existing building 16 feet from the south property line presents a physical hardship on the property owner. The close proximity of the building to Ogden Avenue limits the visibility of a wall sign on the south elevation of the building.

Mr. O'Brien stated no monument sign is being proposed as the location of the existing building would obstruct the view of the monument sign to motorists traveling on Ogden Avenue. If the

monument sign was installed east of the existing building, the building would obstruct the view to motorists traveling east bound. If the monument sign was installed west of the existing building, the building would obstruct the view to motorists traveling westbound. Mr. O'Brien stated the property is permitted to have 218 square feet of signage, and the overall sign surface area will be required to comply with the Zoning Ordinance. Mr. O'Brien stated staff believes the location of the existing building presents a physical hardship on the property and therefore recommends approval of the request subject to conditions outlined in the staff report.

Ms. Majauskas asked if the petitioner could still install a monument sign with the remaining 27 square feet after all proposed wall signage is installed. Mr. O'Brien stated they could.

Mr. Domijan asked for clarification on neon tubing permitted on the new sign. Mr. O'Brien explained the Sign Ordinance does not permit neon light tube to be exposed as part of the wall sign. The proposed signs will include an enclosure around the light tube which will illuminate the individual letters and logo lines.

Mr. Benes clarified the requested variation is for the placement of a sign on the east façade, not an increase in sign surface area. Mr. O'Brien concurred.

Chairman White followed by opening the floor to public comments. Chairman White asked if the petitioner wished to make a closing statement and he declined. There being no public comment, Chairman White close the public participation portion of the hearing.

Board deliberation

Mr. Domijan noted the proposal would actually reduce the total signage on the building, and the quality of the signs would be better.

Ms. Majauskas pointed out while the petitioner is asking to place a sign on the west side of the building, he is not asking for a variation from the maximum permitted sign surface area on the property. In addition, there is already an existing sign on the west side of the building.

Mr. Benes stated the petitioner is improving the existing situation on the property as they are removing an existing sign on the south façade, and the overall sign surface area on the property would be less than what currently exists.

Ms. Majauskas inquired if a sign variation were granted would those signs be required to become compliant with the Sign Ordinance at the end of the amortization period. Mr. O'Brien stated signs granted through the variation process will not need to be changed as part of the amortization period.

Chairman White noted the sign size is compliant, and the only difference is the location of the sign. He asked if the existing building were to be torn down, would the sign variance be null and void. Mr. O'Brien stated the variation runs with the land, and if the building were torn down and a new building constructed, the new building would be allowed a wall sign equal in size to the proposed variance on the west façade.

Mr. Benes moved that in the case ZBA 09-07, the Zoning Board of Appeals grant the requested variation petition with the following conditions:

1. The proposed sign shall substantially conform to the sign drawings dated May 4, 2007 and plat of survey attached to this report dated September 26, 2007 except as such plans may be changed to conform to Village codes, ordinances, and policies.
2. The overall sign area on the property shall not exceed 218 square feet.
3. The petitioner shall obtain a permit prior to installing any new signs on the building.

Ms. Domijan seconded the Motion.

AYES: Mr. Benes, Mr. Domijan, Ms. Majauskas, Mr. LaMantia, Ms. Earl Ch. White

NAYS: None

The Motion passed 6:0.

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ZBA-14-07 A petition seeking sign variations: 1) exceed maximum allowable sign square footage; 2) allow more than one wall sign per frontage; 3) installation of a sign on a façade without frontage; 4) extend a wall sign more than 12 inches above the top of the wall for property located at the Southeast corner of Ogden & Woodward Avenues, commonly known as 1931 Ogden Avenue, Downers Grove, IL (PIN 09-06-303-001); Michelle Dzul, Warren Johnson Architects, Petitioner; Fred Iozzo, Owner

Petitioner’s Presentation

Mr. Mario Valentini, of 19 N Greeley Street Palatine, IL. presented the petition. He explained Dunkin’ Donuts is renovating the existing building located at 1931 Ogden Avenue which was previously occupied by Wendy’s restaurant. Mr. Valentini stated they are not making any significant improvements to the property only the renovation of the building. The improvements include exterior modifications and interior remodeling.

Mr. Valentini presented the board with a color display of the prototypical building that Dunkin’ Donuts had unveiled in March 2007. He stated the signs, color, and the exterior appearance are all very important to Dunkin’ Donuts. Mr. Valentini expressed the difficulty Dunkin’ Donuts was having in converting the former Wendy’s building to look like a typical Dunkin’ Donuts building. He stated you can drive by the empty building and everyone knows it is a Wendy’s. He stated the signs would help create the Dunkin’ Donuts brand.

He noted they are asking for many variations to ensure that motorists on Ogden Avenue can see the building before they pass it. He noted traffic studies determined the majority of people

would be traveling westbound on Ogden. It is very important that Dunkin' Donuts have signage on the East façade to catch that traffic since the monument sign may be too late.

Mr. Valentini noted he does not believe the coffee cup graphic on the west façade would qualify as a sign, since it is a wall graphic in-line with the colors, materials, and patterns located on the building's exterior.

Mr. Benes asked where in the suburbs another stand alone Dunkin' Donuts building is with this configuration. Mr. Valentini noted his firm is working on a few around the suburbs but that since this prototype was unveiled only earlier this year, there are not many out there yet. Mr. Benes asked if the Dunkin' Donuts further east on Ogden Avenue would be required to change their look. Mr. Valentini noted all Dunkin' Donuts must update their store every seven to ten years.

Ms. Earl stated she did not see any variations with regards to the remodeling, she only saw significant sign variation requests. She sees a large amount of signs but nothing really unique about the building or site. Mr. Valentini noted they are completing a drastic interior remodeling.

Chairman White noted without signage it would be difficult to convert the Wendy's building into a Dunkin' Donuts. He noted it was not in the ZBA's purview to determine what is considered a sign and what is not. Mr. Valentini noted they could remove the 'DD' from the coffee cup if that would assist staff in determining that the graphic is in fact not a sign.

Mr. LaMantia inquired whether the petitioner had looked at alternatives. Mr. Valentini stated they had but felt they needed as much signage as possible due to the site's location.

Staff's Presentation

Stan Popovich presented the staff report. Mr. Popovich noted and explained the four variations that were requested. The first is to provide signage above the maximum allowable sign surface square footage, the second is to place two signs on both the north and west elevation, the third variation is to place a sign on the east façade where no frontage exists, and the last variation is to allow two signs on the north and west façade to extend more than 12 inches above the vertical plane of the façade to which the signs are attached.

Mr. Popovich stated the Sign Ordinance states a sign is an object or device which is used to identify or attract attention to a business by means including words, figures, and designs. Therefore, staff considers the coffee cup on the west façade with a 'DD' to be a sign. Additionally, the coffee cup is prominently displayed within other Dunkin' Donuts signs located throughout the building.

Mr. Popovich reviewed each standard for granting a variance and noted the majority were not met as staff believes no physical hardship or practical difficulty exists which would lead to the granting of the four variances.

Chairman White followed by opening the floor to public comments. There being no public comment, he asked the petitioner if he wished to make any further statements.

Mr. Mark Hockenson representing Dunkin' Donuts Corporation stated how difficult it was to convert a Wendy's to a Dunkin' Donuts and how important it was for them to have signage. He noted he was doing some calculations during staff's presentation and would be willing to remove the coffee cup graphic on the west façade and the in-line cloud on the north façade. By removing these two signs, the petitioner would not need a size variation or the variation for two signs on a façade.

Mr. Hockenson stated it was important to have the west façade in-line cloud elevated so people would be able to see it. He clarified with the board that if that variance was not granted, a parapet wall could be constructed, and the sign attached to the parapet wall. Staff confirmed that would be allowable.

There being no further comment, Chairman White closed the public participation portion of the hearing.

Board Deliberation

Ms. Majauskas stated there was a good argument for the parapet variation. She is not comfortable with the east façade sign because there are no unique reasons.

Chairman White noted the previous petitioner had a hardship with the location of the building, but in this case that hardship does not exist.

Mr. Benes noted the petitioner has withdrawn variation requests 1 and 2. Mr. Domijan noted it may be time to provide some clarity and continue the case as he does not want to negotiate with the petitioner.

Mr. Benes moved that in the case ZBA 14-07, the Zoning Board of Appeals continue the petition to the October 24, 2007 ZBA meeting. Ms. Earl seconded the Motion.

AYES: Mr. Benes, Ms. Earl, Mr. Domijan, Ms. Majauskas, Mr. LaMantia, Ch. White

NAYS: None

The Motion passed 6:0.

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ZBA-15-07 A petition seeking a rear yard setback variation for a property located on the West side of Robey Avenue, east of McCollum Park, commonly known as 6890 Robey Avenue, Downers Grove, IL (PIN 09-20-310-024); Keith R. Dreuk, Seabreeze West Remodeling, Petitioner; Karen & Craig Kurey, Owners

Pettitioner's Presentation

Mr. Keith Druck, of 8821 Ramm Drive Naperville, IL. 60064, presented the petition. He presented the board with a signed petition from the neighbors who all are in support of the

proposed house addition. He pointed out the existing house is a split level home. The floor of the existing kitchen is five steps higher than the adjacent living room. Mr. Druck stated due to the small kitchen space and the change in level between the kitchen and adjacent living room, the kitchen is an inadequate and an unsafe place in which to eat and congregate. The kitchen layout and the location of the kitchen table is such that when the family congregates for meals the table chairs are dangerously close to falling off the edge of the kitchen floor and into the adjacent living room. In order to create a more safe and usable space in the kitchen, the family has decided to construct an addition in the rear yard and replace the existing deck and patio which would be demolished. Mr. Druck stated the proposed addition would extend approximately four feet past the existing deck and approximately six feet into the required rear yard setback.

Mr. Benes pointed out the property in question is a legal non-conforming lot with 6,500 square feet. A typical lot in the R-3 zoning district is 10,500 square feet. He also said there are similar size lots in other older parts of the Village, and those property owners have to also comply with the Zoning Ordinance.

Mr. Druck stated he is aware of other similar size lots in the Village. He stated the existing house layout is unsafe for practical use and is also located adjacent to the park. If the property was abutting another residential property to the west, they would not even be here because he believes the variation would not be appropriate in that case.

Ms. Earl stated she also lives in a split-level home whose layout also presents challenges. But she has learned to accept them and move on. She does not believe this is a unique case as there are hundreds of split-level homes in the Village.

Mr. Domijan asked for clarification on how much does the existing deck extend from the house and how far is it from the rear property line.

Mr. Druck said the deck is extending approximately ten feet from the house and is approximately 17 feet from the rear property line.

Staff's Presentation

Damir Latinovic presented the staff report. He stated the property is located on the west side of Robey Avenue and backs up to the O'Brien Park. He noted the property is located in the R-3 zoning district and has a 20 foot rear yard setback requirement. The existing house is located 27.66 feet from the rear property line and 9.42 feet from the south side property line. The proposed 14 x 21.5 foot addition would be constructed in line with the existing house 9.42 feet from the south property line, but 13.66 feet from the rear property line. He stated the addition would replace the existing deck and patio located approximately 17 feet from the rear property line, which are permitted to encroach into the required rear yard setback.

Mr. Latinovic stated there is no physical hardship or condition on the property which would prevent the petitioner from complying with all required setbacks. With the building located 27.66 feet from the rear property line and 13.66 feet from the south property line, there is adequate space on the property to redesign the addition to fully conform with the Zoning Ordinance. Mr. Latinovic stated if the variation were granted, it would be applicable to all lots in the area as they have similar dimensions and conditions. Staff believes there is no unique circumstance or

practical difficulty associated with this property which differentiates it from other lots in the area and requires placement of the addition as proposed.

Mr. Domijian was looking at the provided aerial and wondered if the house at 6900 Robey conformed to the setback as it appeared to be closer than 20 feet. Chairman White noted the angle the photo was taken at and stated it probably conformed due to the angle of the photo.

Chairman White opened the floor to public comments. There being none, he closed the public participation process.

Ch. White asked the petitioner for the closing statement.

Mr. Craig Kurey and Mrs. Karen Kurey, the property owners of 6890 Robey Avenue, expressed concern and surprise that there is a big deal about 6 or 7 foot setback variation when their back yard is adjacent to the park. Mrs. Kurey said all they are trying to do is make their kitchen more livable. If they constructed an addition to extend seven feet from the house which would comply with the required setback, the addition would not be big enough for a seating area. She stated the addition is not out of the character of the neighborhood. She asked staff to clarify the previously made statement that they could build the addition and comply with the required setbacks. Ms. Kurey also stated she does not believe the proposed addition would impair an adequate supply of light and air to adjacent properties.

Mr. Kurey stated the addition would allow them to use their house in a more enjoyable way as they have teenagers who need their space and when they have family members over during the holidays, their house is crowded without available space. He stated it would be a hardship to move within Downers Grove. Mr. Kurey noted the addition would enhance the neighborhood, and they checked with their neighbors who did not object to the addition. Mr. Kurey stated there have been other properties in the area that have received setback variations.

Mrs. Kurey stated she spoke with a person at the Park District who expressed no concerns over the proposed variation.

Board Deliberation

Mr. Domijian stated the property is a small lot that meets the lot coverage requirements. He sees the variation as only four feet further into the required yard from where the existing deck is located. He does not believe it is a huge variation and is in favor of the variation.

Mr. Benes clarified that the petitioner is still in compliance with the maximum permitted lot coverage on the property despite the smaller than typical lot.

Ms. Majauskas stated she is on the border. She notes the 20 foot buffer is for people to enjoy the park as well. She does not believe park users should see a building right next to the park. She believes it is unfortunate the lot is small.

Mr. Domijian and Mr. Benes indicated the house would not exceed lot coverage.

Mr. Latinovic clarified the addition could be redesigned to comply with the Zoning Ordinance. He stated the petitioner is not requesting a lot coverage variation. He noted staff considers the future improvements.

Ms. Earl believes granting the variation could lead to many people asking for similar variations.

Chairman White noted the design of subdivisions may lead to difficulties in complying with the Zoning Ordinance, but the petitioner could go towards the street. Ms. Majauskas agreed stating she sees potential and other options could take place.

Mr. Domijian stated the addition would not exceed lot coverage requirements and would provide maximum ability to use the house and property.

Mr. Benes noted older homes have setback issues, and the lot is unique in the fact that it backs up to a park and that variances like these have been granted in the past. Ms. Majauskas had no problem with expanding the house but not into the required setback.

Ms. Earl doesn't believe the petition is unique. The petitioner can do improvements to their house, but they may not always be allowed to improve their property to the extent to which they would like. She asked if they could request a smaller variation if this variation were denied. Mr. O'Brien stated it would be at the discretion of the Community Development Director.

Mr. Domijian moved that in the case ZBA 15-07, the Zoning Board of Appeals grant the requested variation petition with the following condition:

- 1. The proposed addition shall substantially conform to the architectural plans, prepared by Seabreeze West Remodeling, Inc. dated July 29, 2007 and Plat of Survey attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.**

Ms. Benes seconded and amended the Motion by adding the following condition:

- 1. If the existing building and the proposed addition are demolished by any means, the structure must be reconstructed in full compliance with the Zoning Ordinance.**

Mr. Domijan accepted the amendment.

AYES: Mr. Domijan, Mr. Benes, Ch. White

NAYS: Ms. Earl, Ms. Majauskas, Mr. LaMantia,

The Motion failed 3:3.

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Chairman White asked staff about next month's agenda. Mr. O'Brien noted there will be four petitions, including the one that was continued at tonight's meeting.

Mr. O'Brien presented a memorandum from staff regarding Illinois State law regarding zoning variations. He explained the memo outlines case law and the enabling legislation for variations. Mr. O'Brien noted the ZBA should review the memo and refer questions to staff.

There being no further discussion, Chairman White adjourned the meeting at 8:45 PM.

Respectfully submitted,

Damir Latinovic
Planner