

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

OCTOBER 28, 2008

Mayor Sandack called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Village Hall. The Mayor asked Girl Scout Troop 60 to help lead the audience in the Pledge of Allegiance to the Flag.

Present: Mayor Ron Sandack; Commissioners Marilyn Schnell, Commissioner Martin Tully; William Waldack, Sean P. Durkin, Geoff Neustadt, Bruce Beckman; Village Manager Dave Fieldman; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Press:** Catherine Leyden, Downers Grove Reporter
Residents: John Martin, Stephen Stewart, Donald VanDevander, Douglas Thaxton, Fairview Village; G. Tracy Cross, Tracy Cross Associates, Barrington; Diana T. and Stewart W. Karge, Bonfield Express Foundation, 5465 Bending Oaks Place; Annette Bonfield, Bonfield Express Foundation, 5425 Bending Oaks Place; Marie Pebler, Bonfield Express Foundation, 6565 Main; Jim Russ, Attorney, 4915 Main; Ken Rathje, Rathje Planning Services, 412 Chicago; Gordon Goodman, 5834 Middaugh; Greg Bedalov, Downers Grove Economic Development Commission, 2001 Butterfield; Rick Bailey, 6413 Blodgett Court; Anne Hizon, 661 61st Street; Steven Spencer, 6332 Blodgett Court; Arlene and Wayne Dierlam, 612 65th Street; Dana Rennie, 613 65th Street; Tim Schmid, 6806 Wolf Tr.; Nancy and John Zapotosky, 401 67th Court; Sean Spratt, 4922 Bryan Place; Carmela Zinnecker, 6345 Davane Court; Simone and John Kapovich, 6416 Blodgett Court; Jan Cerny, 412 66th Street; Bob Nesnidal, 6420 Blodgett; Bob Johnson, 400 67th Court; Theresa Stewart, 6413 Davane Court; Luke Casson, Kensington Consultants, 204 Industrial, Lockport; Bill Wrobel, 7800 Queens Court; Dave Schoch, 5805 Chase; Jeff Agner, 5714 Chase; Michael Morris, 2517 College Road; Betty and Brinsley Lewis, 6431 Davane Court; Char Brar, 6437 Davane Court; Mark Thoman, 1109 61st Street; Lauren and Quinton Ford, 415 66th Street; Clara and Simon Liu, 6436 Davane Court; Doreen and Walter Lenkos, 6357 Davane Court; Fred Foss, 6519 Davane Lane; Tony Prasnikar, 6425 Davane Court; Lorie Pilster, District 58, 1860 63rd Street; Marge Earl, 4720 Florence; V. and E. Grala, 532 66th Street; V. Zazuaskas, 532 66th Street; A. DiSalvo, 6339 Davane Court; Lucia Cerasuolo, 6401 Davane Court; Susan and Daniel Gross, 6407 Davane Court; Cal Brainard, Downers Grove Firefighters Local 3234; Jon Polivka, 6016 Washington,; Peggy and Kerry Richmond, 6575 Davane Lane; Roberta Schmid, 6806 Wolf Place; Mary and Walter Sobut, 404 66th Street; Sandra and Ray Konrath, 6637 St. James Court; Wei and Chung Wu, 6540 Fairview; Robert Bohac and Kathy West, 405 67th Court; Kathy and John Hoth, 402 67th Court; Bill Nelson, 6624 St. James Court; Andrea VanBuren, 6576 Fairview; Jason Mitchell, 6572 Fairview; Jana and Raghavan Ramanan, 6555 Berrywood Drive; Carol and Bob Nield, 6326 Fairview; Jeannette and Richard Howard, 6443 Davane Court; Joy and Ron Detmer, 6580 Davane Lane;

William White, Attorney, 5330 Main, Suite 205; John Partelow, Attorney, 555 West Jackson #700, Chicago; Rosemary Sullivan, 6606 St. James Court

Staff: Liangfu Wu, Director, Information Services; Mary Scalzetti, Director, Community Events; Tom Dabareiner, Director, Community Development; Megan Bourke, Management Analyst; Mike Millette, Assistant Director, Public Works, Mike Baker, Deputy Village Manager, Doug Haywood, Assistant Director, Finance; Brandon Dieter, Management Analyst; Robin Weaver, Interim Director, Public Works

Mayor Sandack explained that Council Workshop meetings are held the second and fourth Tuesdays at 7:00 p.m. The meetings are video taped live and for later cable-cast over cable channel 6.

The Workshop meeting is intended to provide Council and the public with an appropriate forum for informal discussion of any items intended for future Council consideration or just for general information. No formal action is taken at Workshop meetings.

The public is invited to attend and encouraged to comment or ask questions in an informal manner on any of the items being discussed or on any other subject. The agenda is created to provide a guideline for discussion.

MANAGER

1. Active Agenda and Informational Items

- a. **Fairview Village – Rezoning and Preliminary Planned Development Amendment (west side of Fairview Avenue).** Village Manager Dave Fieldman asked Community Development Director Tom Dabareiner to address this item.

Tom Dabareiner, Community Development Director, explained that this is a preliminary planned development amendment to Planned Development #32 for a change in zoning from R-3 to R-5A. The petitioner is seeking approval on November 4. Mr. Dabareiner explained that the proposed west campus is a 2.9-acre parcel surrounding Lynn Gremer Court. He showed a map of the area, saying that a number of changes have been made to the site plan which was originally presented last year. The petition was remanded to the Plan Commission by the Village Council in June 2008 to review stormwater management; traffic impact which determined that the bulk of the traffic would be in mid-day rather than peak hours with an anticipated 1% increase; and the impact on nearby property values. Studies, including one provided by the American Planning Association, showed no negative impact expected on the area property values. The studies considered multi-family housing rather than specifically senior housing. The Plan Commission also considered the appropriateness of land use, which was not consistent with the Future Land Use Plan, but is consistent with corridor land uses for non-single-family land uses. He showed the area in question saying that in addition to single-family residential, there are also commercial designations and institutional designations surrounding the site. That information supports the application for a zoning change. The Plan Commission considered the new information at a public hearing on September 8, and narrowly recommended approval of the rezoning by a vote of 4:3. The majority of the Commission found that the petitioner had provided sufficient evidence that the change would not harm surrounding property values, was an appropriate use of the land and would not negatively impact stormwater or traffic. The other Commissioners did not agree with the recommendation in terms of stormwater, and appropriate use. Staff believes the

standards have been met. Mr. Dabareiner said that these are complex topics. Staff believes that all questions were answered appropriately and recommends approval.

Commissioner Schnell said that she received an e-mail that questioned the objectivity of the MIT study, and asked whether Mr. Dabareiner could substantiate this. Mr. Dabareiner responded that they asked the American Planning Association for studies to review indicating impacts of zoning change from single-family to multi-family. The MIT study was the single study produced. It is a real estate-based institute. Commissioner Schnell asked whether this could be investigated further in terms of the background of the study. Mr. Dabareiner emphasized that staff simply asked for studies to determine if findings of the Tracy Cross study could be substantiated. Commissioner Schnell said this may not require further investigation, but she requested that additional information be obtained.

Stephen Stewart of Fairview Ministries, petitioner, reviewed the mission of Fairview Ministries and provided a slide presentation to explain their request. Mr. Stewart defined senior adults using information from applicants. He said 23%, or 94, potential residents are from Downers Grove. He said that Gregory Beggs, an attorney from the Village and a member of the Plan Commission, is a resident. He quoted Mr. Beggs saying his children are scattered from Mackinac to Dallas, yet they all know where Fairview is, and he made his decision based on discussion with his children and because he believes Fairview is the right choice for his needs.

Mr. Stewart reviewed the timeline saying they have been before the Plan Commission twice and received a positive recommendation from that Commission twice. They have also met with the surrounding neighbors twice. He said Tracy Cross is present to discuss the home value study presented. They have also completed the water retention ponds to show the neighbors that they are taking the stormwater concerns of the residents seriously. Mr. Stewart mentioned the people present who would provide additional information and a petition from Fairview residents with over 160 signatures in support of this matter. As to community benefits, Mr. Stewart said they believe this will provide additional opportunities for seniors to remain in Downers Grove. There is a waiting list of 50 seniors. The project is not low-income housing; entry fees will range between \$500,000 and \$600,000. He said the auxiliary campus will complement the residential neighborhood, bring talent and spending power to the area and enhance property values by development of otherwise vacant lots. He showed the aerial photographs depicting the current layout of the buildings on the campus. There will be underground parking for each unit. The project includes four 2-story buildings with eight units in each building. The existing home on the site will be made into a clubhouse. Mr. Stewart explained that there is a \$500,000 entry fee or down payment for moving into the community. In addition residents pay monthly assessments for the services. When they leave the community or pass away, the entry fee is returned to them or to their estate. The units will require significant investments in the same range as the housing units in the area. He showed an elevation drawing explaining that the buildings are designed to be aesthetically acceptable to the surrounding residents. Fairview will accommodate whatever requests are made by the Village Council for landscape requirements. Mr. Stewart said that Fairview Ministries owns five additional lots which front onto Devane Lane, which they had to purchase in order to buy the seven lots fronting in Fairview Avenue. He explained that they do not intend to keep the five lots, and they are currently for sale. Mr. Stewart then reviewed the zoning requirements showing the zoning map. He reviewed the maximum height, lot coverage, Floor Area Ratio and open space requirements, and how the project meets those requirements. The proposed buildings will be of a similar maximum height for the single-family surrounding structures. He then showed drawings of the property as it will be completed, using the architecture of the existing house that will serve as their clubhouse.

Tracy Cross, President of Tracy Cross and Associates, a housing analysis firm based in Schaumburg, Illinois, reviewed the nature of the assignment and whether there is market support for this development. He indicated that the market support findings are favorable for the auxiliary campus. There are about 19,000 households in the Downers Grove market area that are aged 65 or more with earnings of \$75,000 or more annually, with a net worth of \$500,000+. That demographic base is expected to increase by 35% by 2012. Mr. Cross said Fairview Village has a pre-qualified list of people wanting to live on the Fairview campus. The monthly fee would be in the range of \$2,200. Comparison of current facilities shows they are absorbing at about 3.2 new residents per month. Mr. Cross said that they studied communities impacted by a similar zoning change including One Itasca Place, Woodridge, Illinois' Cedar Club, and Elmhurst's Larch Avenue. One example in Palatine was added to show properties that were newer and valued at \$600,000 to determine its impact on the community. The Palatine change was made in 2004, and is surrounded by single-family. Housing values directly adjacent to the facility sold for about \$700,000 plus. He explained that other homes in the area sold in the \$600,000 range, showing no change in value. Mr. Cross then reviewed the other communities, which also showed an appreciation in value when sold after the zoning change occurred. In their review of numerous other communities that experienced zoning changes from single-family to multi-family, he said they found that no discernible difference exists in the value of homes that are immediately adjacent to the rezoned area.

Commissioner Waldack asked what factors affect housing prices the most. Mr. Cross responded that factors include age, quality of construction, environment, other available properties, etc. He noted that the housing market is very competitive. Commissioner Waldack then asked why properties in an R-3 district would not sell. Mr. Cross said that there has been a downturn in the housing market with a 25% to 30% decrease from 2005 to 2007.

Commissioner Schnell asked about the comparisons with other communities and whether the multi-family residences were meant to stabilize the area. Mr. Cross replied that the Villas of Maple Woods in Downers Grove was more stabilizing for frontage along Maple.

Commissioner Beckman asked about the availability of trending data and the cost of townhomes in areas that they studied as compared to the value in the rest of a community over a course of time. Mr. Cross responded that over time, they meld together and move with the market. Some areas that may be in a renaissance change could appreciate faster. There are many different elements entering into the equation. He said they trended the data from 2002-2007. The values of homes are now overall, down 10% to 12%.

Ken Rathje, Land Use Planner with offices in Downers Grove, introduced himself as a consultant for the past five years, and a municipal planner for 30 years. He was asked to review the proposed rezoning and testify to the request. He said he studied the trend of development in the area. At the northwest corner of 63rd and Fairview there is a medical building and a day care center in an R-2 zoned area allowed by a consent decree. The southwest corner contains a commercial plaza with a video store as an anchor. South of that are townhomes, four single-family homes in the County, and other single-family homes. On the southeast corner are a commercial plaza, bank, veterinary hospital, and other medical facilities. South of that site is a townhome development, one residential single-family structure, a series of six-flat apartments, and then Fairview Ministries.

Mr. Rathje said he then reviewed the zoning, which includes, on the west side, R-2, B-2, R-5, County R-4, Village R-3, and the subject property, which is Village R-3. The east side has Westmont B-2 zoning, and a fourth parcel zoned R-4. He indicated that Westmont's R-4 zoning

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is comparable to Village R-5A which can have a density of 10.89 dwelling units per acre. Westmont's density is based on the number of bedrooms. The last parcel on the east is Fairview Ministries.

Mr. Rathje said that the trend of development has been impacted by the presence of Fairview Avenue and 63d Street. This is a major intersection of arterial roadways. The second trend driving the area is the fact that Fairview is the boundary between Westmont and Downers Grove. He discussed the history of the area, noting the annexation agreement and annexation of Fairview Village into Downers Grove. That annexation was made at Fairview's request to connect to Village water. The R-5A zoning designation on the east side was approved because it met both the density and type of zoning needed to serve the institutional/care activities as well as the residential aspects of Fairview Village.

Mr. Rathje explained Downers Grove's history along Fairview, and Westmont's zoning decisions in the area east of Fairview. The Village took the position of showing a density of 0-6 dwelling units per acre for the Fairview Avenue area. This conservative position allowed Downers Grove to work with the MCI property as a special use. He noted that the Fairview Baptist home served as a natural transition point from commercial to residential uses south of 63rd Street. Mr. Rathje said that the proposed zoning for Fairview Ministries has been called "spot zoning." He explained that the Downers Grove Zoning Ordinance quantifies what "spot zoning" is in Section 28.405, which establishes the minimum acreage for a zoning district, or two acres. The subject site is almost three acres in size. Under the Village's ordinance this is not spot zoning. In terms of the site being inconsistent with the Future Land Use Plan, the Village had difficult decisions regarding land use in the 63rd and Fairview area. He said that 0-6 dwelling units per acre is most often associated with R-1, R-2, R-3, and R-4 zoning districts. R-5A is a step up from that designation and creates a transition. The proposed zoning only goes one layer west of Fairview Avenue, but not to the next street. It is a true transition zoning.

Mr. Rathje then discussed projects that he was involved with in his years as Planner for the Village. Those included Saratoga Grove, Fairview Village, Oak Tree Towers, Immanuel Residences, and Peace Memorial Manor, all of which are senior residences. All of them were met with concern by the neighbors, sometimes with opposition and resistance. Looking at all of these facilities today, they have become assets to the Village and have caused no harm to the surrounding area. He finds the proposed rezoning to be both reasonable and logical.

Mayor Sandack commented on the trend of development, saying that on this lot the trend turned quickly. These lots were part of a PUD only two years ago. With respect to the Future Land Use Map, he explained that it is not a legislative document, but it is a good planning mechanism. The Mayor then asked Mr. Rathje whether the proposed request is inconsistent with the Future Land Use Map. Mr. Rathje responded that using the term "inconsistent" shows some type of negativity. It does not comport with the Map, but it is a complementary and reasonable alternative.

Commissioner Beckman asked for clarification of Mr. Rathje's comment that the existence of Fairview Baptist has created an environment of multi-family homes in the area. Mr. Rathje responded that it might have been a factor, although he's projecting regarding something that happened around 1976. The six-flat developments that were built east of Fairview Avenue were subdivided in 1976 in Westmont. They saw the apartments as consistent with the institutional use. Commissioner Beckman then asked about the next process and whether that corridor would eventually be readdressed. Mr. Rathje said that the Council needs to give direction as to the future use of the area in terms of zoning. He indicated that there are different jurisdictions on the

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east and west side of Fairview and the Village has no control of both sides of the street. It is a valid approach to take a conservative stand given the multiple jurisdictions.

Mayor Sandack then asked if eventually the Future Land Use Map needs to look like the future. Mr. Rathje said the Future Land Use Map does not have to look exactly like the Zoning Map. There can be some departures from it given unique circumstances. In most instances the Future Land Use Map should look like you want an area to look in the future.

Commissioner Schnell said that over the years she has been on the Council, the Future Land Use Map has been shown to Council as a definitive future of what the Village wants. In this specific case, the Future Land Use Map shows single family residential zoning for the area. Mr. Rathje responded that you cannot be completely shackled by guidelines. You cannot possibly know all aspects of development, economic trends, needs that may occur. He said the hearing process with elected officials and staff working with the developer to achieve a quality community is what the Land Use Map is for. He said that it allows involvement of residents, property owners and hearing boards.

Commissioner Schnell said that the commercial development on the east side of Fairview was in place before the Fairview development. Mr. Rathje said he thought it was a bit later for the Westmont commercial development. He looked up the Recorder numbers for the southwest corner that was recorded in 1989. The six-flats go back to about 1976. Fairview bought their land in the 1970s, established the original older buildings in the 1970s, and about 1995 Fairview Village pursued additional land when they became contiguous to the Village.

Commissioner Schnell said from her perspective, Fairview asked for R-5A in the 1990s and it made sense at the time because it was a true transition. On the east side of Fairview it was transitional. Mr. Rathje added that at the time R-5A zoning was tied to planned developments that required additional public hearings. Commissioner Schnell referred to the west side of Fairview, when Family Video came in at the corner of 63rd, then the Sievers development, which was to be transitional between the commercial area and the single-family residential area to the south. She said she has a problem with this request in that the zoning does not have a clear transition. It is different than the east side pattern. On the west side it is business, townhome, single-family, and again townhome. She does not see it as spot zoning. Mr. Rathje said responded that the development did not occur in tandem on both sides of the street. He thought, but was not sure, that Westmont was able to connect water earlier than Downers Grove. As to moving from commercial, R5A, single-family and R5A again, he said that you have to take the trend of development as a whole, and not just for one side of the street. Fairview Avenue is divided by jurisdictions. This is the type of thing that is taken into consideration, the area as a whole rather than just an arbitrary line of jurisdiction.

Don Van Devander, a resident of Fairview Village, submitted a petition from the residents of Fairview Village. He read the petition in support of the expansion of Fairview Village on the west side of Fairview Avenue. He said he represents 443 citizens in Downers Grove living in Fairview Village, and has lived in the surrounding area since 1975. When he and his wife retired they looked at many places and found Fairview Village to be ideal with the independent living ability, as well as having medical care available. Mr. Van Devander clarified that he has not been told by any official of Fairview Village to make any specific remarks. He discussed the retention pond and its value to the community, which met the needs of the watershed to the north, the west side of Fairview Avenue, and beyond. Fairview Village allows him and his wife to care for themselves and not be dependent upon their children for care. Residents of Fairview Village are active in the community in terms of shopping, medical services, entertainment, etc. Mr. Van

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Devander noted that he and his wife are active in their community. He has put in approximately 6,000 hours of volunteer work in the Village as well as Fairview Village. He and his wife appreciate Fairview Village and have both retired. They are thankful to be able to give back to the community.

Doug Thaxton, a resident of Fairview Village, said he is a veteran of World War II and the Korean War. He has been a resident in the Village for 9 ½ years. He was honored recently and flown into Washington, DC to see the World War II Memorial. His son was killed in 1969 in Vietnam. He and his wife moved into Fairview Village in 1999, and she passed away in 2002. Shortly thereafter his daughter died of cancer, which leaves him without a family. Fairview Village residents have become his family. Mr. Thaxton said his move to Fairview Village was one of the best moves he has ever made. He asked that the Council afford future generations accessibility to the services that Fairview provides.

The Mayor clarified that there is no question as to the partnership between Downers Grove and Fairview Village. It has been an excellent partnership. The only question is whether expansion to the west side of Fairview Avenue is appropriate.

Mr. Stewart summarized the request, asking for a positive vote by the Council for Fairview Village's request. There are no requested deviations from requirements for height, lot coverage, open space, etc. They are requesting a zoning change designation to R-5A zoning.

Commissioner Tully asked to see the slide Mr. Stewart used of the zoning requirements showing maximum height, maximum lot coverage, maximum Floor Area Ratio and minimum open space.

The Mayor called for a brief recess, and assured everyone in attendance that they would be given the opportunity to present their comments to the Council regarding this petition. He asked only that they refrain from repetitive statements in an effort to expedite the proceedings.

William White, 5330 Main Street, said that prior to this evening, he consulted with the homeowners regarding their objections to this petition. He is now speaking on his own behalf as a long-time resident of Downers Grove. This is strictly his personal opinion. He feels that the Future Lane Use Map argument is a compelling one. The Fairview Corridor has a great many challenges. That should all be looked at in a comprehensive fashion before a decision is made. The prior Village Council took a very conservative perspective. This Village Council has the authority to change that perspective; however, Mr. White said he believes this petition is not the correct venue to change the long-term planning of Fairview Avenue. There have been many arguments as to why Fairview Village should be allowed to build on the west side of Fairview Avenue. He did not, however, hear any arguments why this has to take place before a review of the Future Land Use Map and the Comprehensive Plan. To change the zoning now short-circuits the process. Mr. White noted that in the process of building the detention pond, one of the pieces of equipment got stuck on some peat moss and had to be pulled out. Sensible construction does not occur in peat moss or quicksand, but only occurs on a solid foundation. If this Village Council approves the petition and the possibility of litigation exists to challenge that, the Village will be on the legal equivalent of peat moss or quicksand until that case is resolved which could be many years down the road. Mr. White noted that if the Council allows the Future Land Use Map process to move forward after a thorough review, it can then move forward on a much stronger foundation. He sees no reason to jump the gun.

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Mr. White said that the Plan Commission focused on Lynn Gremer Court, and urged pro-active planning and a comprehensive review of the zoning in this area, which would help with respect to other problem parts of the Village. He noted that Fairview Village owns other lots besides those mentioned which would be ideal for the type of project they want to build. He has heard no arguments as to Fairview suffering irreparable harm by delaying this decision. Mr. White does not understand why it wouldn't be better to have the Comprehensive Plan study/review finished before approving this project. He noted significant changes in the economy which occurred since the Cross study was completed, saying that the Cross study only went to 2007. His biggest personal problem with the Cross study is that it simply proves too much. Mr. White urged a more neutral review of the question, which could be done as part of the Comprehensive Future Land Use review.

Mr. White then asked whether the record from the Plan Commission and staff reports support the conclusions heard at this evening's meeting. He feels it does not, and therefore does not justify short-cutting the process.

Ron Detmer, 6580 Davane Lane, said that at the last Plan Commission meeting Mr. Cross referred to the property on Lynn Gremer Court as a bankrupt and broken area, and he did this again tonight. Mr. Detmer said this depiction of the property is erroneous. Mr. Detmer said that with regard to home values, if there is no negative impact why should they bother with the zoning. He said he was disappointed with the vote of the Plan Commission. One of the Commissioners admitted that he was unsure of spot zoning. One Commissioner said she would vote in favor of the rezoning but was doing so reluctantly because she was unsure of the project. Some Commissioners appeared confused about the upcoming land use study as to the when and where of the process. When staff said at the Plan Commission meeting that the land use study had already begun, Mr. Detmer said that one of the Commissioners stated that they had better get Fairview Village approved before the land use discussions. Another Commissioner had no problems with the request because Fairview is just across the street. Mr. Detmer said no one has expressed concerns about the fact that one of these buildings will be just 40 feet from a single-family residence patio. The properties on Davane Lane that Fairview Village said it was forced to buy are not listed as "for sale" in the multiple listings. He said that dissenting Plan Commissioners cited the following reasons as part of their "no" vote: character of the neighborhood, inappropriate use of the land, and spot zoning. Mr. Detmer said that Downers Grove is a community of neighborhoods, and this is their street. He said the residents see this as a matter of community. Fairview has already approved the 200-unit expansion on their east campus with additional apartments and buildings. The residents urged the Council to vote no on the rezoning of Lynn Gremer Ct, and the building of apartments buildings in their neighborhood.

Rosemary Sullivan, 6606 St. James Court, one block west of Fairview, said her concerns are that if they grant the zoning for multi-family it will continue on down past the church. She is concerned that because Westmont considered multi-family as an appropriate transition, the same thing will occur if this is granted on the west side of Fairview. She asked what happens to the houses between the townhouses and Fairview Village, or if the church sells off part of their property, or Fairview Village develops the property south of the church. They will be stranding two groups of single-family homes and changing the entire complexion of the neighborhood by granting that type of zoning. She referred to a comment by Mr. Detler about additional building by Fairview Village on their east campus. The traffic study did not include what traffic patterns would be after those additional buildings are put in place on the east side.

Wei Wu, 6540 S. Fairview Avenue, said she is opposed to the expansion of Fairview Village. She discussed selling the property and how this development would decrease the value of their

homes. She said if the Council does approve the development, she requests that a fence be installed on the north side of the development to allow her to keep her privacy.

Dan Gross, 6407 Davane Court, said that he has spoken in opposition to this project before, and wanted to clarify that no one in the room is against the senior citizens; however, they do not want expansion on the west side of Fairview Avenue. If he were to decide at some point down the road to live in the Fairview Village complex, he does not believe he would be able to because he does not believe his property values would go up.

Bill Nelson, 6624 St. James Court, said that there are many more people who want to speak, and he is speaking on their behalf. He said that the staff report to the Plan Commission recommendation missed the mark. He said rezoning this property from R-1 to R-3 to R5A in under a decade is exceptionally unique and unprecedented in the modern history of Downers Grove; however, the time for fact-finding has passed. He agrees with Mr. White that the process if broken. This Council could have voted on this issue long ago relying on the fact that it has gone through the process; however, the Council requested more information and a second review by the Plan Commission which shows the Council's commitment to get the facts and make the correct decision, rather than counting on an arcane process. According to the requirements, Fairview's project meets the R-5A zoning designation requirements; however, the property is zoned R-3. The residents believe rezoning the property would be more than a detriment to the neighborhood, but would be a grave misstep by the Village of Downers Grove. Mr. Nelson said at some point Fairview Ministries devised their plan to add additional living space, and that plan has already been approved by Downers Grove for the east side of Fairview. That plan did meet the requirements for the east side of Fairview. As for the west side property, Fairview purchased it; however, in that transaction, Fairview Ministries was acting as nothing more than a land speculator, knowing that neither the land use plan nor the Zoning Ordinance supported their intended use. He said that this Council should not give credence to the plan because the petitioner is Fairview Ministries. Under law, the petitioner is irrelevant. The decision should be made on the merits of the petition. This discussion is whether multi-family units should be allowed on the west side of Fairview Avenue, and not about whether Fairview Village should be allowed to expand their services. Mr. Nelson said that the petition does not have overwhelming support. If the property is rezoned it would be difficult to deny future multi-family petitions to developers not as attractive as Fairview Ministries. He thanked the Council for referring the issue back to the Plan Commission. It is difficult for anyone to stand up and reverse their decisions. The Plan Commission recommendation was by a margin of one vote, which shows that the petition does not have overwhelming support. There are several properties along Fairview Avenue that are ripe for redevelopment, and they are zoned as single-family residential. He said that if the property is rezoned it should be done as part of the comprehensive planning process. Lynn Gremer Court is a PUD, and that gives the Council power to determine what goes on that land. He further pointed out that everything that has been built in the area since the commercial designation and the Sievers development has been single-family residential.

Bob Johnson, 400 67th Court, said that he owns property on Fairview. Fairview Ministries approached him to purchase his property, and he feels that they want to take over the entire area. He believes the Council should vote against this and should look at the whole area. If they have a Master Plan as they did for the property on the east side of Fairview, they should present a Master Plan for the west side. If this is approved for Fairview Ministries, then it will bring other developers in who want to build multi-family units.

Quinton Ford, 415 66th Street, said his is the first house on the south side of 66th Street, west of the church, and his backyard adjoins the church's property to the south. At the last Plan

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Commission meeting on this project, he felt there was some confusion on the part of the newer Commissioners. Mr. Ford reviewed Section 28.101 of the Zoning Ordinance regarding the intent and purpose of the Zoning Ordinance, which is to protect the character and stability of the Village. The residents are concerned about the character of the neighborhood, and residents are concerned about their property values. Mr. Ford said that he and his wife signed a contract on their current home in April, and in May they learned of the extent of Fairview Village's holdings in the area and their intent to construct multi-family buildings. He and his wife contacted their attorney to see if there was any way to negate their contract; however, there was none. Mr. Ford said that his point is that if even one qualified and motivated buyer declines to purchase a property in the neighborhood because of this development, it assuredly impacts their property values. However, property values are not the only matter that relates to character. Also important are appearance, interaction of the neighbors, etc. The proposed development could adversely impact those things. Mr. Ford said the ordinance mentioned providing stability in residential areas. He understands there have been rezonings in the area, and "zoning du jour" does not provide for stability of the neighborhood. No one has given an independent assessment of whether this will be beneficial to Downers Grove as a community, and he believes that can be done through the Comprehensive Plan and Future Land Use Map review. He said if the Council Chambers were empty tonight, it might be appropriate to deviate from the Future Land Use Map; however, the Chambers are filled with residents in opposition to this project.

Dr. Raghavan Ramanan, 6555 Berrywood Drive, said he believes that Fairview Village acted as a speculator buyer, and this is a calculated move to annex the properties. Fairview Village owns a lot of property on Fairview and for that reason, he urged the Council to look at the bigger picture in this situation because it makes more sense.

Char Brar, 6437 Davane Court, said that any work that happens will occur behind her home. She moved into the neighborhood in the year 2000, and it was an upscale neighborhood. It has been downgraded since she purchased the house. Ever since she moved in there has been an issue of rezoning. This included Family Video and the Sievers development, and now it has occurred again. She said if this is approved, she will be looking at senior citizens housing in her backyard. She believes traffic and ambulances will affect the neighborhood. Sirens and police lights are frequent already. She wants peace in her house at night and feels this development will depreciate her property.

Anthony DiSalvo, 6339 Davane Court, said he is in the mortgage business. When people purchase a home they look at things other than price, they also look at location. He did not anticipate multi-family in his neighborhood. It brings down property values. Property value is affected by what surrounds it—functional obsolescence. He indicated that the property is part of the Village and has been rezoned to single-family many times. He urged the Council to honor the Future Land Use Map. He feels that Mr. Rathje has changed his mind.

Commissioner Neustadt thanked the petitioner and the residents for their respectful comments. He is trying to get all the information he can. He said this is one of the more difficult issues he has had to consider since elected to the Village Council. He is worried about the zoning and worried about the properties further down Fairview Avenue, not just the property on Davane Lane. He has not yet made up his mind. It is positive to add more senior housing in the community. He asked, however, if Fairview Village has thought about adding this building to their campus on the east side of Fairview. This is a difficult issue and the Council has a tough decision to make in the next week.

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Commissioner Schnell said she agrees with Commissioner Neustadt. This has nothing to do with Fairview Village being a good neighbor or with the need for senior housing. She served on the Plan Commission for eight years, and she has a problem with whether the petition fits the standards. This is not consistent with the Village's Future Land Use Plan. She said that the issue before them is only a zoning issue. She asked how many times the Council has deviated from the Future Land Use Map, as this information would assist her in making a decision. She said the Future Land Use Map has been used historically as an important guideline. She sees this as only a one-issue matter.

Commissioner Waldack said his question to the residents is how they see the difference between the requested zoning and the R-3 zoning. He sees it as a difference of three buildings. The buildings proposed are in the R-3 category, which look much like what is being proposed. They will be lower, have more open space, etc. He noted that the difference appears to be the number of occupants. He takes exception to the matter of ambulances in the neighborhood. Having seniors next door is not a detriment to anyone. That is not the issue. There is a senior dwelling in Lombard where residents embrace the seniors, and treat them as neighbors.

Commissioner Beckman extended his appreciation to everyone who supplied information in this matter. He sees this as a zoning issue, and he is not completely satisfied that elements 2 and 3 that have to be applied to the project and zoning regulations have been met. He would like to have independent findings regarding property value findings. He also is concerned with the public health, safety and welfare portion of the standards from Sec. 28.1702 of the Zoning Ordinance.

Commissioner Durkin asked if staff could provide what the redevelopment of Fairview Avenue is in the years to come. Some time ago there was discussion about making Fairview Avenue a four-lane roadway.

Commissioner Tully agreed that this is a tough decision. This is not about the petitioner or their mission or value. It is about zoning and the criteria of the Municipal Code. He appreciates all of the work done and brought forth to the Council. Many issues have been addressed. This is a request for a dramatic change. Commissioner Tully said that Section 28.1702 provides standards for approval of amendments to the Zoning Ordinance. There are seven factors, none of which is a controlling factor. He then reviewed those factors:

1. Existing uses and zoning of nearby property. He noted in 2002 that he commented that the Future Land Use Map needed review then, and it still needs review now. It is difficult for him to look at that map and then open the door to the higher zoning being requested, as it sets a precedent. It doesn't matter what Fairview Village's intentions are. Once there is a zoning change, it will change development in the area.
2. Affect on property values. This could go either way and he is not focusing on this.
3. Public health, safety, welfare. Commissioner Tully said that this could also go either way, in terms of what Fairview would provide to the community.
4. Suitability to the subject property. The Commissioner said this concerns the physical makeup of the property.

5. Length of time property has been vacant. Commissioner Tully said that this would probably weigh in favor of the petitioner.

6. Value of proposed use. Again, Commissioner Tully said that this also would weigh in favor of the petitioner.

7. Standard of care undertaken by the community to plan land use development. The Commissioner said he has a problem as to whether this has been satisfied, and he is struggling with this. The Future Land Use Map is adopted every year, and it is undisputed that the proposed change is not consistent with the Future Land Use Map. It can be amended. People can ask for deviations. But given what he has seen in the past, he has a problem with this factor.

Mayor Sandack said that this is a zoning issue. He has tried to be objective, but it is difficult to ignore the petitioner, a well-known entity in the Village. Process matters to him a great deal and that is why he favored remanding this back to the Plan Commission. He doesn't like imparting ill motive or nefarious means to any petitioner or objector. He tries to be objective and keep emotion out of the decision. This has been a purposeful process, but it needs to be done right. He reiterated that this has always been a zoning issue for him. While it is a good project, the question is whether it belongs in this area. The standards of Section 28.1702 provide factors to be considered. The last factor troubles him, and that's why he asked Mr. Rathje why they use a Future Land Use Map. It is a planning and guiding tool and should be given credence and weight. It should accurately describe the future intents of the community. The Council still intends to look at land use in a comprehensive perspective to have a guidance document that means what it says. What concerns him is that the Council is being asked to deviate from the Future Land Use Map. He feels that Fairview Avenue may change in the future. It could become a three or four-lane road in 20 or 30 years. But that discussion has not taken place. The Mayor expressed his appreciation to everyone who brought forth their concerns in this matter. He thanked the petitioner and the residents for their input and participation.

b. **Special Uses for a Drive-Through and Car Wash at 2125 Ogden.** The Manager asked Tom Dabareiner to address this item.

Mr. Dabareiner said an ordinance has been prepared to permit a drive-through convenience store and car wash at 2125 Ogden Avenue. The petitioner, Power Mart Corporation, is proposing to redevelop the site in two phases. Phase 1 is to rehabilitate the existing vacant mini-mart building and convert it into corporate offices with a drive-through convenience store, which can be done by right. The second phase involves a new facility. The ordinance contains a "sunset" provision voiding the special uses if Phase 2 comprehensive redevelopment plans, consistent with the Ogden Avenue Master Plan, are not approved within two years of the passage of this ordinance. Mr. Dabareiner showed a slide depicting the area and renderings of the final project. The Plan Commission considered the petition on September 8, 2008, found the requests met the standards for approval, and recommended approval of the special uses by a vote of 6:1. The dissenting Plan Commission member was concerned that Phase 2 would not be completed and therefore the improvements to the site, as required by the Ogden Avenue Master Plan, would not be undertaken.

Commissioner Schnell said she opposes the wording on the sign and asked what control the Village has over this. She is concerned because this is in a gateway area.

Mr. Dabareiner said the sign cannot include the word “liquor” as they will not be selling liquor. He said the Village has limited control on content. He said the petitioner will have to submit a specific sign design.

Commissioner Waldack asked what will happen if Phase 2 doesn’t occur.

Mr. Dabareiner said the petitioner will lose their occupancy permit, although the Village will have collected funds in advance to complete improvements for curb cuts, etc., to the site.

Commissioner Beckman asked why the changes are not being made now.

The Mayor said it is legal nonconforming.

- c. **Special Commercial Event License Agreement – Bonfield Express Foundation.** The Manager said a resolution has been prepared to authorize a special commercial event license agreement between the Village of Downers Grove and the Bonfield Express Foundation to conduct the Bonfield Express 5K run/walk on Thanksgiving day. Staff recommends waiving the application fee and fee for the rent of the parking deck. Staff recommends payment by the Bonfield Express Foundation for the use of staff time and equipment in the amount of \$3,054.62.

Stewart Karge, 5465 Bending Oaks Place, said he is the Treasurer for the Bonfield Express Foundation. He asked that the Village waive additional fees. Fees were waived in the past and recommendations were made regarding establishing fees standards. It was suggested that the Bonfield Express request funding from the Community Grants Commission. That suggestion was accepted and a proposal was submitted in December for funds for the event. The criteria included bringing people into Downers Grove. The Bonfield Express presentation was that people came from 25 different states for the race. Ultimately, they did not receive the grant, but received a letter in the mail saying they did not qualify or meet the criteria for the Community Grants Commission. There was no explanation as to why they did not qualify. He said there were some striking things about those groups who did receive grants. All grant applicants that had representation on the Commission received funding. When the Bonfield Foundation was created, it was agreed that no child of any member of the Bonfield Express would receive any funds at all. He does not understand why they were denied funds after being encouraged to seek these funds. Mr. Karge said that language removed from the Community Grants Commission ordinance eliminated civic and athletic groups, in favor of fine arts groups. Mr. Karge said that the Bonfield Express Foundation gets their money through corporate donations (which are down 50%), individual donations (also down) and fees for participating in the race. He said that every penny received goes to the scholarships. These are difficult economic times, and they have experienced decreases in donations. The fees requested will require them to find 400-500 more participants in order to be in the same position financially as they were last year. Bonfield Express gives out grants to District 99 students based on character and community service. Mr. Karge asked that all of the fees be waived.

The Mayor said that the Bonfield Express is a wonderful organization. He said that giving direction was not the same as giving assurance. He noted that the Council is making tough financial decisions. It is an expenditure of tax dollars to provide police and the public works services. He said that the Village gives waivers as best as they can afford.

Mr. Karge asked for the best the Village can afford. He wants to see them put as much money in the pockets of the students as possible.

Diana Karge, 5465 Bending Oaks Place, discussed the Community Grants Commission and the grant subsidy process. She said the Community Grants Commission discussed civic vs. community events. She read from the minutes of the meeting where changes were made in the criteria. The Bonfield Express did not meet the criteria of the Community Grants Commission. Other organizations were funded at level of tens of thousands of dollars. She urged the Council to ask the Community Grants Commission to revisit the ordinance, and to be transparent and equitable. This Commission should support multiple events.

Commissioner Tully thanked the Karges for their commitment and passion for the Bonfield Express. However, he felt a few of their comments went too far. The item before the Council is approving the event and the waiver of fees and expenses. Fees are one thing, but the \$3,000 in expenses is an outlay by the Village at the cost of taxpayers. By waiving those expenses, the Village becomes a sponsor of the Bonfield Express. He said he has talked before about what events the Village should sponsor and the need for a policy. He would be a proponent of the event, but he would have to describe it as "spot funding." Commissioner Tully said the criteria for awarding community grants was discussed long before the Bonfield Express request was made. The criteria were not changed because of the Bonfield Express event. The volunteers on the Community Grants Commission take their job very seriously. No one was awarded anything based on connections to Commission members. The Council is willing to waive fees.

Commissioner Tully said that he wants to find the right way to make this work. He explained that the Community Grants Commission funds are tied to Hotel Tax funds. He is a firm supporter of the event and is 100% in support of making this a sponsored event.

Commissioner Neustadt said he is the Chair of the Community Grants Commission. He and Commissioner Tully, as Co-Chairs, saw areas for improvement in the grants program. Commissioner Neustadt said he supports waiving fees and noted that last year all of the expenses of the Bonfield Express were waived. With respect to the Community Grants Commission ordinance, he said there were no public comments at the Council level or at the Community Grants Commission meeting. Council reviewed and approved the mission statement of the Community Grants Commission. It is a great program. He looks forward to receiving and reviewing the applications this year.

In response to Commissioner Beckman regarding next steps, Commissioner Tully discussed drafting an ordinance.

- d. **Designate One Block of Lincoln Avenue to Part-Time One-Way Operation During School Hours.** The Manager said an ordinance has been prepared to amend the Municipal Code to designate one block of Lincoln Avenue, between Fairview Avenue and Cumnor Road, as a one-way, eastbound, street between the hours of 8-9 a.m. and 2-3 p.m. on school days. This is in response to Lester School concerns. The Transportation and Parking Commission heard this petition at their meeting on October 8, 2008 and unanimously recommended approval of this ordinance.

The Manager said staff received an e-mail from Howard Baldwin noting that this proposal may have unintended consequences in terms of traffic safety.

Commissioner Neustadt said he has unique knowledge of this matter. He asked for more information about the parkway restoration. He noted that temporary one-way designations work well. He said this will be positive for the neighborhood and safer for children.

The Mayor said a similar traffic restriction works well at Whittier. He said the parents are motivated to follow this.

Bill Wrobel, 7800 Queens Court, said this is the first motion from the Transportation and Parking Commission. It is a great first step and sets a pattern for good things to happen.

- e. **Ordinance Changes – Mochel Drive and Curtiss Street.** The Manager said an ordinance has been prepared to amend the Municipal Code to place a stop sign at the southwest corner of Curtiss Street and Mochel Drive and to properly recognize the crosswalk at Mochel and Curtiss. This matter was reviewed by the Transportation and Parking Commission on August 13, 2008. They recommended approval and staff concurs.

Commissioner Beckman said this is a great idea.

- f. **2008 Heritage Festival Annual Report.** The Manager said this has been prepared for the Council's review.

Commissioner Tully congratulated Community Events Director Mary Scalzetti and her staff on developing a budget that provides a wonderful event while keeping expenses in line. He said there will be a Heritage Festival concert in 2009, but not a Thursday night concert. There will be a heritage component in the Heritage Festival in 2009.

Mayor Sandack added his congratulations and said the accolades are well deserved.

Commissioner Waldack said the buses stopped at the hotels. He asked for the number of riders.

Mary Scalzetti, Director, Community Events, said she would provide that information.

Commissioner Waldack asked the cost of the fireworks.

Ms. Scalzetti said the cost was \$9,000 for two nights of fireworks for Heritage Festival and \$9,800 for the 4th of July.

Commissioner Waldack noted that the City of Chicago is cutting back on the number of days of their festivals next year.

Commissioner Schnell said there have been comments about the advisability of fireworks in the downtown as it becomes denser. She suggested discussing cutting back on fireworks during hard economic times.

Ms. Scalzetti said the budget only includes fireworks for one night in 2009 at a cost of \$5,000. The budget for the 4th of July stays the same. The Village coordinates with surrounding communities to provide the 4th of July fireworks. The cost is based on each community's population.

Commissioner Schnell asked when the rates would be next established.

In response to fireworks in the downtown, Ms. Scalzetti said they are low proximity fireworks.

Commissioner Schnell suggested that this information be made available to the public.

Commissioner Durkin asked about insurance in the event of a rain out.

Ms. Scalzetti said it is very expensive and our current insurance does not provide that coverage.

Gordon Goodman, 5835 Middaugh, expressed the appreciation of the Downers Grove Heritage Preservation Corporation for being able to participate in the Heritage Festival Thursday night concert. He said \$6,798 was generated to offset expenses for the concert. He said he is pleased that the heritage component of Heritage Festival is recommended for 2009.

- g. **2009 Heritage Festival Ordinance.** The Manager said this allows Heritage Festival to occur.
- h. **FY09 Budget Update.** Deputy Village Manager Mike Baker said the information being presented was based on the October 11 budget workshop. He recommended a discussion take place at the November 11, 2008 Council Workshop.

The Mayor said some of the suggested revisions will be discussed further. Staff is monitoring revenue sources, which are not what they were expected to be.

Commissioner Tully said staff started nine months ago carefully monitoring revenues and expenses, and is now looking at further steps to reduce the budget. He noted the need to consider all options at this time. He suggested thinking in terms of deferment, not cancellation of items.

Commissioner Schnell said she has a problem increasing the corporate levy by lowering the pension levy. She would like to explore ways to reduce the corporate levy by \$272,000.00.

Commissioner Neustadt reminded the public that the next Coffee With The Council will be held on Saturday, November 1, 2008 at 9:00 a.m. at Fire Station 2, 5420 Main Street. The budget is to be discussed.

3. Consent Agenda Items

- a. **County Zoning Petition #Z08-083 Trowbridge (2508-2520 College Road) Belmont Park Townhomes.** Mr. Baker said a resolution has been prepared to oppose a petition filed with DuPage County to rezone the properties at 2508-2520 College Road from County R-4 to County R-5 and grant a conditional use for a Planned Development to construct 24 townhouse units. The petition is not consistent with the Village Future Land Use Map.
- b. **Bid: Brookbank Road Storm Water Pump Station – Project SW-028A.** This is to authorize a contract for the Brookbank Road stormwater pump station to Marc Kresmery Construction, LLC of Elgin, Illinois in the amount of \$47,256.00.
- c. **Bid: 2008 Miscellaneous Storm Sewer Improvements (Cost-Sharing Program) (Project SS-10.07.08).** This is to authorize a contract for the 2008 miscellaneous storm sewer improvements in the amount of \$52,560.44 to C&H Sewer and Water Construction of Willowbrook, Illinois. The improvements represent the public portion of the Stormwater Project Cost-Share Program.

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- d. **Contract Award: Professional Engineering Services – Rogers Street Water Main Replacement Design.** This is to authorize contracts for Phase I & II design work related to watermain improvements for Rogers Street – Highland Avenue to Maple Avenue – to Burns & McDonnell Engineering Co., Inc. of Downers Grove, Illinois, in the not-to-exceed amount of \$29,825.85.
- e. **Change Order: Prentiss Creek Subwatershed B Storm Sewer and Sunridge Subdivision Watermain Replacement (CIP Projects SW-034, DR-015, & WA-016).** This is to authorize a change order for the Prentiss Creek Subwatershed B storm sewer and Sunridge Subdivision watermain replacement to Brothers Asphalt Paving, Inc. of Addison, Illinois in the amount of \$53,111.34.
- f. **Network Attached Storage Upgrade.** This is for the purchase of a network attached storage device from CDW Government, Inc. in an amount not to exceed \$43,812.17.

MANAGER'S REPORT

The Manager had no reports.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting 11 items to the Council: 1) An ordinance regarding the 2009 Heritage Festival; 2) An ordinance rezoning property located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue from R-3, Single Family Residential, to R-5A, Townhouse Residence District; 3) An ordinance approving a preliminary planned development amendment to Planned Development #32, to permit construction of four (4), two-story senior citizen apartment buildings for the property located at 401-406 Lynn Gremer Court and 6568 Fairview Avenue; 4) A resolution authorizing a special commercial event license agreement and a public parking facility rental agreement between the Village of Downers Grove and the Bonfield Express Foundation for the Bonfield Express 5K race/walk; 5) An ordinance amending traffic regulations at Curtiss Street and Mochel Drive; 6) An ordinance authorizing special uses for 2125 Ogden Avenue to permit a convenience store with drive-through window and car wash; 7) An ordinance amending traffic regulations (Lincoln one-way); 8) A resolution in opposition of a proposed rezoning and conditional use for the property located at 2508-2520 College Road; 9) A resolution authorizing execution of an agreement between the Village of Downers Grove and Burns & McDonnell; 10) A resolution authorizing execution of a settlement agreement between the Village of Downers Grove and Therese M. Brzezinski; and 11) An ordinance providing for the acquisition through condemnation of certain property known as the Main Street/Prairie Avenue right-of-way project/First Illinois Bank & Trust #10189 (Ring) parcel.

ADJOURNMENT

There being no further discussion, the Workshop meeting was adjourned at 11:00 p.m.

April K. Holden
Village Clerk

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