



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, January 21, 2014

7:00 pm

Council Chambers

1. Call to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

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

2. Roll Call

Present: Commissioner Bob Barnett, Commissioner Sean P. Durkin, Commissioner Geoff Neustadt, Commissioner Greg Hosé, Commissioner David S. Olsen and Mayor Martin Tully
Absent: Commissioner Becky Rheintgen
Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

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

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

3. Minutes of Council Meetings

Council Meeting - January 14, 2014

Mayor Tully asked for a Motion to approve the minutes as submitted.

Commissioner Neustadt moved to approve the minutes as presented. Commissioner Durkin seconded the motion.

The Mayor declared the Motion carried by voice vote, with Commissioner Olsen abstaining.

4. Public Comments - General Comments on Matters Not Appearing on Tonight's Agenda

5. Council Member Reports

Commissioner Olsen said today is his father's birthday. He shopped in Downers Grove and encouraged others to do the same.

6. Public Hearings

7. Consent Agenda

COR 00-05458 A. Claim Ordinance: No. 6037, Payroll, December 27, 2013

Sponsors: Accounting

A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

BIL 00-05459 B. List of Bills Payable: No. 6096, January 21, 2014

Sponsors: Accounting

A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

RES 00-05461 C. Resolution: Authorize an Agreement with Total Parking Solutions, Inc.

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND TOTAL PARKING SOLUTIONS, INC. (Multi-space Parking Pay Terminals)

RESOLUTION 2014-06

A motion was made to Pass this file on the Consent Agenda.

Indexes: Parking Lots

MOT 00-05462 D. Motion: Authorize a 12-Month Contract with Thompson Elevator Inspection Service, Inc., Mount Prospect, IL, for Elevator Inspection, Testing, and Plan Review Services

Sponsors: Community Development

A motion was made to Authorize this file on the Consent Agenda.

Indexes: Elevator Inspections

Passed The Consent Agenda

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Neustadt, Commissioner Hosé, Commissioner Olsen and Mayor Tully

8. Active Agenda

9. First Reading

MOT 00-05460 A. Motion: Award \$207,900 for a Construction Management Contract to V3 Construction Group, Ltd., Woodridge, IL, for Esterbrook/Downers Grove Estates Watermain, Drainage, and Roadway Reconstruction Project

Sponsors: Public Works

Village Manager Dave Fieldman introduced Public Works Director Nan Newlon to discuss consideration of an award of contract for construction management services.

Nan Newlon, Director, Public Works, said this will be the largest Public Works project this year. The area is the Downers Grove Estates and Esterbrook subdivisions, bounded by Dunham Road, 63rd Street and Main Street. It includes watermain replacements, drainage improvements, and roadway reconstruction activities. This work was included in the Community Investment Plan for 2014 as five capital projects. They are being combined for cost savings, improved coordination and resident convenience.

Ms. Newlon said the watermain replacement portion of the project involves replacing over one mile of new watermains, fire hydrants and water valves on Powell, Barrett, Norfolk and Saratoga. The watermains will be located within the roadways.

Drainage improvements will include replacement storm sewers, ditch re-grading, driveway culvert replacements, solutions for problem drainage areas, and the option to include green stormwater solutions if residents request them. The objectives are to reduce run-off and improve water quality.

Ms. Newlon said that, as part of the project, street reconstruction and resurfacing will be completed on ten Village streets, including Powell, Barrett, Saratoga, Carpenter, Adelia, Carol, Norfolk, Oxford, Palmer and Saylor. Street improvements will include traditional reconstruction, resurfacing, and full depth reclamation. Full depth reclamation is a process where the existing pavement and pavement base are ground up, mixed with cement or other additives to increase strength, and then resurfaced with asphalt. It allows existing materials to be reused on site and costs about half as much as a traditional reconstruction project. It is also more environmentally friendly and creates less inconvenience to the residents. The type of existing pavement material determines if reclamation is possible.

Ms. Newlon then reviewed the major street reconstruction projects that were identified by the Road Condition Report. This work addresses two of the three projects scheduled for 2014. Staff is also planning to complete the third project scheduled for 2014, street reconstruction work in the area of Brook Drive and Centre Circle.

Ms. Newlon reviewed the project schedule which includes neighborhood meetings, engineering plans to be completed in February and additional neighborhood meetings in March. Construction is scheduled to begin in April and be completed in November 2014.

With respect to the construction manager contract, the subject of this agenda item, Ms. Newlon said staff recommends hiring a construction management firm to oversee the combined project in lieu of hiring general contractors to manage and construct the work in each subdivision. Benefits of this approach are lower construction costs, better coordination of work and reduced impact to surrounding residents.

An RFP was prepared and four proposals were received. Staff recommends award of this contract to V3 Construction due to their experience, understanding of the project, proposed scope, and fee. They have previously provided construction services to the Village with very

satisfactory results, and have received positive recommendation from other communities.

The total amount of the contract is \$207,900 which includes 5% contingency over and above the original proposed contract amount of \$198,000.

Commissioner Olsen asked how full depth reclamation affects the life of the pavement vs. traditional reconstruction.

Andy Sikich, Assistant Director, Public Works, said staff anticipates it would be the same.

Commissioner Olsen asked what streets need to be widened to 20 feet.

Ms. Newlon said staff will provide that information.

Commissioner Durkin asked if the contract management contract is similar to the owner's representative the Village used for construction of Fire Station 2.

Mr. Fieldman said that was correct.

Commissioner Durkin asked if there are any incentives for completing early or under budget.

Mr. Fieldman said this is not an at-risk contract. It is identical to the approach used in Fire Station 2.

Commissioner Durkin said this is a large job for Downers Grove. He asked as to similar jobs.

Ms. Newlon said Knottingham was similar, although not as large.

Commissioner Durkin asked if the construction management approach is due to lessons learned with Knottingham. He said he supports this approach.

Mr. Fieldman said staff has had large projects and has bundled them, but this is the largest and most complex. Having a dedicated firm working for us is why we recommend this.

Mayor Tully said he had the same question about the construction management contract and owner's representative.

Indexes: Water Main Improvements, Roadway Improvements, Downers Grove Estates, Drainage Improvements

ORD 00-05453

B. Ordinance: Amend the Zoning Ordinance, Chapter 28, of the Downers Grove Municipal Code

Sponsors: Community Development and Plan Commission

Tom Dabareiner, Director, Community Development, said this represents part two of the Zoning Ordinance update. The focus tonight is on districts and uses. Last week Council discussed administration and process, and on February 11, the focus will be on regulations and non-conformities.

Mr. Dabareiner reiterated that the changes to the Zoning Ordinance are to make it simple, attractive and easy to use; incorporate concepts and recommendations found in the Comprehensive Plan; provide for consistency; and include updates, best practices and requests for changes initiated by the Village. He reminded the Council that the Concordance of Notable Changes is available as a reference and guide to changes in the ordinance.

Mr. Dabareiner said tonight's presentation will focus on five Articles: Residential Districts; Business and Employment Districts; Special Purpose Districts; Allowed Uses; and Supplemental Use Regulations.

Mr. Dabareiner said the goal with respect to Article 2, Residential Districts, was to minimize changes, and to clarify and enhance protections where opportunities exist. Proposed changes are to combine R-5A into R-5 as there are no regulatory differences between them. There are minor bulk and density changes proposed to improve consistency, eliminate conflicting provisions and protect residential integrity.

Mr. Fieldman said staff will compile all the questions and provide answers before this comes before Council in February.

Commissioner Barnett asked about the process for changing existing zoning.

Mr. Dabareiner said it can be handled in any number of ways. In some cases it may be advantageous to wait for changes to be proposed by property owners, and in other cases it may be advantageous for the Village to proactively rezone large areas. There would be notice requirements, as well as public meetings and public hearings.

Mr. Fieldman said that eliminating the R-5A zoning district would require a Village initiated rezoning.

Commissioner Olsen asked if, when doing a Village initiated rezoning, could we determine that the suggested zoning might not be appropriate and find that another type of zoning would be more appropriate.

Mr. Fieldman said Council has that kind of discretion. That would be discussed at the public hearing and it would have to meet certain standards.

Commissioner Barnett asked Council members to reflect on other recommended areas to be rezoned.

The Mayor said if this is being done as a housekeeping matter to rezone R-5A to R-5 and there are other areas that might need to be rezoned, that could be done at the same time.

Mr. Dabareiner then discussed Article 3 - Business and Employment Districts. This does not include the Downtown Business and Downtown Transition districts. Those districts are included in Article 4, Special Purpose Districts.

Proposed changes to Article 3 are to eliminate the B-1 maximum floor area to allow successful businesses to grow in their current space and not have to move. It also includes minor business/residential transition changes to clarify, simplify and eliminate redundancy. The source for pursuing this is the Comprehensive Plan.

Mayor Tully asked if there was any historic basis for the 10,000 square foot limitation on maximum floor area in the B-1 district.

Mr. Dabareiner said staff did not find any basis for the size limitation.

Commissioner Barnett asked if other communities use 10,000 square feet as a limitation.

Mr. Dabareiner said a size is typically used because other communities use it as well, but staff did not see this in researching this matter.

Mr. Fieldman said this seems to be rooted in the 1960s era approach to zoning in order to prevent a big box store from taking up a shopping center.

Commissioner Barnett referenced a note about a 100 foot setback from residential, which is not included in the draft.

Mr. Dabareiner said this seems to be excessive and was reduced to 75 feet. He said he will do some research on this.

Commissioner Barnett said he is interested in knowing why this recommendation was made and what the impact would be.

Mr. Dabareiner then discussed Article 4 - Special Purpose Districts. Proposed changes include a downtown building build-to zone that is rooted in the Comprehensive Plan and in the Pattern Book. It promotes a pedestrian-friendly environment, economic value and sustainability. The zone could not extend more than ten feet from the back edge of the sidewalk. The point is not to create cavernous areas in the downtown. It limits the depth, which is a tool increasingly in use in downtowns across the country.

Another change is to add Institutional and Public District (INP) zoning district which promotes transparency and predictability. The Comprehensive Plan is the source for this proposal. The INP is intended for public, civic and institutional use, such as churches, government buildings, hospitals, schools, etc. Most of these are currently found in residential districts which is a little incompatible because they operate many days of the week in a business-like manner. The reason for exploring an INP district is two-fold: It promotes the interest of the institutional activities, and it provides the residential uses surrounding it some protection. This is also an opportunity to clarify the Code.

The ordinance is proposing two levels of INP districts: INP 1, a neighborhood scale of less than four acres in size, and INP 2, which is a larger acreage and would require a master plan so that the Village can plan ahead and understand the impact of the institutional use on the neighborhood.

Mr. Dabareiner then discussed the new Planned Unit Development Overlay District. This is almost more of a map item. It promotes transparency and simplifies the Code. The Comprehensive Plan is the source for this. The intent is to accommodate the desired development, which is not easily carried out under typical standards. It would establish standards and objectives for creating the district, and would be clearly delineated on the map.

Commissioner Barnett referenced the build-to provision. He asked if this would be preventing another development like the one at Rogers and Main.

Mr. Dabareiner said that would be one example; however, it does not entirely prevent it, because the petitioner could apply and make their case for something different. This would give certainty as to what we want to achieve long term.

Commissioner Barnett asked if changes would be made if the INP is adopted. Mr. Fieldman answered affirmatively.

Commissioner Barnett asked as to the effect of this. Mr. Fieldman said staff will try to accommodate existing uses to protect their rights and add some flexibility.

Commissioner Barnett asked if adjacent parcels would be included if they are owned by the

institutions. Mr. Dabareiner said that would be included in the master plan discussion.

Commissioner Barnett asked how Figure 4-2 and 4-3 relate to each other.

Mr. Dabareiner said these diagrams reflect the relationship between a downtown business abutting a residential district.

Mayor Tully said with the new INP 1 category, one would have to comply with the same zoning as the most restrictive zoning that abuts the parcel, which in some cases could be a 75'x75' lot depending on where it is. However, you would not have to comply with the minimum lot area requirements, minimum lot width requirements or minimum street frontage requirements. He asked if a special use would be required.

Mr. Dabareiner said a special use will be required for any new approvals.

The Mayor said all the normal considerations taken into account in a special use would apply. Mr. Dabareiner agreed.

Mr. Dabareiner then discussed Article 5 - Allowed Uses. A new consolidated use table is proposed in Article 5. It is the source that delineates what use is permitted in which district and whether it is a permitted use, special use or not allowed. It came out of the Comprehensive Plan. It is user friendly and simplifies the process. The table adds sheltered care, library, museum and minor utility as a permitted use or as a special use. Use categories are reorganized and defined more broadly so as to accommodate future changes and new uses. This gives us more tools to assess new uses as they come forward.

Mr. Dabareiner said some uses may be prohibited or modified. This is currently under additional review.

The Mayor that the chart is fantastic; a terrific tool. It is well done and easy to follow.

Commissioner Neustadt asked for an example of a natural resource preservation. Mr. Dabareiner replied an example would be Lyman Woods.

Commissioner Barnett said this basically addresses a situation where a government entity purchases residential lots.

Commissioner Barnett asked for an example of a minor utility. Mr. Dabareiner said an example is a water tower and would fall under the INP 1 category.

Commissioner Barnett asked staff to comment on day care homes as a permitted use in R-1 through R-5 by right and not a special use. Mr. Fieldman said staff will respond to that in writing.

Commissioner Olsen said crop agriculture is permitted by right in all residential zonings. Mr. Fieldman agreed that a resident could buy property and farm on it.

Commissioner Olsen commented about the use table with respect to the downtown business district. Fueling stations, and vehicle sales and rentals are special use categories. He said he thinks this is inconsistent, particularly as it relates to fueling stations and asked if they should be allowed at all in the downtown business district.

Mr. Dabareiner said this includes alternative fuel. Staff was thinking of electronic charging. This reflects the current ordinance.

Commissioner Olsen suggested that part of the reason the Zoning Ordinance is being rewritten is because land use has changed and the Village has changed. He asked if fueling stations should be allowed.

Mr. Fieldman said staff will provide more information on this issue.

Commissioner José said some of the concerns can be addressed as it is a special use that would come before the Council.

Mr. Dabareiner then reviewed Article 6 - Supplemental Use Regulations. Included in this section are modernized satellite dish and ham radio antennae regulations, an express prohibition of donation drop boxes, standards for electric car charging stations, provisions allowing geothermal energy. Gas station and funeral home regulations are mostly eliminated as they are redundant or now subject to the appropriate business district.

Commissioner Barnett spoke of rooftop screening and asked if it is technically reasonable for us to compel satellite dishes not to be visible from the street.

Commissioner Durkin said, based on his experience, users have protections through the FCC.

Mr. Fieldman said staff can look into this matter.

Mr. Dabareiner said at the February 11, 2014, Council meeting, staff will have written answers to questions to date. At that meeting, he will focus on additional regulations and non-conformities.

Commissioner Olsen asked if the intent is to come back to Council with a final draft after February 11. Mr. Fieldman concurred.

Commissioner Olsen requested that this ordinance be placed on a First Reading one more time after February 11. Mr. Fieldman agreed.

Commissioner Barnett noted that there are a series of other documents that mesh with the proposed ordinance and he needs time to review them.

Mayor Tully said it is important to be deliberate about this. The Mayor said this is a major undertaking. There have been substantial contributions by a number of people who have worked on this. It has not been an easy task and the Mayor said he has been impressed by how this reflects best practices and ease of use.

Indexes: Zoning Ordinance

10. Mayor's Report

Materials to be Placed on File

11. Manager's Report

12. Attorney's Report

Future Active Agenda

13. Council Member New Business

14. Adjournment

Mayor Tully asked for a Motion to adjourn.

Commissioner Neustadt moved to adjourn. Commissioner Durkin seconded the Motion.

Mayor Tully declared the motion carried by voice vote, and the meeting adjourned at 8:06 p.m.