

VILLAGE OF DOWNERS GROVE
Human Service Commission
Minutes
October 3, 2007

Commission Members Present: Chairman, Jeff Rogers, Members: Scott Jacaway, Lynn Bedalov, Lisa Stach, Catherine Rivera and Diane Johnson

Members Absent: Theresa Carlquist

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

- I. Roll Call:** The meeting was called to order at 6:42pm. A quorum was obtained.
- II. Public Comment:** No public comments were made.
- III. Approval of Minutes:** Ms. Lisa Stach made a motion to approve the minutes, with corrections noted, from the September meeting. Ms. Catherine Rivera seconded the motion which was passed unanimously.
- IV. Discussion:**

Catherine Rivera stated the cardiac screening (noted in the September minutes) for students was also made possible with the support of the Parent's Club along with the Physical Ed. staff who coordinated the event.

The commission members discussed the issue of a community space where youth could socialize. They noted the unique layout and limited size of the downtown area was different from other neighboring communities that have a lot of area for youth to congregate. Further discussions included the cost of real estate being prohibitive for establishing a facility to serve as a youth center as in other cities around the country. The idea of the freedom to move around and not be relegated to one facility was also noted as a possible attraction for the youth who use the downtown area as a social setting. It was also noted that the Fishel Park, located near the down town is governed by the Park District which determines its closure time for outdoor parks at dusk.

Continuing with the theme of opportunities and activities for youth, the commission also discussed the potential for working with the downtown businesses to promote special discounts or shopping nights for youth, similar to the ones held for female shoppers during the holiday season. A couple of examples of special downtown events for youth included movie releases and book releases like the *Batman* and *Harry Potter* events coinciding with their releases. Feedback from other commission members noted that most of the downtown stores close at 6:00pm and it limits how many teens could have the opportunity to shop. Others wondered if businesses viewed youth as customers that actually spend money at their shops.

The issue of special downtown shopping events raised the idea of similar events for seniors and then to a discussion of the transportation opportunities and limitations for seniors.

In addition to the transportation needs for seniors and handicapped individuals, the commission also suggested the Village look into a 311 phone service patterned after other communities like Chicago and a welcoming group or program to greet new residents and provide an orientation to their new community.

Additional topics of discussion included medical equipment loans, coordination of information on community resources and initiatives and volunteer opportunities for teenagers.

The Commission decided to move forward with the 311 phone line initiative and the alternative transportation options for seniors and handicapped individuals, recommending staff to seek further direction from Council.

Adjournment: The meeting closed at 8:14pm

Submitted by: Andrew J. Matejcek, Staff Liaison

VILLAGE OF DOWNERS GROVE
Human Service Commission
Minutes
November 7, 2007

Commission Members Present: Chairman, Jeff Rogers, and Members: Catherine Rivera, Kathryn Engel-Accettura, Diane Johnson, and Scott Jacaway

Members Absent: Dave Dahm, Lisa Stach, Lynn Bedalov, and Theresa Carlquist

Guest: Cara Pavlicek, Village Manager

Staff Liaison: Andrew J. Matejcek

Director, Counseling and Social Services

I. Roll Call: The meeting was called to order at 6:41pm. A quorum was obtained; however it included one, non-voting, ex-officio member.

II. Public Comment: No public comments were made.

III. Discussion:

Village Manager, Pavlicek introduced herself to the members of the commission and gave a general discussion of the roles of some of the boards and commissions and the unique role of the Human Services Commission. The commission discussed the various items they were addressing and the usefulness of a survey from residents to assist in identifying the needs and concerns of citizens.

Manager Pavlicek reported it was the desire of the Village Council to host a TCD 3 (Total Community Development) with a survey component in the next six months. Discussions followed with the possibility of including questions that the commission might want to include. Further discussions led to the possibility of a separate questionnaire with issues related to transportation and senior services, among others, through the use of surveying tools that can be added to the Village website. It was noted that these could be timed with the Village's quarterly newsletter going out to all residents and the e-newsletter going out to subscribers. Additional survey promoting venues included at the senior residences when taxi coupons are sold and through messages on the water bills.

The commission also raised questions about the role of the commission itself. Manager Pavlicek discussed the role of making recommendations to Council and addressed some of the issues related to public notifications for meetings and how some boards and commissions have independent authority. Manager Pavlicek also addressed the value in having a commission such as the Human Services Commission, in part to address problems as they arise.

Staff also provided follow up from the previous meeting's question about a 311 non-emergency number. Typically, such a number is utilized by larger municipalities with populations of 200,000 or more as a cost savings measure to reduce the load on 911 centers. The Village will be utilizing a new module of the Eden's software to track customer service requests and measure areas of service. The commission also noted that the Village might want to look at helping residents know where to call for what type of issues, such as power outages, storm water, road hazards, etc. and who the responsible parties are, as well as emergency and non-emergency numbers.

Staff Liaison Matejcak also addressed a value in the commission looking into a variety of issues and could produce a summary report for Council to inform them of the types of issues the HSC has addressed and their related findings. The 2007 Senior Resource Guide will be presented to the commission at the next meeting for review and suggestions for modifications.

- IV. Approval of Minutes:** Minutes for the September and October meetings could not be approved due to having only 4 voting members within the present quorum.

Adjournment: The meeting closed at 8:01pm

Submitted by: Andrew J. Matejcak, Staff Liaison

PARKING & TRAFFIC COMMISSION

Minutes of Public Hearing

November 14, 2007

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove

Chairman Johnson called the November 14, 2007 meeting of the Parking and Traffic Commission to order at 7:00 p.m. Roll call followed and a quorum was established.

ROLL CALL:

Present: Chairman Johnson, Commissioners Kren, Stapleton, Thurston, Wendt

Absent: Commissioners Carlquist and Yeksigian

Staff Present: Asst. Public Works Dir. Mike Millette; Traffic Manager Dorin Fera; Staff Engineer Lou Dominguez; Police Lieutenant Jim Nehls; and Recording Secretary Megan Dugard

Visitors: David Ayres, 6708 Meadowcrest; Kathleen Ayres, 6708 Meadowcrest; Robert Hill, 6730 Meadowcrest; Shirley Hill, 6730 Meadowcrest; Sara Swieca, 6701 Fairmount; Christopher Swieca, 6701 Fairmount

Chairman Johnson informed the commissioners and the public the meeting was being recorded on Village owned equipment to aid in the preparation of the meeting minutes.

APPROVAL OF THE OCTOBER 10, 2007 MINUTES

COMMISSIONER WENDT MADE A MOTION TO APPROVE THE OCTOBER 10, 2007 MINUTES, SECONDED BY COMMISSIONER THURSTON. MOTION CARRIED BY VOICE VOTE OF 5-0.

File # 28-07 - Meadowcrest Drive and Fairmount Avenue - Intersection Control Review

Chairman Johnson reported a neighborhood request has been made to install some form of traffic control device at the corner of Fairmount and Meadowcrest Drive. He referenced staff's report with vehicle and speed information, etc. for the commissioners to review.

Chairman Johnson opened up the meeting to public comment.

Mr. David Ayres, 6708 Meadowcrest, lives on the cul-de-sac and stated it took a few years to realize how dangerous the intersection was, citing a crash that took place some years ago. He noted speeding takes place on Fairmount. He believed some form of intersection control was necessary.

Ms. Kathleen Ayres, 6708 Meadowcrest, stated she has personally heard three crashes while in her home office.

Chairman Johnson noted that staff referenced one vehicle accident in November 2005 which was reported.

Mr. Christopher Swieca, 6701 Fairmount, resides approximately 100 feet from where the sign is being proposed. Last year, he called in a traffic accident that occurred in the area and recalled in the last 10 years there were three vehicular deaths on Fairmount. He noted there was not another stop or break in traffic on Fairmount after the four-way stop at Claremont and

Fairmount until one reaches Main Street. He discussed the parks and schools that are along that route and the fact that the vehicles tend to increase their speed to Main Street. The area was dangerous more so than stated in staff's report. He did call in an accident yesterday and asked that staff research the record again to ensure the vehicular accident statistics are correct before a recommendation is made. He was fine with the proposed yield sign but believed more control was necessary.

Furthermore, **Mr. Swieca** asked questions on when the field observations took place, wherein **Mr. Fera** indicated observations can take place in twenty-four or forty-eight hour periods depending on the location. **Mr. Swieca** said high school traffic cuts through the area and he asked staff to revisit the idea of installing a stop sign along the long stretch of roadway.

Mr. Robert Hill, 6730 Meadowcrest Drive, said he started the neighborhood petition. He stated he was motivated to start the petition due to two near-misses when he was approaching the intersection. He believed controlling the intersection was an oversight by the village when the subdivision was initially planned. He stated that non-residents do not realize the rush of activity that takes place at the intersection. Another area of concern was the intersection of Valley View and Lyman. He suggested that staff review that intersection.

Chairman Johnson reiterated that the Commission and village do rely on resident input. However, he also addressed staff's report in that not enough traffic volume warranted a stop sign. Details followed on the standards that staff follows to determine when stop signs and yield signs are to be used. He also noted Fairmount Avenue is a designated Collector street.

Mr. Wendt inquired about a Collector street study done for Claremont Drive and its status, wherein the **Chairman Johnson** believed it was on a future agenda. **Mr. Millette** reported the matter has been held off somewhat but would likely be on the February, 2008 Commission agenda.

Mr. Fera stated the request to designate "No Outlet" signs for Meadowcrest Court was a staff action and did not need to go before the Village Council. Per a question, such signs are not routinely installed unless there are concerns raised by the residents. As to the number of accidents reported, **Mr. Fera** would follow up again.

MR. KREN MADE A MOTION THAT THE PARKING AND TRAFFIC COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO UPGRADE THE INTERSECTION CONTROL FROM NO CONTROL TO A YIELD CONTROL AT THE FAIRMOUNT AVENUE AND MEADOWCREST DRIVE/COURT WITH APPROPRIATE SIGNAGE TO REGULATE THE EAST/WEST TRAFFIC ON MEADOWCREST DRIVE AND MEADOWCREST COURT.

SECONDED BY MR. THURSTON.

ROLL CALL:

AYE: MR. KREN, MR. THURSTON, MR. STAPLETON, MR. WENDT, CHAIRMAN JOHNSON

NAY: NONE

MOTION CARRIED. VOTE: 5-0

The chairman asked staff to review the Lyman and Valley View intersection. Per a question, **Mr. Fera** staff confirmed there are speed limit signs in the vicinity of El Sierra elementary school.

Dialogue followed regarding residents near 62nd and Leonard Street putting a petition together on their concerns about a planned development at 63rd Street. Staff is not certain at this time whether any traffic control is warranted for this new development. **Lt. Nehls** said he received an accident request from the developer.

The loading zone request for Rogers Street was discussed. Regarding the upcoming Lot R modifications within the Parking Deck, **Mr. Millette** stated that Downtown Management needs to review and concur proposed signage modifications. A general dialogue was raised by **Chairman Johnson** regarding employees of the Village's Post Office parking on Saturdays in the Central Business District and leaving no room for shoppers. He believed better communication was needed to convey to those employees that parking can take place in the Parking Deck for free.

Mr. Kren asked staff to consider creating handicap parking at the east end of the Village Post Office.

An update was provided by **Mr. Millette** regarding the Belmont underpass. Specifically, two action items were approved at the recent Village Council workshop: 1) to rezone the west side of Belmont Road, south of Haddow Ave from residential use to business use; and 2) to allow special use for a parking lot and to consolidate the individual lots into a single lots. Also, there was concern from the public about traffic signals causing cut-through traffic on Haddow Ave and funding for the project. Staff has alerted the county of the issues. **Mr. Millette** provided further details.

Mr. Wendt discussed some of the traffic difficulties resulting from the staging and lane closures that were taking place in the morning on northbound Belmont Avenue. While the DuPage County DOT alleviated the issue, he wanted to ensure the village was made aware of the matter for safety purposes. **Mr. Millette** responded that staff was aware of the matter.

OLD BUSINESS - None

COMMUNICATIONS

Chairman Johnson noted the following e-mails were received on the Meadowcrest matter: Ms. Jane Lee, 6730 Fairmont; Mr. Tom Wivinis, 6736 Meadowcrest Drive; Mr. and Mrs. Mark, 6726 Meadowcrest Drive; and a handwritten letter from Mrs. Marilyn Presliska.

ADJOURN

MR. KREN MOVED TO ADJOURN THE MEETING. MR. WENDT SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 7:50 P.M.

Respectfully submitted,

Celeste Weilandt,
Recording Secretary

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, NOVEMBER 5, 2007, 7:00 P.M.

Chairman Jirik called the November 5, 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, Mr. Matejczyk, Mr. Quirk, Mr. Waechtler

ABSENT: Mrs. Hamernik, Mrs. Rabatah Mr. Webster

STAFF PRESENT: Mr. Jeff O'Brien, Senior Planner; Mr. Michael Millette, Assistant Public Works Director/Engineering

VISITORS: Mark Toman, 1109 61st Street, Downers Grove; *Philip Barr, 4605 Puffer Road, Downers Grove; *Bob Long, 1864 Grant Street, Downers Grove; Peter Healey, 1848 Grant Street, Downers Grove; Cynthia Obuch, 4520 Stonewall Avenue, Downers Grove; John* & Joan Georgas, 4455 Stonewall Avenue, Downers Grove; Ernest & Donna Anderson, 1723 Janet, Downers Grove; Barb Carraro, 4837 Lee Avenue, Downers Grove; Michael Shea, 4512 Cornell Avenue, Downers Grove; Donald Young, 4513 Cornell Avenue, Downers Grove; *Wesley Jaros, 1113 Black Oak, Downers Grove; *Anita & Paul Jencks, 4306 Cornell Avenue, Downers Grove; Frank & Marilyn Nachman, 1817 Grant Street, Downers Grove; Marguerite Thonn, 4734 Lee Avenue, Downers Grove; Sylvia Birks, 4718 Lee Avenue, Downers Grove; Julie Isenberger, 4705 Lee Avenue, Downers Grove; Mr. & Mrs.* Robert Price, 4439 Stonewall Avenue, Downers Grove; Mr. & Mrs. June Reed, 4640 Lee Avenue, Downers Grove; Todd Williams, 4525 Lee Avenue, Downers Grove; *Andy Tecson, 4700 Lee Avenue, Downers Grove; Mr. & Mrs.* Richard Krouse, 4720 Lee Avenue, Downers Grove; Mr. & Mrs. Daniel Biederman, 4724 Lee Avenue, Downers Grove; Omar Dweydari, 1723 Ogden Avenue, Downers Grove; Gary Jacklin, 1836 Grant Street, Downers Grove; *Bill Wrobel, 7800 Queens Court, Downers Grove; Jim & Judy McAnally, 4733 Lee Avenue, Downers Grove; John Porcelli, 4530 Lee Avenue, Downers Grove; Chris Goray, 4709 Lee Avenue, Downers Grove; *Renee Wilhelm & Steve Wilhelm, 4713 Lee Avenue, Downers Grove; *Kent Conness, 1846 Grant Street, Downers Grove; *Luey Aboona, KLOA, Inc., 9575 W. Higgins Road, Rosemont; *Nate Wynsma, Remington Homes, LLC, 450 River Road, Elgin; *Nate Bryant, Bradford Real Estate, 10 S. Wacker Drive, Chicago; Fred Thaete, Manhard Consulting, 2050-50 Finley Road, Lombard; Adam Reinke, Manhard Consulting, 2050-50 Finley Road, Lombard; Ms. Hope Whitfield, Schain, Burney, Ross & Citron, 222 N. LaSalle St., Chicago; Bernard Citron, Schain, Burney, Ross & Citron, 222 N. LaSalle St., Chicago; Chris Stair, ACOI, Inc., 1200 N. Kirk Road, Batavia; Jay Eck, BPC; Tamara Flagg, McDonald's, 4320 Winfield Road, #400, Naperville; Rick Dolan, McDonald's, 4320 Winfield Road, #400, Naperville; *Tom Drexler, 4513 Stonewall Avenue, Downers Grove; *Tom & Michelle Drennan, 4501 Cornell Avenue, Downers Grove; Brooks Boyer, 4505 Lee Avenue, Downers Grove; Jim Murray, 1752 Chicago Avenue, Downers Grove; *John Klasing, 4716 Northcott, Downers Grove; *Ann Marie & Mark Peters, 1756 Chicago Avenue, Downers Grove; Marilyn Schnell, 1240 39th Street, Downers

Grove; Joel Andersen, 4500 Downers Drive, Downers Grove; Keith Post, 4516 Lee Avenue, Downers Grove; Roberta* & Skip Muehlhaus, 1868 Grant Street, Downers Grove; Chris Hester, 1860 Grant Street, Downers Grove; Dan* & Marie Dreiser, 4624 Lee Avenue, Downers Grove; Michelle Topping, 4716 Lee Avenue, Downers Grove; Bob & Susan Frank, 4501 Stonewall Avenue, Downers Grove; *Frank Falesch, 820 Prairie Avenue, Downers Grove; Sue Decker, 1864 Grant Street, Downers Grove; John Porcolli, 4530 Lee Avenue, Downers Grove; Randall Stella, 4524 Cornell Avenue, Downers Grove; June Reed, 4640 Lee Avenue, Downers Grove; Kevin Nystedt, 4500 Lee Avenue, Downers Grove; Greg Bedalov, 4840 Seeley Avenue, Downers Grove; John Schofield, 1125 Jefferson Avenue, Downers Grove; Renee Gibbon, 4607 Lee Avenue, Downers Grove; Bob Van De Velde, 4448 Lee Avenue, Downers Grove; Leonard & Virginia Johnson, 4509 Lee Avenue, Downers Grove

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

Minutes of the October 22 2007 - Minutes of October 22, 2007 Plan Commission meeting were approved on motion by Mr. Matejczyk, seconded by Mr. Cozzo. Motion carried. Vote: 6-0.

Chairman Jirik proceeded to explain the protocol for the meeting.

FILE NO. PC-37-07 A petition seeking 1) Final Planned Development Approval with an Exceptional Use; 2) Special Use; 3) Final Plat of Subdivision approval for development of the property with commercial and townhouse uses; for properties located on the South side of Ogden Avenue, at the intersection of Lee and Ogden Avenues, Downers Grove, IL (PIN's 09-06-304-013,-014,-015,-016,-017, 09-06-304-029,-030, 09-06-304-033,-034,-035,-036, 09-06-304-040,-041);Bradford Ogden Lee, LLC, Petitioner; Kevin M. & Sandra A. Harynik, Owners; Elmhurst National Bank as Trustee Trust No. 1108, Owner; Aldi, Inc., Owner; Richard W. & Marilyn G. Kus; Owners; Vernon T. Langley, Jr., Owner; Sterling Group, Ltd., Owner; Downers Grove National Bank as Trustee Trust 72-23, Owner; FNBW Bank as Trustee Trust 1431, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-37-07.

Mr. Jeff O'Brien, Senior Planner explained the petitioner is proposing to redevelop the 18.5-acre property at the southwest corner of Ogden Avenue and Lee Avenue. The proposed redevelopment includes three different zoning classifications; specifically, B-3 zoning on the northern portion of the site, R-1 zoning on the eastern portion of the site and R-3 at the western and southern portions of the site. The project will consist of a multi-use development with commercial uses located on the north side of the development adjacent to Ogden Avenue and townhomes on the southern portion of the site. The petitioner is requesting a planned development with exceptional uses for the townhomes, special uses for the drive-through uses, and a plat of subdivision. The commercial uses include a new grocery store, a fast-food restaurant with a drive-through, a multi-tenant retail building with a drive-through and two out lots. Ninety-nine market-rate townhomes in units of four, five and six unit buildings are proposed for the site. Mr. O'Brien referenced the site on the Village's Future Land Use Map. The site is an important part of the Ogden Avenue Master Plan.

Site constraints include existing wetlands and localized poor drainage areas ("LPDA"). Since the site was formerly used as an automobile salvage yard, some environmental contamination exists

(primarily heavy metals) on the site. The plat of subdivision reflects eight new lots, as pointed out on the map.

Special uses are being requested for the drive-throughs on Lots 4 and 5, and staff is recommending an expedited plan for those lots to be ready for Village Council review before final approval is granted. An Aldi Food Store is proposed for Lot 1, a McDonald's on Lot 2 and a multi-tenant retail building on Lot 3. The townhomes will be contained in eighteen (18) buildings and include two-car garages. On-street guest parking is proposed and exceeds the Village's parking requirements. A recreational lot and bike/walking/emergency access path is proposed and will be maintained by the homeowner's association. Staff recommends that the Village Council review and approve the homeowner's association documents before any permits are issued for the townhomes.

A review of the bulk variances being requested followed. Mr. O'Brien indicated several internal setback variations for Lot 1 are being requested. As well as shared parking for the commercial lots. He noted the development would meet the setbacks as they relate to the neighboring properties.

Mr. O'Brien reviewed the four access points to the public roads. Per Mr. O'Brien, prior to the Council reviewing the proposal staff is requesting a sight distance review of the full access to Ogden Avenue be completed. Two access points are proposed from Lee Avenue; details and staff conditions followed. Improvements are also proposed for Lee Avenue. At the intersection of Ogden and Lee, staff is proposing a traffic signal due to the increased traffic from the development. An emergency access point will be added to Grant Street to allow for access to the southern portion of the site. Staff will require a plan and details of how the path will be engineered to support fire apparatus and how it will connect to the paved section of Grant Street.

Staff is seeking direction from the Plan Commission and Village Council to review traffic calming measures. In addition, two neighborhood meetings were held on May 17, 2007 and last Monday night, October 29, 2007. In response to a question about the schools, Mr. O'Brien clarified the children from the development will attend Puffer Elementary from grades K to sixth; Herrick Middle School for 7th and 8th grade and Downers Grove North High School.

Mr. O'Brien referenced e-mails received from neighbors, which were on the dais, and which pertained to concerns of increased traffic on Lee Street, stormwater management facilities, and the change in land use for the townhomes. The Village is still reviewing the engineering for the site, and staff is trying to adjust further refinements and would like to physically separate the detention facilities from the wetland and LPDA.

Per a question to Mr. Millette, Assistant Director of Public Works, he explained the drainage for the site would drain in the detention area located in the center of the site. A secondary discharge will also take place. Mr. Millette confirmed that staff did receive a slightly revised plan relating to the above-mentioned pond to be physically separated from the wetlands. A secondary concern raised was that water was feeding the wetland, and the overflow had to be maintained. Mr. Millette explained a low flow pipe will carry water to feed the wetland, and another area was being considered. Mr. Millette was satisfied with the resubmitted plans.

As to flooding concerns on north Lee Avenue, Mr. Millette stated the water surface currently existing would lower the height of the ponds depending upon the slope of the road. Mr. Matejczyk questioned whether it would be wise to raise that portion of Lee Avenue. Mr. Millette would have

to consider the suggestion seriously. Regarding the sanitary sewer being brought down from Lacey Road, Mr. Millette was comfortable with the proposal from the Sanitary District.

Mr. Waechtler confirmed with staff that the land trust disclosures were accurate. Asked if the owners of the units will be able to sublease, Mr. O'Brien confirmed language regarding same will be part of the homeowner's association, but staff has requested there be a restriction on the percentage or number of rental units. Per another question, visitor parking spaces included 20 spaces. Due to sight distance concerns on Ogden Avenue, staff has recommended that a sight distance analysis be performed. Mr. Waechtler also suggested the Village staff install "Blind Hill" signage to warn motorists of the upcoming access driveways. Mr. Matejczyk strongly encouraged staff to review the matter again. If there were an actual concern, staff would look to the traffic analysis as well as the State to look at their recommendations.

As to installing a traffic signal on Lee Avenue, Mr. Matejczyk believed it would draw more traffic heading west. He did not believe the traffic engineers considered those. Per Mr. O'Brien, staff has requested an additional traffic analysis be done to and from the south and its impact to the site. Mr. O'Brien indicated that no traffic calming solutions have been proposed, and staff was reviewing the matter internally and intends to have measures installed on Lee Avenue to address the increased traffic. A traffic calming policy was being reviewed, and staff was open to solutions. The developer has been asked to provide an analysis of the area with the Belmont underpass being taken into consideration. Mr. O'Brien stated that 40 trips would be taken during the peak morning hours, while 30 of those trips would occur during peak evening hours. Dialog followed on the design and function of Lee Avenue; i.e., designated as a local street but is acting as a collector street.

Mr. O'Brien confirmed that permitting and such has begun as it relates to the wetlands. Staff has contacted the Army Corp of Engineers. Mr. Beggs voiced concern over the length of time some of the environmental issues take. Mr. O'Brien reiterated the developer was not impacting the wetland, and it was the developer's obligation to meet the Village, County and Federal requirements. He noted if the petitioner could not build the plan in substantial compliance with what is approved by the Plan Commission and Village Council, the petitioner would have to go back through the Village's planning process. With regard to the contamination of soil, the Illinois Environmental Protection Agency will be responsible for oversight of the site. The Village is contributing about \$1,000,000 from the TIF district to the project, which is listed in the Redevelopment Agreement.

Staff referenced there is a preliminary landscape plan, and the developer has been asked to provide better detail of the Grant Street landscaping. No specific details were available at the time. Regarding the walking path, staff has recommended a wider asphalt path with an engineered surface on the outside widths of the path to support emergency vehicles.

Per Mr. Cozzo's question, staff is recommending the northern drive to Lot 5 on Lee Street be relocated to line up with the commercial driveway on the east side of Lee Avenue. In addition, staff is recommending the drive be modified to allow in-bound only movements to avoid conflicts with the traffic waiting in the queue for the proposed signal. Staff was not sure how far the turn bay would be positioned since making a left-turn movement could be difficult.

As to expediting the plans for Lots 4 and 5 prior to Council review, Chairman Jirik confirmed with staff it would establish similar details to Lots 1, 2, and 3 and should any plans change, they would return to the Plan Commission for review. Regarding traffic calming suggestions, Mr. O'Brien was

looking for solutions on Lee Avenue south of the access boulevard. He reviewed some of the issues the site presented.

As to limiting the commercial truck access, staff did not review the peak hour turn movements but was more concerned about turning movements out of the site during peak hours. Staff expects to receive the site/distance study prior to the Village Council review, or before November 27, 2007. Should there be a concern that requires a change to site plans, Mr. O'Brien stated staff and the Commission would have to review it. On another matter, the Chairman confirmed Buildings 1 through 10 were residential even though the Ogden Avenue Master Plan called for business use. Staff's opinion was that it was not unusual to see townhomes separate single-family homes from commercial use since they was less of an impact and also to ensure that the special uses do not have an impact on the health, welfare and safety of the neighborhood. Contrarily, Buildings 11 through 18 were on land zoned for single-family homes. This portion of the development would be adjacent to a single-family neighborhood. Staff believes the townhomes on the southern part of Lot 8 were providing the additional buffer to the commercial uses.

Chairman Jirik asked that the petitioner speak.

Mr. Nathan Bryant, Bradford Real Estate, 10 S. Wacker Drive, Chicago, Illinois, on behalf of the petitioner, introduced representatives for McDonalds, Aldi, Bradford team members, legal counsel, and engineers. Mr. Bryant confirmed much of the proposed plan has resulted from neighborhood input. He reviewed the history of Bradford Real Estate and his firm's goals for the project. His reviewed how the development correlates to the Ogden Avenue Corridor Plan and the fact that the site by itself is not deep enough to support a big box commercial use nor short enough to allow for long row commercial uses, and, therefore, the zoning becomes midway between the two zonings. The proposed development also works with the current market conditions and meets the goals of the Village's corridor plan.

Regarding the contamination mitigation, Mr. Bryant stated the contamination has been located and the petitioner's report has been submitted to the IEPA. The petitioner is removing the contamination. A review of the transition of the development followed, calling attention to the buffer zones and open space created. Per Mr. Bryant, the developer is looking to the Police and Fire Departments on how to restrict vehicle access to the proposed bike/pedestrian trail.

In discussing traffic, Mr. Bryant stated the developer is limiting direct driveway connections to Ogden Avenue to reduce traffic but also focusing on the internal connection points between lots thereby connecting parking lots for vehicles. The proposed signal at Lee and Ogden will allow safe left turns onto Ogden Avenue. The existing traffic patterns and expected traffic patterns indicate that traffic is and would be going to and from Ogden Avenue. He stated minimal additional traffic on Lee Avenue was expected because most of the traffic coming to the development from Lee Avenue would be from the current residents of the neighborhood. However, Mr. Bryant acknowledged the development was not limiting the ability for residents to get back into their neighborhood, and he was willing to work through it. He discussed the positive recommendations from the neighbor's input as it relates to repositioning the townhomes and creating a larger buffer zone.

Discussing the decorative wall along that same area, Mr. Bryant indicated the developer would like to mix it up with a variety of plants, evergreens, and hills to make it a decorative screening. Details

followed. He discussed how the development meets the corridor standard for creating a uniform design framework and discussed the aesthetics between buildings, materials, colors, and space.

Mr. Nate Wynsma, with Remington Homes, Elgin, Illinois, the proposed townhouse builder, discussed some of the challenges he faced in creating a uniform look for the residential portion of the site while still maintaining a transitional area. Elevations of the townhomes were presented and reviewed in more detail. Per a question, he explained the build-out schedule is based on the pre-sale of the units and expects the site to be a three-year project. As to considering single-family as opposed to townhomes, Mr. Wynsma stated the townhomes were a good transition of land use. Having single-family would not be economically feasible and no other access existed to connect to the nearby single-family subdivision other than within the development.

Discussing the in and out vehicular movement to the site, Mr. Luey Aboona, KLOA, Inc., 9575 W. Higgins Road, Rosemont, explained 50% to 55% of the traffic from the neighborhood will be traveling east/west on Ogden Avenue; 40% will be traveling to/from the east on Ogden Avenue and the balance will use the Lee Street connection to the south. Mr. Aboona said the study consists of reviewing existing travel patterns in the area and the interchanges of the Tollway system. Use of the train/public transportation had not been considered in the study. Mr. Aboona explained that it was assumed all the users of the development would be driving – the worst case scenario. Mr. Aboona discussed the sight distance as it relates to the western access/exit of the site, noting field observations were done but will be looked at again in more detail. Mr. Aboona agreed if a signal were installed at Lee and Ogden, it would attract more traffic because it is a controlled intersection. However, he believed the intersection would have a limited capacity by the end of the day because IDOT will penalize Lee Avenue with limited “green” time; however, he would follow up.

Asked if Mr. Aboona evaluated an alternative where the full ingress/egress may have been placed opposite at Lacey Road with a signal, Mr. Aboona believed staff did discuss that matter with IDOT but IDOT preferred Lee Avenue. Mr. Aboona discussed some of the negatives that may have resulted if the signal were placed at Lacey; i.e., geometrics issues. As to the full access drive and staff’s proposal to make an in-only, Mr. Aboona, did not have initial concerns with the recommendation.

Trip generation for the site was discussed and how it is determined using rates through the Institute of Transportation Engineers. Visitors were included in the trip rates. Visitors will be allowed to park at the private guest parking areas off the shared driveways and alleys. A north/south street will also allow for parking on one side of the street. The ability to park at the commercial uses is also available. Staff clarified that 26 visitor parking spaces were allowed. Mr. Waechtler pointed out that commuters had the option of two train stations, and he believed the 5% to 10% figures allowed for commuters were low.

Per a question to the developer, similar developments constructed in the Chicagoland area included a Des Plaines development but none was as urban or close to train stations. Mr. Aboona stated the townhomes would generate 45 to 50 trips in a one-hour period, and the percentages could be deceiving after looking at the actual numbers.

As to the height of the retaining walls, Mr. Nate Bryant explained the heights were for decorative purposes. As to the masonry on the lower portion of a building, it was used to break up the massing of the building. A general discussion followed on the parking along Ogden Avenue and whether

consideration was given to move those parking spaces to the rear of the building, given the efforts along Ogden to move parking to the rear or side, wherein Mr. Bryant discussed that parking is a function of the use and orientation of the building, and in the proposal the parking was balanced as to the orientation of the building. Mr. Beggs felt that not enough green space was allowed between the traffic and the roadway. Mr. Bryant stated the setbacks met the required zoning as well as the landscaping requirements. Asked if there was a possibility to landscape along Ogden Avenue, Mr. Bryant explained a detailed site plan with a landscaping plan will come through the Plan Commission as a separate submittal by the use and that space has been reserved for landscaping. Mr. Bryant presented a streetscape view of the site from Ogden Avenue, stating his firm envisioned the development to be very green. Mr. Waechtler stated the plans looked very nice.

The Commissioners took a five-minute break at 9:25 p.m. and reconvened at 9:30 p.m.

Chairman Jirik opened up the meeting to public comment.

Mr. Bob Long, 1864 Grant Street, Downers Grove, stated he would provide a presentation and speak to zoning and density issues. He explained on March 31, 1977 he spoke before the Plan Commission in support of the annexation of the eight (8) lots in the proposed development at which time he and other residents asked that the lots be split into six lots with R-3 zoning. The back four lots were landlocked and were residential. Many of his neighbors purchased their homes expecting those lots to remain single-family residential, and they would be disappointed if the lots were turned into townhome zoning. He believed the development offered a bad precedent, and rezoning would devalue the adjacent neighbors. He believed there should be a transition area between the commercial and residential neighborhood but not with townhomes that far south. He voiced concern about not enough guest parking being provided, density and agreed with staff's recommendation to restrict the amount of rentals. He believed the maintenance of the public areas was a considerable amount for the homeowner's association and should be reviewed. Concern was also raised on the length of time the development would take to complete given today's economic market. He believed the sanitary sewer lines should be extended to the property lines at Lee and Grant so that in the future homes can be connected and to avoid tearing up the street. He asked that the utility lines at the western end and the east end be completely buried from Ogden to Grant Street. The park area needed to be better defined.

Ms. Roberta Muehlhaus, 1868 Grant Street, requested that the trees on the site be considered since trees absorb rainwater and keep rain out of basements for those residing on Grant Street and Stonewall and Woodward Avenues. She believes the current forest of trees has kept the air clean from the nearby traffic pollution and has provided protection from lights and business signs on Ogden Avenue. She believes the residents entrusted their leaders to safeguard the residents' interests and safeguard the character of the neighborhood. She believes conservation of land was important. She asked that the R-3 zoning remain on the lots. She invited the Commissioners to walk the property, stating it will be detrimental to the residents and community.

Chairman Jirik noted that trees on private property are not regulated by the Village.

Mr. Mark Peters, 1756 Chicago Avenue, reiterated that the Village should be considering the overall matter of storm water management and believed additional analysis should take place regarding the retention areas. The ponds should be leveled out because they are elevated higher. Regarding traffic on Lee, he acknowledged that the Village is trying to address it, and the residents

appreciate any assistance. He recommends that the Village and the petitioner look at the traffic light on Lee with or without the development because it will be a major traffic concern on Lee Avenue. He asked that an independent traffic analysis be done. He suggested returning a traffic signal at Lacey. If that were done, he then suggested removing any access to the development from Lee Avenue. Mr. Peters reiterated the neighbors were supportive of helping the petitioner resolve traffic issues on Lee Avenue.

Mr. Wes Jaros, 1113 Black Oak Drive, lives north of Ogden and stated he was not part of the neighborhood but was alerted to the development by a neighbor. While he said the development looks good on the surface, he voiced concern about the developer dishonestly changing the development to rental units, citing a development that was proposed at the northeast corner of 31st Street and Highland Avenue. He encouraged the Plan Commission to write a proviso into the agreement with the developer that under no circumstances should low income housing or Section 8 subsidies be allowed in the development.

Mr. Bill Wrobel, 7800 Queens Court, is not adjacent to the site, but is a traffic-calming advocate for the Village. He believes the issue of traffic could be addressed with traffic-calming devices. He invited the Commissioners and neighbors to visit the Promenade of Bolingbrook to view some of their traffic-calming devices.

Mr. Andrew Tecson, 4700 Lee Avenue, did not believe a traffic signal controls vehicle speed. He voiced concerns about safety in general and the fact that the area was very residential. He suggested using cul-de-sacs to limit traffic. He believes the street should remain as designated. For the record, Mr. Tecson stated the traffic expert provided no physical traffic study at the meeting. He asked to defer the project until that information was received and reviewed.

Mr. Kent Conness, 1846 Grant Street, stated the size of the development was significant, and the Commission should not rush into it. The land currently absorbs water. He recommended keeping the R-3 and R-1 zoning and still allow for the absorption of water.

Mr. Tom Drennan, 4501 Cornell Avenue, voiced concern about his decrease in property value and that if the development had residential housing where it was supposed to be, the loss in property value would be less. He recommended installing a barrier to prohibit southern traffic on Lee Street. He voiced concern about the 40 foot height of the townhomes. Since the Village was giving some money towards the project, he believed the residents had some say in the proposal.

Chairman Jirik swore in Mr. Tom Drexler, 4513 Stonewall Avenue. Mr. Drexler summarized the residents' concerns were that the site should remain residential, and they did not favor the traffic. If single-family residential could not be constructed, they did not want 99 townhomes. He discussed the pleasurable environment of the current neighborhood.

Ms. Anita Jencks, 4306 Cornell Avenue, discussed her concerns about lighting, traffic, density and would like the forest and R-3 zoning to remain.

Mr. Dan Dreiser, 4624 Lee Street, voiced concern about traffic on Lee Street and its current designation and what it will become after the development. He discussed a meeting that took place some years ago where the Plan Commission made an exception to BanchoryWoods, whereby no

curbs and gutters were allowed in order to retain the rural character of the neighborhood. He asked that this proposal be given the same consideration.

Mr. Frank Falesch, 820 Prairie, voiced concern that there was not enough parking for the guests.

Mr. John Georgas, 4455 Stonewall, voiced concern about the impact to the school district. Mr. O'Brien explained the developer is required to provide a funding donation to School District 58 (\$63,219), District 99 (\$26,652), and the Downers Grove Park District (\$184,831.00), per the Subdivision Ordinance. Mr. Georgas expressed concern about the marketability of the development as well as the future maintenance of the wetlands by the homeowners association.

Ms. Renee Wilhelm, 4713 Lee Avenue, suggested that the traffic studies consider the safety of children since there are no sidewalks to the nearby park.

Mr. Paul Jencks, 4306 Cornell, moved to the Village 40 years ago because it was small and had a good school system. He is concerned the developer states that build-out will be based on a market-driven basis. He believes some form of agreement should be made to ensure that the property is completed by a certain date. He believes the \$900,000 from the TIF District will take a long time before the Village sees it. He thanked the Commissioners for addressing the overall traffic issue.

Ms. Ann Marie Peters, 1756 Chicago Avenue, agreed with the above remarks but did not know who would purchase a \$350,000 townhome sitting on a former contaminated site sitting next to an Aldi. She asked to see more information on the other businesses that are being proposed for the site.

Mr. O'Brien confirmed that the types of the businesses for Lots 3, 4 and 5 were not known at this time, but would be subject to the use list in the Zoning Ordinance and Redevelopment Agreement.

Ms. Debbie Price, 4439 Stonewall, agreed with her neighbors about the issues of traffic, density, etc. and stated should the project move forward; she had concerns about the street entering into Lot 8 and the fact that the lot will be land-locked.

Mr. Philip Barr, 4605 Puffer Road, preferred to see an Aldi's and McDonalds and believed the shopping center would allow for the remediation of the former junkyard and provide water and sewer infrastructure to the area. However, he believed the density was too costly to pay for the remediation of the former junkyard.

Mr. John Klasing, 4716 Northcott, recalled in the Village's goals for 2007 and the Ogden Master Plan, there is discussion about attracting non-residents to Downers Grove. He believes the Village is not attracting any new businesses by changing the zoning. By converting the B-3 property into residential and splitting it up and making it smaller, he believes the Village is hurting itself. He believed it was a more viable a piece of property if infrastructure was in place. He believed a movie theater, ice-skating rink, sports arena, etc. would attract more people to the area.

Chairman Jirik declared public participation closed.

Hearing no questions from the Commissioners, the Chairman asked if the petitioner had any questions of the public. Mr. Bryant did not have any questions. However, he closed by explaining that the proposal was has been worked on extensively and much thought went into the proposal.

Discussing the traffic issue, he agreed traffic generated from a commercial use was more significant than from a residential use. When initial conversations were discussed with staff to have commercial only, the developer and staff agreed the project was not in line with the corridor plan. He further explained that regional traffic issues were mixed into the site, and he supported the recommendations of KLOA and staff, but pointed out this was the third or fourth traffic study done, and it was revised to the extent that staff asked for it to be revised. The density and transition of the site was appropriate for the area. As to the contamination, he stated lead, arsenic, and heavy metals were not renewable sources of environmental issues. The stormwater facility was beyond the requirements, and the contamination was going to be removed from the water and wetlands. He asked for consideration of the project.

Chairman Jirik opened the discussion to the Commissioners.

Concern was raised on how the contamination would be addressed, and the length of time it would take to prepare the site for construction. Mr. Bryant explained the contamination would be removed during the winter, followed by mass grading of the entire site, followed by installing a buffer, followed by installing a construction pad for the residential units.

Mr. Nate Wynsma, with Remington Homes, explained the infrastructure, detention and wetlands mitigation would follow next in one phase and be completed next year before the residential units began construction. However, a commitment of 54 units to be built within two years, as required by the TIF agreement, existed.

Per a question, Mr. O'Brien explained commencement of construction must begin one year after approval. The build-out time of grading and installation of public infrastructure must be done within a two-year period. If construction has stopped for more than 30 days, the site is considered "abandoned" and then follows an enforcement process wherein the site must return to an engineering standard.

Referring to questions asked about the sewer extension, burying utility lines, and the impact of constructing single-family homes on Lot 8 versus townhomes, Mr. Bryant was not proposing to bury the utility lines but said it could be considered; however, costs existed. As to extending the sewer lines, the Village has always conveyed to him that the sewer lines would be connected to the property only. Lastly, having single-family versus townhomes, he discussed the importance of making the site work well. Single-family was not an option. Mr. Bryant stated he was willing to bring back Lots 4 and 5 to the Plan Commission for review subject to conformance with the overall subdivision. Chairman Jirik reiterated that if the lots were to be reviewed, they would basically be limited to the footprint.

Per Mr. Beggs' question, Asst. Dir. Millette confirmed that part of the Watershed Improvement Plan does cover the area under discussion as well as the entire Village.

Chairman Jirik pointed out the main concerns of this development included 1) Lots 4 and 5 and whether the lots should be expedited or returned to the Plan Commission; 2) is the B-3 zoning getting its full use in Buildings 1 through 10; 3) is there justification to increase the density beyond what is zoned for Buildings 11 through 18,; and 4) does the Plan Commission feel there needs to be rezoning for Buildings 11 through 18 or not at all. Chairman Jirik believed Buildings 11, 13, 14, and 15 could be reduced in the number of units while one unit could be added to Building 17.

Overall, the development might lose five or six townhouse units, but those buildings on the perimeter would look more like single-family units and look aesthetically more pleasing.

Other concerns the Chairman felt were important were that the Village Council needed to consider a possible redraw to connect to Lacey Road because, ultimately, the traffic signal on Lee would be causing traffic problems in the neighborhood. Chairman Jirik also believed it was important to know the costs associated with extending the sewer line to Lee Avenue and Grant Street and whether it was economical or not. As to burying the utilities, he did not believe the argument was compelling enough.

Other Commissioner comments included that the development was nice, but traffic was an issue and more studies needed to be completed. The rezoning of Lot 8 was a concern. The lack of desirability for Lot 8 as single-family residential use was a concern. Increasing traffic on Grant was a concern. The full access drive with its site line issues was another concern.

Mr. Beggs did not support the project as presented because he did not believe the stormwater issue has been addressed thoroughly on the site or for the area, wherein the Chairman pointed out the stormwater on the site was to be managed by the development. Mr. Beggs stated the Village should not ignore a Village problem in order to move a project forward, especially after listening to the residents. He did not oppose the project, however. He voiced concern about the obligations to move ahead if TIF money is being put into the project. He supported having more green space.

Discussion followed on how the motion could be made as to the three actions being proposed by staff. Mr. O'Brien explained separate motions could be made. After some discussion, the Chairman favored making one motion. Mr. O'Brien also supported making one motion and suggested that the Commissioners consider the development as one package.

Mr. Quirk favored the petitioner cleaning up the site and creating a development, but the main concern was that no matter what was developed, traffic on Lee would increase significantly. Lot 8 was another concern.

It was pointed out that one of the recommendations from staff was to provide another traffic study and that if the plan changed materialistically, Village Council would determine whether or not the development would have to be remanded back to the Plan Commission.

Due to the size and complexity of the development, the Chairman stated he would allow the Commissioners to discuss their position after the vote.

Mr. Waechtler appreciated the presentation made by the petitioner and for the petitioner meeting twice with the residents. He discussed the Plan Commission's charge to the residents and some of the difficulties encountered when making planning decisions.

WITH RESPECT TO FILE NO. PC-37-07, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR A PLANNED DEVELOPMENT WITH AN EXCEPTIONAL USE, SPECIAL USE AND PLAT OF SUBDIVISION FOR A MULTI-USE DEVELOPMENT INCLUDING NINETY-NINE (99) TOWNHOMES AND COMMERCIAL USES INCLUDING A GROCERY STORE, FAST-FOOD RESTAURANTS WITH DRIVE-

THROUGHS, AND A MULTI-TENANT RETAIL BUILDING WITH A DRIVE-THROUGH AT THE SOUTHWEST CORNER OF OGDEN AVENUE AND LEE AVENUE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PLANNED DEVELOPMENT, SPECIAL USE AND PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE ENGINEERING PLANS PREPARED BY PLAT OF SUBDIVISION PREPARED BY MANHARD CONSULTING, LTD. DATED OCTOBER 11, 2007; ENGINEERING PLANS PREPARED BY MANHARD CONSULTING, LTD. DATED AUGUST 17, 2007, LAST REVISED OCTOBER 12, 2007; LANDSCAPE PLAN PREPARED BY MANHARD CONSULTING, LTD. DATED OCTOBER 3, 2007; STORMWATER REPORT PREPARED BY MANHARD CONSULTING, LTD. DATED OCTOBER 2007; WETLAND AND RIPARIAN REPORTS PREPARED BY TIERRA ECOLOGICAL CONSULTANTS DATED OCTOBER 11, 2007; AND ARCHITECTURAL ELEVATIONS AND FLOOR PLANS EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE TERMS AND USES LISTED WITHIN THE REDEVELOPMENT AGREEMENT.**
- 3. PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL SUBMIT A REVISED TRAFFIC ANALYSIS. THE REVISED ANALYSIS SHALL INCLUDE INFORMATION ABOUT POTENTIAL TRAFFIC TO/FROM THE SOUTH AND AN ANALYSIS OF THE SIGHT DISTANCE FOR THE WESTERN ACCESS DRIVE TO OGDEN AVENUE. THE STUDY SHOULD INDICATE AN OPINION AND ANALYSIS, IF AVAILABLE, OF THE IMPACTS OF THE BELMONT ROAD UNDERPASS.**
- 4. PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR LOT 4 AND/OR LOT 5, THE PETITIONER SHALL SUBMIT FINAL SITE PLANS, LANDSCAPE PLANS AND BUILDING ELEVATIONS FOR PLAN COMMISSION AND VILLAGE COUNCIL REVIEW AND APPROVAL.**
- 5. A FEE IN LIEU OF CONSTRUCTING SIDEWALKS, PAVEMENT WIDENING, INSTALLING CURB AND GUTTER ON THE WEST SIDE OF LEE AVENUE SOUTH OF THE ACCESS BOULEVARD SHALL BE PAID TO THE VILLAGE PRIOR TO THE ISSUANCE OF DEVELOPMENT PERMITS FOR THAT PORTION OF A PUBLIC IMPROVEMENTS WHICH ARE ADJACENT TO THE SUBJECT PROPERTY.**
- 6. PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT PERMITS, THE PETITIONER SHALL MAKE MAXIMUM DONATIONS TO THE DOWNERS GROVE SCHOOL AND PARK DISTRICTS IN THE FOLLOWING AMOUNTS \$274,703.22 (99 THREE BEDROOM UNITS) - \$63,219.42 TO DISTRICT 58, \$26,652.78 TO DISTRICT 99, AND \$184,831.02 TO THE PARK DISTRICT. PAYMENT SHALL BE CONFIRMED BY THE COMMUNITY DEVELOPMENT DEPARTMENT.**
- 7. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THE TOWNHOUSES, THE PETITIONER SHALL SUBMIT A COPY OF THE HOMEOWNER ASSOCIATION DOCUMENTS IN A MANNER ACCEPTABLE TO THE DIRECTOR OF COMMUNITY DEVELOPMENT. SUCH DOCUMENTS SHALL PROVIDE A RESTRICTION ON RENTAL OF THE TOWNHOME UNITS.**

8. ALL SIGNS SHALL CONFORM TO THE SIGN ORDINANCE.
9. AN AUTOMATIC SPRINKLER SYSTEM SHALL BE INSTALLED THROUGHOUT THE PROPOSED COMMERCIAL BUILDINGS IN A MANNER ACCEPTABLE TO THE FIRE MARSHAL.
10. A MANUAL AND AUTOMATIC DETECTION SYSTEM SHALL BE INSTALLED THROUGHOUT THE PROPOSED COMMERCIAL BUILDINGS IN A MANNER ACCEPTABLE TO THE FIRE MARSHAL.
11. A FIRE DETECTION SYSTEM SHALL BE INSTALLED IN THE TOWNHOME UNITS IN A MANNER ACCEPTABLE TO THE FIRE MARSHAL.
12. ALL STORMWATER, WETLAND MANAGEMENT AND UTILITY PLANS SHALL BE PREPARED IN A MANNER ACCEPTABLE TO THE DIRECTOR OF PUBLIC WORKS PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT PERMITS.
13. PRIOR TO ISSUANCE OF ANY DEVELOPMENT PERMITS, THE PETITIONER SHALL SUBMIT A MYLAR COPY OF THE PLAT OF SUBDIVISION FOR SIGNATURE. THE PLAT SHALL BE REVISED TO INCLUDE THE REMAINDER OF THE PARCELS COMMONLY KNOWN AS 1852 GRANT STREET. THE PLAT OF SUBDIVISION SHALL BE RECORDED WITH THE DUPAGE COUNTY RECORDER AND THREE (3) COPIES OF THE RECORDED PLAT SHALL BE SUBMITTED TO THE VILLAGE.
14. THE FOLLOWING MODIFICATIONS SHALL BE MADE TO THE PLANS PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS:
 - A. TRUCK TRAFFIC ON LEE AVENUE SHALL BE LIMITED TO INBOUND AND NORTHBOUND TURNING MOVEMENTS. A SIGN SHALL BE ADDED TO THE ENGINEERING PLANS INDICATING THIS RESTRICTION.
 - B. THE PETITIONER AND END-USERS OF THE PROPERTY SHALL ENDEAVOR TO COMPLY WITH ANY TRUCK AND/OR WEIGHT LIMITATIONS PLACED ON LEE AVENUE.
 - C. THE NORTH-SOUTH LEG OF THE ACCESS DRIVE ON LOT 8 SHALL BE INCREASED IN WIDTH FROM TWENTY-SIX (26) FEET TO TWENTY-SEVEN (27) FEET AS MEASURED FROM BACK OF CURB TO BACK OF CURB.
 - D. DETAILS FOR THE PEDESTRIAN/BICYCLE/EMERGENCY ACCESS TO GRANT STREET SHALL BE SUBMITTED IN A MANNER ACCEPTABLE TO THE DIRECTOR OF COMMUNITY DEVELOPMENT. SUCH DETAILS SHALL INCLUDE SUPPORT FOR FIRE APPARATUS FOR A MINIMUM WIDTH OF TWENTY (20) FEET AND THE PROPOSED CONNECTION TO THE END OF THE PAVEMENT ON GRANT STREET. DETAILS SHALL BE PROVIDED INDICATING HOW GENERAL VEHICULAR TRAFFIC WILL BE RESTRICTED.
 - E. THE PROPOSED LEE AVENUE ACCESS DRIVE FROM LOT 5 SHALL BE MODIFIED TO ALLOW INBOUND-ONLY TRAFFIC. ADDITIONALLY, THE ACCESS POINT SHALL BE RELOCATED FARTHER SOUTH TO ALIGN WITH THE COMMERCIAL DRIVEWAY FOR 1711 OGDEN AVENUE ON THE EAST SIDE OF LEE AVENUE.
 - F. THE FRONT ELEVATION OF THE TOWNHOME BUILDINGS SHALL BE REVISED IN A MANNER ACCEPTABLE TO THE COMMUNITY

DEVELOPMENT DIRECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE TOWNHOUSE BUILDINGS. STAFF RECOMMENDS PROVIDING MORE VARIATION IN THE ROOF MASSING OR MODIFYING THE BUILDING MATERIALS TO INCLUDE MORE BRICK.

- G. THE PLANS SHALL INCORPORATE STORMWATER BEST MANAGEMENT PRACTICES PER SECTION 26.52.11 OF THE STORMWATER MANAGEMENT ORDINANCE. A NARRATIVE SHALL BE PROVIDED INDICATING HOW THIS REQUIREMENT IS BEING MET.
- H. THE PLANS SHALL BE REVISED TO INDICATE PUBLIC SIDEWALKS ALONG OGDEN AVENUE ADJACENT TO LOT 1. ADDITIONALLY, THE PLANS SHALL BE REVISED TO INCLUDE PUBLIC SIDEWALKS ALONG OGDEN AVENUE AND LEE AVENUE ADJACENT TO LOT 5.
- I. THE LOCATIONS AND SCREENING FOR TRASH COLLECTION AREAS SHALL BE PROVIDED.
- J. A PHOTOMETRIC PLAN SHALL BE PROVIDED FOR THE ENTIRE SITE. ALL LIGHTING SHALL BE DIRECTED AWAY FROM NEIGHBORING RESIDENTIAL PROPERTIES. THE PLAN SHALL INDICATE A MAXIMUM OF 0.10 FOOTCANDLES AT THE SOUTH, EAST AND WEST PROPERTY LINES.
- K. ALL PROPOSED RETAINING WALLS GREATER THAN THREE (3) FEET IN HEIGHT SHALL BE SUBMITTED AND SEALED BY AN ILLINOIS-LICENSED STRUCTURAL ENGINEER.
- L. ALL PROPOSED INSTALLATION OF LANDSCAPING AND/OR REMOVAL OF THE PARKWAY TREES IN THE VILLAGE RIGHTS OF WAY SHALL BE REVIEWED AND APPROVED BY THE VILLAGE FORESTER. FEES FOR ANY REMOVAL OF TREES WILL BE ASSESSED AT THE TIME OF BUILDING PERMIT ISSUANCE.
- M. ALL PLANS FOR INSTALLATION OF AND CONNECTION TO PUBLIC UTILITIES SHALL BE PROVIDED IN A MANNER ACCEPTABLE TO THE DIRECTOR OF PUBLIC WORKS.
- N. APPROVAL FROM THE DOWNERS GROVE SANITARY DISTRICT SHALL BE OBTAINED.
- O. A PERMIT FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION IS REQUIRED FOR THE WORK WITHIN THE OGDEN AVENUE RIGHT OF WAY. A COPY OF THE APPROVED PERMIT SHALL BE PROVIDED. THE VILLAGE WILL OBTAIN THE PERMITS ASSOCIATED WITH THE PROPOSED TRAFFIC SIGNAL AT THE INTERSECTION OF OGDEN AVENUE AND LEE AVENUE.
- P. AN IEPA WATER PERMIT IS REQUIRED FOR THE WATER MAIN CONSTRUCTION. ALL COPIES OF THE APPROVED PERMITS SHALL BE PROVIDED TO THE VILLAGE.
- Q. MUNICIPAL FIRE HYDRANTS SHALL BE LOCATED WITHIN 100 FEET OF ALL FIRE DEPARTMENT CONNECTIONS IN ACCORDANCE WITH V.O.D.G. 903.11
- R. THE LOCATION OF THE FIRE DEPARTMENT CONNECTIONS SHALL BE APPROVED BY THE VILLAGE. COMPLETE AND UNINHIBITED

ACCESS TO THE FIRE DEPARTMENT CONNECTIONS SHALL BE MAINTAINED AT ALL TIMES. 2000 IFC 903.3.7, 912.2, & 912.3.

- S. AN APPROVED OUTSIDE KEY BOX SHALL BE INSTALLED FOR ALL SPRINKLER ROOMS IN AN ACCESSIBLE AND APPROVED LOCATION. 2000 IFC 506.1**
- 15. THE DENSITY OF THE TOWNHOMES IN BUILDINGS 11-15 ON LOT 8 SHALL BE REDUCED**
- 16. THE PETITIONER SHALL SUBMIT A REVISED TRAFFIC ANALYSIS INDICATING THE IMPACTS ON LEE AVENUE OF THE TRAFFIC SIGNAL AT THE INTERSECTION OF OGDEN AVENUE AND LEE AVENUE. THE STUDY SHALL INCLUDE AN ANALYSIS OF THE IMPACTS TO LEE AVENUE IF THE SIGNAL WERE AT AN ALTERNATIVE LOCATION – SPECIFICALLY LACEY ROAD AND THE PRIMARY FULL ACCESS ROAD TO THE PROJECT WHICH WOULD BE SHIFTED EAST TO ALIGN WITH LACEY ROAD TO MAKE THE INTERSECTION A FULL FOUR-WAY INTERSECTION.**

MOTION WAS SECONDED BY MR. COZZO.

As to the traffic signal placement at Lacey, Mr. Millette stated it was discussed with IDOT last year and not enough traffic on Lacey existed to warrant a traffic signal. The Chairman pointed out the motion on that matter was to obtain a study and not a specific plan of installing the light.

Mr. Waechtler believed the petitioner should look at how the density will be reduced and if it fits with the developer's plan and is agreeable to the residents, then let them work it out. Mr. Matejczyk believed the traffic study should include the impact to the neighborhood.

ROLL CALL:

AYE: MR. WAECHTLER, MR. COZZO, MR. MATEJCZYK, MR. QUIRK, CHAIRMAN JIRIK

NAY: MR. BEGGS

MOTION CARRIED. VOTE: 5-1

Mr. Beggs stated he voted Nay based on his earlier remarks. No other comments followed.

Chairman Jirik encouraged the residents to attend the Village workshop for this matter, which is scheduled for November 27, 2007.

Mr. O'Brien stated the Village does have a meeting tomorrow night to discuss the remand of a portion of the Fairview Village expansion project to the Plan Commission. Chairman Jirik will also be meeting informally with the mayor to collaboratively develop an agenda. No set date has been set.

MR. COZZO MOVED TO ADJOURN THE MEETING. MR. QUIRK SECONDED THE MOTION. THE MEETING ADJOURNED AT 11:58 P.M.

APPROVED 12/03/07

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

**Public Services Standing Committee
Minutes of Public Meeting
September 24, 2007**

Village of Downers Grove
801 Burlington Avenue
Committee Room

ROLL CALL

Present: Commissioner Marilyn Schnell
Commissioner Bruce Beckman

Staff: David Fieldman, Deputy Village Manager
Robin Weaver, Interim Director of Public Works
Mike Millette, Assistant Director of Public Works
Dorin Fera, Traffic Manager
Luis Dominguez, Staff Engineer
Megan Bourke, Management Analyst

Visitors: Bill Wrobel, 7800 Queens Court

Commissioner Schnell called the meeting to order at 4:05 p.m.

APPROVAL OF MINUTES

Commissioner Beckman made a motion to approve minutes from the Public Services Standing Committee meeting of October 18, 2005. Commissioner Schnell seconded the motion. The minutes were approved unanimously.

PUBLIC COMMENTS

Commissioner Schnell requested that Public Comments would come after the introduction of the item of discussion. The public would understand the issue better to comment. Bill Wrobel, 7800 Queens Court, asked for clarification as to the subject of the meeting. Commissioner Schnell reminded everyone that this meeting should not go over two hours.

**DISCUSSION OF ROLES, RESPONSIBILITIES AND BENEFITS OF
CONSOLIDATION OF THE PARKING AND TRAFFIC COMMISSION WITH
THE TRANSPORTATION ADVISORY COMMISSION**

Deputy Village Manager Fieldman introduced the topic of combining the two commissions. Mayor Sandack requested the Public Services Standing Committee to review this issue with regards to achieving an exceptional municipal organization. Mr. Fieldman said there were four ways the consolidation of the two commissions would

benefit the Village: the consolidation would have the best outcomes for the Village; it would create a proper venue for public discussion; the process would become transparent, consistent and predictable; and it would provide efficiency via improvements in customer service.

Mr. Fieldman pointed out the obvious overlap of the two commissions and detailed the responsibilities of each commission. The commissions overlap over issues regarding parking, cars and people in parking lots and the bus system. The commissions sometimes ask what the other is discussing.

In addition, Mr. Fieldman addressed the staff time needed for both commissions. Staff must prepare multiple reports regarding the same subject matter. The consolidation would also improve the process of the commission. Mr. Fieldman said the entities could be conflated into one commission with a clear process. He said he would be happy to answer any questions.

Commissioner Schnell asked if when TAC was established to look at the bus system, did it not have a sunset when it fulfilled its duties. Mike Millette, Assistant Director of Public Works, said that it did not. Commissioner Schnell asked if the commission was thought to go away. Commissioner Beckman wanted to verify that TAC was created because of the shuttle system. Commissioner Schnell said that TAC was created to evaluate the bus system and think of ways to make the bus system work financially. Mr. Fieldman added that TAC discussed the bus system as well as timely issues concerning the bus system, like parking. Commissioner Beckman asked how often TAC met. Megan Bourke, Management Analyst, answered that TAC has met three times in 2007 and met eight times in 2006.

Mr. Fieldman said that TAC has been asked in the past to discuss parking rates, the Circulator Study and bus purchases. Staff has not given the commission an issue that requires consideration of Village policy in months. Commissioner Schnell said if there were no policy issues that have been asked of TAC then the commissions need to be merged. She said the commission name should be changed to Parking and Transportation because the commission will consolidate TAC responsibilities. She pointed out that the Circulator Study would need to be discussed at the committee level.

Mr. Fieldman pointed to the staff report Table 1 which outlined the responsibilities of both P&T and TAC and preliminary responsibilities of a combined commission. Robin Weaver, Interim Director of Public Works, observed that the members of TAC like to be informed and engage in advocacy versus evaluation.

Commissioner Schnell said that the members of the commissions should know their work has been valued and that they've completed their job. She wanted to take people from both commissions and give them stronger roles in the combined commission.

Commissioner Beckman added that an advocacy role was important. He saw the value in combining. Commissioner Schnell wanted an evaluation of the whole transportation system to go to the new P&T.

A discussion of the make-up of each commission proceeded. Mr. Fieldman concluded that each commission had long standing members and had some attendance issues. Commissioner Schnell wanted to ensure that commission members were not hurt by the consolidation. Ms. Weaver said the commissions should not have experts but serve as citizen review.

The Commissioners charged staff with creating the new roles of the commission and to educate the members of their new responsibilities. Commissioner Schnell requested a plan to merge the commissions, a transition plan and recognition of serving members.

Mr. Fieldman said staff had good direction. Staff would come back to the standing committee before making a recommendation to the Village Council. Commissioner Schnell said the meeting could be held on a Tuesday before a Village Council meeting. Commissioner Schnell asked that Mr. Fieldman verify everything with the Village Manager.

PUBLIC COMMENTS

Mr. Wrobel commented about the two commissions. He voiced an issue with the process of how issues were handled by P&T, that they were not proactive enough. Mr. Fieldman said staff would formalize a process of feedback to the commissions.

Commissioner Beckman asked Mr. Wrobel if he had any concerns about combining the commissions. Mr. Wrobel addressed the Village's traffic calming booklet, signage and a timeline for action. Commissioner Schnell said the new board must be responsive; Mr. Fieldman said the Village expects its boards and commissions to follow the same Strategic Plan that Village staff does. Mr. Millette discussed the operating procedures of P&T, and Mr. Fieldman said staff would propose Plan Commission-like bylaws.

The meeting was adjourned at 4:51 p.m.

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
MINUTES OF NOVEMBER 14, 2007 MEETING**

Call to Order

In the absence of Chairman White, Mr. Benes called the meeting to order at 7:53 PM and served in the capacity of Chairman ProTem.

Roll Call

Present: Mr. Benes, Mr. Domijan, Ms. Earl, Mr. LaMantia, Ms. Majauskas, Mr. Stanton, Ch. White (arrived 7:58 PM)

Absent: None

A quorum was established.

Staff: Jeff O'Brien, Damir Latinovic

Minutes of October 24, 2007

Mr. Domijan moved to approve the minutes of the October 24, 2007 Zoning Board of Appeals meeting as presented. Ms. Earl seconded the Motion.

AYES: Mr. Domijan, Ms. Earl, Mr. LaMantia, Mr. Stanton

NAYS: None

ABSTAIN: Mr. Benes, Ms. Majauskas

The Motion passed 4:0:2.

Meeting Procedures

At this point, Chairman White arrived and apologized because a meeting in which he was involved ran longer than expected. He then reviewed the procedures to be followed during the public hearing. Chairman White explained 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. Latinovic confirmed that they were.

Chairman White announced the second petition on the agenda, Case ZBA-20-07 is being continued until next month's meeting, and he called for a Motion.

Mr. Benes made a motion to continue case ZBA-20-07 to the December 12, 2007 meeting. Mr. Domijan seconded the Motion.

Roll call vote noted all in favor. The Motion carried.

Chairman White then called upon anyone intending to testify in case ZBA-19-07 to rise and be sworn in including the petitioners and the public in attendance.

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ZBA-19-07 A petition seeking a rear yard setback variation for an addition to the existing house for the property located on the west side of Robey Avenue, east of O'Brien Park, commonly known as 6890 Robey Avenue, Downers Grove, IL (PIN 09-20-310-024); Keith R. Druck, Seabreeze West Remodeling, Petitioner; Karen and Craig Kurey, Owners.

Mr. Keith Druck, Seabreeze West Remodeling, introduced himself as the builder on this project for the Kurey family, noting there were neighbors of the Kurey's also present this evening. Mr. Druck said when they were last before the Board in September, the board had some recommendations and Mr. Druck said based on those recommendations the petitioner has decreased the variance originally requested by two feet. He said hardship is difficult to prove in some cases; however, on visiting the Kurey's home he sees the congestion in the floor plan of the kitchen, which has five steps within an 8 foot 6 inch area. The proposed addition has been designed to reduce the original variance requested. When first designed, they went to the permitted rear building line. Family is very important to the owners. The reason for this variance was not simply for the room addition, but to attempt to alleviate a problem of hardship when family gathers in the home, including the Kurey's elderly parents. The stairs are a major problem. He said with only three people in the kitchen it is very congested. He said the deck and patio will be removed, and the variance is within the requirements of the lot size. He referred to the comments in the Staff report regarding how the standards have been met by the petitioner. He thanked the staff for acknowledging the standards 5 and 8 have been met. Mr. Druck said they understand that variances are an exception; however, in this situation they are requesting an option to allow them to stay in this home with an added room area. If the addition was built within the Zoning Ordinance setbacks, it would defeat the purpose of the addition. The family loves Downers Grove. He thanked the Board for its consideration and requested that they grant the variance.

Chairman White asked the petitioner to specify how much they have reduced the variation request. In response, Mr. Druck said this request is two feet smaller than the original request.

Ms. Majauskas asked the petitioner to specify what other options were considered. Mr. Druck said they were trying to renovate an existing less utilized space of the house, but the kitchen could not be expanded into the family room because of the limited ceiling height and the dining room is being used a lot right now. With all of the levels in the house, there is no place to create a specific area. The whole point was to stay within the budget. Ms. Majauskas said she is looking at a family room that is about 25 feet x 18 feet. She asked why the addition butts out so much instead of extending the kitchen area. Mr. Druck said that area is down a level of stairs. Ms. Majauskas said she did not imagine it would be too difficult to just pop it back up to that level, and Mr. Druck explained the ceiling height difference and that there was a hallway there as well which accesses the family room. That would change the layout of the existing entrance of

the house. Budget constraints limit the kind of addition they can provide. Ms. Majauskas said she felt the addition was huge compared to the rest of the house. Mr. Druck said in his opinion it is not a huge room they are trying to add on. It might be long, but the 12 foot depth is very important. Ms. Majauskas said the living room, which is an unused part of the house, is also long. Mr. Druck said again the problem is with the five sets of stairs within the eight foot area.

Chairman White said he understood the concept with the stairs; however, he did not see that as creating a hardship. He said the textbook example then would be someone who is disabled in a wheelchair affected by the stairs. He would prefer to focus this discussion on the usability of the lot in question and asked how many other lots are similar in size to this one. Mr. Druck said the Kureys purchased the home because of the park behind it and would like to use that park. In response to the Chairman, Mr. Druck said there were about three or four houses that backed onto the park area. He explained that with the variance, they are still below the amount of building square footage allowed for that lot.

Chairman White asked Staff if this home backed up to another home, would the setback be the same, and Mr. Latinovic said it would be the same.

Mr. Craig Kurey then addressed the Board saying the hardship was a combination of the size, style and position of the house. He said that the positioning of houses on adjacent lots gives more room to add-on than the Kurey's house does.

Mr. Domijan asked if the subject home is larger than the neighboring houses. Mr. Kurey said that it probably is not in overall floor are. He said it is because of the tri-level design that they must seek the variance.

Chairman White said he understands they are saying that the source of the problem is less livable square feet caused by the home being a tri-level, and Mr. Kurey said that was correct. The way the home is built is not efficient.

Ms. Earl asked why they are not expanding into the dining room. Mr. Kurey replied by saying that in that case they are not adding any new square footage to the house. They are taking away from the existing area which they already use.

Mr. Kurey then reviewed the standards on the staff report. The uniqueness in their case is the the style of the tri-level home. He said that it is a combination of the standards that makes their situation unique. They are not planning anything ostentatious, but something to serve their needs. He said he cannot afford to raze three-quarters of the house for the addition. Their proposed addition will not adversely affect the neighbors or adjacent property, will not alter the land use characteristics and will not give them any special privilege.

Using the overhead projector, Mr. Kurey then addressed the issue of the park. He said the fact of the Park being behind them would minimize the impact of the addition they are proposing. He said that the 5 feet he is asking for will not violate the greenspace requirement since there is enough buffer zone between his house and the Park area. The intent of the law will not be broken. The proportion of the request to the available green space is minimal.

Ms. Majauskas asked if he is saying that the size of the park allows them to build the addition. Mr. Kurey responded that it affects the proportion of the impact.

Ms. Earl asked whether she understood correctly that even with the addition, there will be no change to the number of stairs. Mr. Kurey said the addition will allow them to move around the table more easily with less possibility of accidents with the stairs. Ms. Earl asked how long they have lived in the house, and he responded since 1979. He said it would be nice to have extra space for his children who are now teenagers. Ms. Earl said if they have lived with these stairs with small children, why is this different now for the elderly people. She said in effect, the situation has not changed with the stairs whether there are elderly or much younger people residing there. Mr. Kurey said most of the danger is slipping down the stairs which he has done more than once. Mrs. Kurey stated that as children are getting older they are getting bigger, the family is getting bigger, so they have outgrown the house. She said they had to put up with this situation because they bought the house.

Mr. Benes asked if there was a basement, and Mr. Kurey said there is a partial basement with a partial crawl space underneath the dining room and part of the kitchen.

Mr. LaMantia asked how much reduction they have made to the addition, and Mr. Kurey said they've reduced it from 14 foot wide to 12 foot wide.

Staff Presentation:

Mr. Damir Latinovic, Planner, explained the petition before the Board. The property is zoned as R-3 single-family residential. The petitioner is requesting a rear yard setback variation to construct a house addition which will be 21 feet x 12 feet and located 15 feet 6 inches from the rear property line, where 20 feet is required. He noted the petitioner was before the Board on September 26, 2007 with a larger variation request. That variation was denied with a split vote of 3 votes for and 3 votes against granting the variation. Staff believes there is no physical condition or unique circumstance associated with this property which requires the addition to be located 15 feet 6 inches from the property line as proposed. The petitioner has requested a reduction in the length of the variation by two feet; however, no effort has been presented to Staff to fully comply with all of the setback requirements.

Mr. Latinovic said all lots adjacent to O'Brien Park are required to maintain the twenty-foot setback and allowing this variation would confer special privilege on the homeowner. He reviewed the Standards for Granting Variations, saying the petitioner has not met Standards 1-4, 6, 7, and 9. Staff recommends that the variation be denied.

Mr. Benes asked if they grant a variation for the 15 foot 6 inch setback, would it go across the entire lot or simply for the footprint of the addition. Mr. Latinovic said it would run with the property across the entire width of the lot.

Mr. O'Brien further explained that variations run with the property. If the house was partially destroyed, the 15 foot, 6 inch setback would remain. If the entire building was destroyed beyond 50% of its fair market value, the owner would have to meet the original setback requirement of 20 feet.

Ms. Majauskas said she does not understand how it runs with the land then, and Mr. O'Brien said the variation runs with the land, but the building and property are still subject to the Village's nonconformity regulations in the Zoning Ordinance. If that particular addition is demolished,

but 50% of the whole house remains, they can rebuild the addition at the 15 foot setback line. Ms. Majauskas asked if the house were to burn down completely, would the variance stay, and Mr. O'Brien said it would not because more than 50% of the building would be destroyed.

Mr. Benes said it makes no difference whether the variance runs with the land or building in this case. This lot is 65 feet x100 feet, or 6,500 square feet which is below an R-3 lot size and is legal nonconforming. Ms. Majauskas said the handout the Board received from Staff some time ago said the variance runs with the land, and that makes no sense to her in this situation. She said the handout they received said nothing about legal nonconformities.

Mr. O'Brien stated when they discussed a home on Elm Street some time ago, the question was whether or not they could build a second floor above the new portion of the house. They would be allowed to build up over an existing footprint whether it is nonconforming or conforming. When the Board grants a variation, they are granting approval for a specific footprint into the setback until the building is destroyed beyond 50%.

Chairman White said the question becomes, if a builder were to decide to remove the house and build a two-story in its place, would they be entitled to have that carved out footprint, and Mr. O'Brien said they would not.

Ms. Majauskas asked again how the variance runs with the land if the house is torn down and the variance falls. Mr. O'Brien said it runs with the land in the form that if the addition is removed, the owner has the right to rebuild it. Ms. Majauskas said she cannot understand that the variance runs with the land and not the structure. Chairman White said it goes back to how they define "with the land." The way he understands it is if they grant the footprint into the setback, as long as more than 50% of the house survives, it can be rebuilt.

Mr. O'Brien said it runs with the land in that the nonconforming rules are the Village's land use laws. If there is a nonconforming rule that says a house destroyed 100% can be rebuilt, then any variance would essentially run with the land forever. This subject variance would run with the land until such time as 50% of the structure is lost.

There being no further comments or questions from the Board, Chairman White called upon anyone wishing to speak either in favor or in opposition to the petition.

William Lemke of 6880 Robey stated he lives north of the Kureys and has lived there for thirteen years. He has been a guest of the Kureys on several occasions and knows how the house is situated. He showed on the overhead plan how the space is congested. He does not see the proposed addition as infringing or encroaching on the Park in any way. He said moving the dining room area also makes no sense to him.

Chairman White asked if Mr. Lemke knew of any residents who were opposed to this request, and Mr. Lemke said absolutely not. He was shocked when the request was refused the first time.

Walter Skorupka of 1171 Parker Avenue, at the northwest corner of Parker and Robey, said he can see the Kurey's yard from his property. He has a similar design as the Kureys, and he understands the problems of a tri-level house. The second story drops down from the kitchen to the family room. Anytime you try to move into a space you interfere with another level of the house by blocking off a staircase or having to lower a ceiling. No one has been able to figure out

how to make changes to houses built like this. He said he was before the Zoning Board of Appeals six years ago asking for a variance for his front porch, (**V-05-01 05-23-01 front yard setback**) the same night that the Park District was making its presentation for their facility. He said he was granted his variance, which has made the house more livable for them. They live in a stable neighborhood. He agrees that there simply is not enough space in the kitchen area for people to move around. He said they have been neighbors for a long time, and all but two houses there have had additions made to the house. He does not think their request will adversely affect the neighborhood, and he asked that the Board grant the variance and allow the Kureys to enjoy their property as much as he enjoys his.

Roger Genschoreck of 6900 Robey, north of the subject property, said he has lived there for 27 years. Part of the problem is that years ago there was a 25 foot front yard setback, and the builders then built with a larger front yard setback that affects the back yards. Mr. Short said that the Kureys want to make this change for their family, and he thinks it would look good. He does not see that it would encroach on greenspace. He showed on the overhead screen where his house was in relation to the Kureys. Mr. Short said the addition will not change his view adversely, and he explained the problem with attempting to change the location of the addition based on the way the house is situated and the location of the staircases and ceiling levels.

Chairman White asked if he thinks this addition would reduce the value of his home. Mr. Short said he and his wife would like to see this change happen for the Kureys, and he does not think this would have an adverse economic effect on the neighborhood. He thinks it would actually increase his property value.

Mr. Benes asked if the Park was fully developed when Mr. Short first purchased the property, and Mr. Short said the Park was a mud hole. He bought the vacant lot and built his home himself with the help of family and friends. He gave a brief history of the area and the developer's original plans for the area which were not achieved. The majority of the area was not developed in 1979.

There being no additional comments from the public, Chairman White asked for any final statement by the petitioner.

In summary, Mr. Druck asked the Board to keep in mind that there is a hardship factor in the house. They looked for other ways to rebuild the house to accommodate the owners. They are requesting a 52 inch variance, and will remove a porch and patio deck to build the addition.

Mr. Benes asked Mr. Latinovic whether a deck requires a permit and if they could build a deck instead of the proposed addition, and Mr. Latinovic said the permit is required and they could install a deck 12 feet wide.

There being no further comments or questions, Chairman White closed the opportunity for further public comment.

Board Deliberation:

Ms. Majauskas said she hated to stifle anyone's attempt to improve their house. Unfortunately, in this situation she does not see that all of the options have been explored. She sees different things that could be done that have not been explored. A variance is not about the stairs, but

having the house conform in a certain way for neighborhood unity, or in this case to protect the park. She is concerned about continued encroachment upon park properties. She said the only thing she sees as an issue is the stairs, but that is not enough to warrant a variance. She is looking for a hardship with the land like a topographic condition or a steep slope. She hates to say “no”, but this request does not sit well with her.

Mr. Benes said he takes the opposite view and referred to some of the history of the area that was relayed by the neighbors. Developers try to get the most out of every piece of property they develop. He would rather see this type of variance put on a building of this type than have someone come along and tear down this house to build something out of character. The addition proposed is hardly visible from the Street, and if you walk the park, it is hardly visible from the park either. As for encroachment on the park, he said walking on the property given the acreage and facilities of the park, he does not see any real encroachment. If the variation makes the house more valuable rather than tearing it down and rebuilding it, he is in favor of it.

Chairman White said that by textbook zoning analysis, there is no basis for granting the variation. That said, in prior hearings the Board has acknowledged the fact that previous developments have not necessarily been optimal. He said they can stretch the concept of hardship to include defining reasonable return as economically desirable in the present housing market with substandard lots. He said he has a hard time taking into account land developed in the early 1900's but not considering land developed in 1977. His understanding of the law is that precedence is not binding, and if they grant the variation, only their internal sense of consistency requires them to do the same in the future. If they find another situation is different, they can vote differently. In other words, every case is different. Chairman White said he believes the petitioner has tried to find an alternative by coming back a second time with a smaller variation request. He knows this is pushing the understanding, but he believes this would be consistent with decisions made in the past.

Ms. Majauskas said she keeps hearing them say “developers did this”, but she does not think that is a reason to grant a variance, because the Village allowed the developers to do what they did. She wished the Village required bigger lots. Also, the case that it is hardly visible is not a reason to give a variance either. She sees nothing that makes this property unique.

Chairman White read Section 28-1802, which defined what the Board would consider as unique. The original underlying goal is for the Board to act in harmony with the general provisions and interests of the Zoning Ordinance which has two proponents: (1) the reasonable regulation of property and (2) to maximize property owners' use and enjoyment of their property. The Board's goal is to harmonize those two objectives, or maximize the public welfare.

Mr. Domijan said that much of that is done when the Boards or the Village seeks to find ways to maintain landscaping or protect trees on property. They are cutting new ground with more recent development, and he thinks they are pushing the interpretation of hardship.

Chairman White responded that it becomes a part of their legislative judgment.

Ms. Majauskas said she is not saying that an addition cannot be built. She is saying this particular addition should not be built. She is not against the addition but is against the encroachment into the rear setback.

Mr. Stanton said he is inclined to agree with Mr. Benes. The notion that you can move walls around in a tri-level is quite a reach. He sees the issue as a combination of the lot size and the style of the house. The existing lot is substandard. The Board is trying to keep harmony in the community. Based on what the neighbors have said, they have no objection to this. He thinks this is a minimal encroachment on the park area.

Mr. LaMantia said the issue is that every third house in the subdivision looks the same, and when one owner wants to be different and encroaches on a neighbor, the Board will have no grounds to say “no” to the next one. Mr. LaMantia responded that they are looking at this on an individual basis.

Ms. Majauskas said they do make the decision on an individual basis, but the petitioner has to come in with unique circumstances, and there are many substandard lots in Downers Grove that they are stuck with. If they go with the uniqueness of the house, every third house in this area is a tri-level and therefore then unique.

Mr. LaManita said having a large family is not a hardship by definition. Chairman White agreed.

Ms. Earl said there are nine standards the petitioner must meet and these petitioners only meet two of the nine. She does not see that as enough to justify the request.

Mr. Benes then reviewed the nine standards and asked Ms. Earl what her answers would be to the standards apart from the Staff’s comments. Ms. Earl said that the Village has a Commission now struggling to find affordable housing in this community and they will be zoning it away. When a community is trying to find entry-level housing for people, they have to draw the line somewhere.

Chairman White asked Staff about page three of the Staff Report referencing Section 28-1803(b) and the standards to be met. He said the Board is directed to “take into consideration” and is not asked to “prove” all of the nine points. That is a factor for consideration and is far more objective. Failing one does not necessarily negate the petition.

Mr. O’Brien said the first three standards are the most critical standards and must be met to grant the variation. He noted the wording was “shall require evidence that.”

Mr. Benes questioned who would be right in determining whether 1-3 are met or not met. The Board has to make a consideration as to whether or not they have met those standards.

Chairman White said what has been argued in the past is the extent to which changes in the expectation of the single-family home will result in a reasonable return. There is not a property in Downers Grove that will not yield a reasonable return by some economic standards. However, what people expect changes over time.

Chairman White said it is his intention to be sure that everyone on the Board has the opportunity to express their opinions in this regard. He asked if there are no further comments to be made that a Motion be entered for consideration.

Mr. Benes made a motion that the Zoning Board of Appeals grant the rear yard setback variation associated with case ZBA-19-07 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, last revised October 14, 2007 and Plat of Survey attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.**

Mr. Stanton seconded the Motion.

AYES: Mr. Benes, Mr. Stanton, Mr. Domijan, Chairman White

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

The Motion to approve passed 4:3.

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Mr. O'Brien said that there are three petitions scheduled for the December meeting.

There being no further discussion, Chairman White adjourned the meeting at 9:25 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary