

Approved

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

September 12, 2022, 7:00 P.M.

Chairman Rickard called the August 22, 2022 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Commissioners Dmytryszyn, Maurer, Rector, Roche, Patel, Toth

ABSENT: Commissioner Boyle

STAFF: Development Planner, Emily Hepworth, Senior Planner, Flora Leon, Planning Manager Jason Zawila

OTHERS

PRESENT: Adam Barry, Gregg Stahr, Bill Styczynski, Leonard Fisher, Mary Fisher, Vincent Barrett, Joe Birkett, Bill Barrett, Jack Gerberich, Jim Gerberich, Tom Barry, Dave Molnaro, Jeremy Shilga, Brian Barbato, David See, Dan Barbato, Eric Barry, Greg Duchak, Stephen Jagiield, Jennifer Barry, Stephanie Lucas, Heather Klauska, Scott Richards, Jayne Jaramillo, Charles Stava, Steven Jagiello, Margie Anderson, Deborah Stava, David See, Jason Reibert

APPROVAL OF MINUTES

Chairman Rickard entertained a motion to approve the minutes.

MINUTES OF THE AUGUST 22, 2022 PLAN COMMISSION MEETING WERE APPROVED ON MOTION BY COMMISSIONER PATEL, SECOND BY COMMISSIONER MAURER, MOTION PASSED BY VOICE VOTE OF 7-0.

PUBLIC HEARING

Chairman Rickard explained the protocol for the public hearing process and swore in those individuals that would be speaking during the public hearing.

FILE 22-PLC-0017: A PETITION SEEKING APPROVAL OF A PLANNED UNIT DEVELOPMENT, A REZONING FROM DB TO DB/PUD AND A SPECIAL USE TO CONSTRUCT A 4-STORY MIXED USE BUILDING WITH COMMERCIAL SPACE ON THE GROUND FLOOR AND 24 RESIDENTIAL UNITS ON THE 3 UPPER STORIES. THE PROPERTY IS LOCATED 270 FEET NORTHEAST OF THE INTERSECTION OF ROGERS STREET AND MAIN STREET, COMMONLY KNOWN AS 4915 MAIN STREET, 4919 MAIN STREET AND 4923 MAIN STREET, DOWNERS GROVE, IL

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(PIN 09-08-117-005, -006, AND -007. BARRIERE PROPERTIES, LLC AND URS-JDJAC25 LLC, OWNERS AND ADAM BARRY, PETITIONER.

Gregg Stahr, Architect with Studio 21, introduced himself and acknowledged that this is the second presentation of this project to the plan commission. He reiterated that the request is for a Planned Unit Development (PUD) for the three properties in the petition, and wants to maintain the Downtown Business (DB) zoning regulation on the properties while introducing the PUD overlay. Mr. Stahr explained that the petitioner is requesting a variance for setback requirements. He further explained the difference in property length on the residential property to the southeast, which requires the variance for the setback, as it is a deeper lot than other properties directly east of the petitioned properties. Mr. Stahr used a visual aid to diagram the portion of the building that would be encroaching into the southeastern setback. He clarified that the encroachment would be a 14 by 30 foot section of the building.

Next, Mr. Stahr addressed a photo of properties on Rogers Street. He noted that the area shows what appears to be zero foot setbacks between what appears to be single family homes and a multifamily development. He notes that between these two properties, the multifamily development is zoned DB and the single family buildings are zoned Downtown Transitional (DT), which do not have the same setback requirements as residential zoned properties adjacent to downtown zoned properties. He clarified that this photo has been circulating as an example of the development being discussed this evening, and that it is an inaccurate representation of the proposed development. Mr. Stahr then displayed a rendering of the proposed development and pointed out the setbacks and green space that would be present between the building and the adjacent property lines.

Mr. Stahr stated that he next wanted to clarify comments that had been made related to traffic. He reiterated that this development would not propose any changes to traffic configurations along Main Street. He noted that the proposal meets the ordinance requirements for parking, and that this petition is not requesting any deviation from the existing parking requirements.

Mr. Stahr stated he would like to also clarify comments regarding the commercial space on the ground floor of the development, which is a proposed restaurant. He acknowledged comments related to the square footage of the space and the proposed seating. He stated that based on the current calculations, they are proposing 150 to 175 indoor seats with an additional 40 to 50 proposed for an outdoor patio.

Mr. Stahr added that the proposal meets the Village density requirements, and further clarified that the average dwelling unit square footage is 872 square feet.

Mr. Stahr stated that a professional traffic study was conducted, and indicated that the proposed development would not significantly impact Main Street, and would provide adequate parking. He also added that this is a transit-oriented development, located a short walk from the Metra train station, and walking distance from many amenities located in the downtown area. He indicated that further conversations are expected between the project team and Village staff related to the proposed loading zone on Main Street, and that the loading zone may only be regulated during certain hours of the day.

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Mr. Stahr noted that Barriere Properties held three neighborhood meetings prior to finalizing the development proposal to engage nearby residents. He noted that the Village held over 30 public meetings between 2016 and 2018 related to the downtown zoning updates. He noted that this petition is related to the three properties only and that no future proposals are considered to change the residential neighborhood surrounding the properties. He noted that many comments regarding the development have been made online, and reiterated that the proposal is not suggesting any changes to Highland Avenue or any lots currently zoned residential.

Mr. Stahr stated that the petitioners are only looking for relief related to the required setbacks. He stated that the proposed development is for a 55 and older community, intended to expand housing options for current residents who may be looking to downsize. He stated that the proposed development is in line with the comprehensive plan. He explained again where the development is proposing to encroach on the setbacks, using a visual aid to show where the parking garage is encroaching underground, and where the building is encroaching above ground. He noted that the project team made changes to the development to lessen the impact on the neighbors, including reducing window sizes along the southern side of the development, moving the chimney and restaurant exhaust, adjusting balconies, and reducing the patio size for the proposed commercial space. In addition to reducing the patio size, it was noted that the landscaping plan would include privacy planting along the patio and the rear property line.

Mr. Stahr introduced Adam Barry, who is the lead developer for the project. Adam reiterated the changes that were made to the development in response to comments and concerns posed during and after the last Plan Commission meeting. Mr. Barry stated that he believed this is the highest and best use of the property.

Chairman Rickard thanked Mr. Barry, and asked the Commission to present questions.

Commissioner Dmtryszyn asked if only the underground parking garage was encroaching on the setback.

Jason Zawila, Planning Manager, clarified that there are two setbacks being encroached. The rear setback is proposed to encroach only underground, and the portion of the southern side setback that abuts the residential zoned property will also encroach.

Commissioner Maurer asked for further clarification on which direction encroaches above grade. Adam Barry explained that approximately 426 square feet will encroach on the back southeast corner setback. This setback is different than the southwest corner due to the Downtown Business zoned property directly to the south of the petitioning properties. The residential property, addressed on Highland Avenue, abuts to the southeast corner of the petitioning property, and has different setback requirements.

Commissioner Dmtryszyn inquired about the property owner on Highland Avenue who was concerned about accessing their garage in the back of their property. Mr. Barry explained that he spoke with him and shared a solution.

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Chairman Rickard invited for any additional public comment.

Mr. Jeremy Shiliga, noted that he was the owner of the property that abuts the southeast of the petitioning property. He stated he appreciates the changes and acknowledgement of the missing setback. Mr. Shiliga said that he wants the zoning requirements to be upheld, specifically the setback requirements. Additionally, he mentioned concerns with the underground parking garage encroachment. He stated that three of the five homes adjacent to the property were built in the 1880s, and he is worried about the structures being able to withstand construction in close proximity. Mr. Shiliga stated that outdoor seating in the rear yard of the building is not found anywhere else in Downers Grove. He said parking requirements are barely met, and asked how that is acceptable. He also expressed concerns related to the electrical infrastructure and if the power grid can handle more development, and wayfinding and signage in the norther portion of downtown particularly related to the location of downtown's existing parking garage.

Mr. Vincent Barrett thanked the commissioners, and requested that the public should receive a second commenting opportunity after the petitioner's response. He quoted Mr. Barry stating that this project is "the highest and best use" of the property and said he did not agree. He commented that smaller windows and patios are not solutions. He stated that he attended meetings in the past for the Station Crossing development and said that variances just allow the village to make any decision they want. He said he absolutely opposes this project.

Mr. Dennis De Bruler stated concern about building heights. He asked where the public can access the comprehensive plan. Chairman Rickard explained that a copy can be borrowed at the public library or accessed online.

Ms. Robin Tryloff stated she was concerned about the precedent this case could set. She commented that commercial buildings with outdoor space should not be seven feet from residential property. She said that this proposed development is not consistent with surrounding buildings and should meet existing building heights. She stated the property should be zoned downtown transitional. She stated concern with traffic and parking, and said that no traffic study has been completed for downtown Downers Grove north of the train tracks. She expressed worry about the lack of parking on the north side of the train tracks. She also stated concern regarding stormwater management. She asked the commission to be sensitive to the community members that want to maintain tree-lined streets rather than increase density.

Mr. Joseph Birkett said he reviewed the code, and understood the setback to be 47 feet, and that there is a calculation error. He mentioned that he reviewed the comprehensive plan, and quoted from the text that "the size and scale of the development should match its surrounding development." He stated that there should be downtown transitional zones between the residentially zoned properties and the downtown business district. He stated concern with the R5 zoning district, which uses the term "attached" housing and feels that threatens his property's longevity as a single family property. He added that he was concerned about the balconies' encroachment into the setbacks.

Ms. Heather Yeager inquired as to why all proposed buildings are such large scale. She explained that her property backs up to St. Joseph's Creek, and stated that flooding has increased

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10 fold. She stated that she challenges builders to include more greenspace and to think more creatively to develop in ways that do not increase impervious surface.

Mr. Scott Richards noted that he agreed with the statements made by Ms. Yeager. He expressed concern about future developments in downtown Downers Grove. He said he is worried about development specifically north of the train tracks, specifically residential housing turning into large multifamily. He also expressed his major concern is traffic. He stated that he did not understand how traffic will not be effected by a denser use on this property, and said that Main Street becomes congested quickly as it is.

Mr. Steven Jagielo explained that he has two properties that share lot lines along the proposed development. He said that three neighborhood meetings were not held, explained that one was canceled, one was held, and one only notified a portion of the neighborhood. He stated that setbacks were made to protect the surrounding properties. He stated there is a 63% violation of one setback, and 81% setback violation below ground, and a 43% violation to the east lot line. He shared that he provided comment at the last plan commission meeting stating that just because the violation is underground doesn't mean that it doesn't matter. He quoted a portion of the development code related to planned unit developments, "decision making bodies must ensure that the appropriate terms and conditions have been considered regarding the interests of the residents and the general public." He concluded by stating he does not believe this development satisfies this portion of the code and that it is too large to be proposed next to single family homes.

Mr. Tom Barry shared that he was here on behalf of his son, Mr. Adam Barry. He stated he was also a developer and supported this development. He offered that in situations like this petition, developers work closely with the local municipality to determine the best use for the property. He explained that most new developments improve drainage conditions in the neighborhood by providing property drains and collecting the water to be routed into storm sewers. He noted that older communities are often the quietest neighbors. He stated that adjustments to the project have been made based on residents' comments, and shared that the materials proposed in this development are high quality. He concluded by stating that if a builder cannot work with the village to complete a project, what kind of project can be developed on the property?

Ms. Jennifer Hall asked what is involved in revising a comprehensive plan. She said it sounds like the plan is not achieving the overall goals of the residents. She state concern about drainage and noted the increased flow of St. Joseph's creek causing issues in her neighborhood. She stated concern about the parking garage, and stated that disturbing that much ground is a three dimensional issue, and that building below ground removes the ability for trees and soil to take care of water.

Chairman Rickard responded to Ms. Hall's initial question related to revising the comprehensive plan. He stated that it is updated once a decade and the process is heavily influenced by the public. He explained how the zoning map and text interact with the comprehensive plan. Chairman Rickard took the opportunity to respond to public comments that the comprehensive plan update was not properly advertised, and mentioned the series of opportunities that were available during the plan update period.

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Ms. Hall responded by saying that development is happening now, and the residents are responding to the development in real time.

Chairman Rickard suggested that the public review the Village's zoning map and text so they have an understanding of the type of development permitted across the Village.

Ms. Hall reiterated that people are not happy with the development happening in the downtown.

Mr. Marshall Schmitt stated that he has been involved with the Village of Downers Grove in some capacity since 1975, and that he wanted to discuss vision and process. He feels overdevelopment has been happening overtime and that the process has been distorted. He finds the comprehensive plan proposes a good vision but expressed concern that developers cherry pick ideas from the plan to move their development through the plan commission. He stated that developers do not consider if they appeal to who they are marketing to. He stated that the Commission and Village staff do not consider the projects as a whole. He claimed the project as a whole is inconsistent with the comprehensive plan. He stated that the commission should consider what is desirable, not just what is allowed.

Mr. Austin Barry introduced himself as Adam Barry's brother. He shared that the developers are local residents and care about the community. He noted that as a younger person, he is excited about the changes through downtown and that people are moving to Downers Grove.

Mr. Joe Anderson requested that a new traffic study be conducted. He stated that the study was conducted May 17, 2022, when the pandemic was still restricting activity and that this study would not accurately reflect existing conditions.

Mr. Bryan Ogdon stated that he does not understand why a building of this size on this lot is inevitable. He finds that it is a conscious decision that doesn't have to be made. He asks how fences and bushes help with the encroachment issue.

Ms. Martha Mulligan stated that she is very upset that it is inevitable that something will be built on the property. She stated that she doesn't mind change, but she finds this building does not fit the downtown aesthetics.

Ms. Jayne Jaramillo stated that she wanted to reiterate all prior comments. She said a town can be progressive while still appreciating what it has. She finds traffic to be large issue and heavily considered, and concluded by stating that climate change is real.

Ms. Margie Anderson inquired about noise levels that would be posed by the A/C units and asked if the mechanicals will consider in the design review. She also expressed concern about the light pollution.

Ms. Lisa Leon stated concern about the residents' homes being directly affected by the development. She asked who would want a building like this built next to their property. She

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stated that this development will really change the Village. She asked if the residents were considered in the development proposal.

Ms. Michelle Deruller shared that she has lived in Downers Grove since 1976 and that Main Street has changed a lot since she moved in. She feels this development does not reflect the downtown character, and that the building is ugly. She stated concern about this development changing the small town feel.

Mr. Adam Barry requested to respond to the public comments. Chairman Rickard stated that he would have the opportunity after the staff presented.

Chairman Rickard then invited staff to make their presentation.

Mr. Jason Zawila, Planning Manager, offered a summary of the petitioner's request. It was stated that the initial public hearing for the case was held on August 22, 2022. The Plan Commission ultimately found that the proposal is an appropriate use in the district, compatible with the Comprehensive Plan and meets all standards for approval of a Planned Unit Development, associated Zoning Map Amendment and Special Use.

Mr. Zawila stated that in preparation for the Village Council consideration of the case, it was identified that an additional deviation to the Zoning Ordinance should have been documented with the petitioner's request. With the initial review of the project, the Downtown Business District interior side setback was applied for the entirety of the southern property line. The Main Street facing parcel immediately adjacent to the subject property is zoned DB, Downtown Business.

Mr. Zawila then provided a brief history of zoning changes that have occurred for downtown and the subject property, including the public outreach efforts. He then further detailed that from 2016 through 2018, the Village undertook a multi-year effort to update the downtown portion of the Comprehensive Plan. This whole process took place over nearly 40 public meetings. It was stated that the subject properties were not rezoned as part of this multi-year project. The subject property was reviewed as an area to rezone from Downtown Business to Downtown Transition. The Village Council decided that the subject property was to remain DB and that is the underlying zoning designation for the property, not Downtown Transition. He stated that staff notes this again, because it is important that this development is reviewed against the Downtown Business Zoning District requirements and not another zoning district; that is not the application in front of you.

Mr. Zawila, then stated recognized concerns made during the August 22, 2022 Plan Commission meeting, and provided a summary of the petitioner's efforts to modify the site plan and certain building elements to lessen potential impacts to the immediately adjacent residential properties to the east and south.

Mr. Zawila then recognized that several comments were made regarding traffic. The petitioner provided a traffic study that was reviewed by Village staff. The local roadway network can handle the proposed development and there was no indication that this would have a severe

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impact to the network. This was provided as part of the Plan Commission's consideration and was vetted by qualified professionals. He then acknowledged that there has been public discourse related to reducing the lanes down from 4 to 2 lanes. That has nothing to do with this development and is part of separate study that was undertaken as part of the District 99 High School Safety Study for improvements near North and South High. Nothing has been approved for that project and it at this point is just recommendations.

Mr. Zawila also acknowledged that much discussion has occurred on Planned Unit Development' this evening and a rezoning of the property. He stated that bottom line the property will remain DB. The request in front of you is for a zoning overlay district. He then proceeded to provide a summary and parameters of a PUD as written in the Village Code.

Mr. Zawila then explained that no violation of the zoning ordinance is occurring here. The applicant is going through the proper zoning procedures for their development entitlements. This is similar to other developments located in the downtown that seek approvals for transit oriented development. In other cases Village relief was sought for density, parking requirements and building setbacks. He then summarized how the PUD will also achieve a variety of planning goals as outlined in Section 28.4.030.A.2 of the Zoning Ordinance and that the proposed development meets the provisions of a Planned Unit Development. The requested rear and interior side yard setback deviations allow for the parking requirements to be met below grade and provide for a minimal above grade encroachment.

Mr. Zawila then stated that the Comprehensive Plan also encourages transit oriented development to take advantage of transportation opportunities. The proposed development is consistent with the transit oriented development approach as it provides higher density residential uses within a 10-minute walk of the Main Street Metra station. The proposed development is consistent with the intent of the Comprehensive Plan.

Mr. Zawila then concluded his presentation by stated that at the August 22, 2022 Plan Commission Meeting, both staff and the Plan Commission recommended that the approval of the petition as presented to the Village Council. The Plan Commission ultimately found that the proposal is an appropriate use in the district, compatible with the Comprehensive Plan and meets all standards for approval of a Planned Unit Development, associated Zoning Map Amendment and Special Use.

Commissioner Toth asked staff why they feel that the additional side yard setback should be allowed. Mr. Zawila explained that deviation is necessary as part of the request to construct a uniformed mixed use building and the requested relief is minimal, with the appropriate transition provide to adjacent properties.

Mr. Joe Birkett requested if it could be clarified about the allowable encroachment for balconies. Mr. Zawila stated that balconies are an allowable encroachment.

Ms. Margie Anderson inquired if the lighting and sound from the air conditioning was reviewed. Mr. Zawila stated that a photometric plan is reviewed as part of the building permit submission.

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Air conditioning units are also required to be screened per Village Ordinance and in certain cases the screening actually helps buffer the noise that emits from the units.

Commissioner Rector asked staff to comment on how building code and landscaping is enforced with developments like this. Mr. Zawila stated that if this development is approved, the approved improvements will have to remain and be maintained such as fences and landscaping. The Community Development Department also has a code enforcement division that ensures properties are not in violation, or are addressed, in cases where properties may come in disrepair.

Commissioner Maurer confirmed the deviations that are being requested and the requests for the evening including the PUD, map amendment and the special use. He further clarified that the above ground portion of the building in the setback is 13.88 feet. Mr. Zawila confirmed that was correct. Commissioner Maurer then clarified the rear setback of the above ground portion of the building is 46 feet. Mr. Zawila confirmed that the respective setbacks of the building are respectively 7 feet and 3 feet from the property line and the references in the report are for the above ground and the below ground portions of the building. He then referenced the presentation slides and showed in the drawings where the placement of the building was in relation to the setbacks. Mr. Zawila then offered the specific regulations as it relates to setbacks in the Downtown Business district and how it applied to the project. Lastly, Mr. Zawila confirmed that balconies are allowed a 10 foot encroachment in rear yards.

Chairman Rickard then offer the petitioner an opportunity to respond to any comments or questions made.

Mr. Barry returned to the podium and offered clarification regarding the traffic study and indicated the study did account for COVID and increased the counts. He also clarified that the traffic study did account for the restaurant, as this was brought up at the previous meeting.

Mr. Barry then provided an overview of several of the building features and site design. He noted that the proposed building is actually placed further than the existing structures currently exist on the site, and this will be an improvement. He then noted that the air conditioning will be placed on the roof, with screening which will assist with sound. He then noted that the stormwater management will be better, because there is currently no stormwater management on the site and the provided a summary of the stormwater management system. He then referenced the fact that the building is in the Downtown Business District and they can have up to 70 feet and have no parking provided if he did offices. He believed this was the highest and best use for the property and tried to accommodate the neighbors and everyone else. He believes the back of the properties are an improvement as it currently is all concrete.

Mr. Barry then noted that it was mentioned what the extreme circumstances were that we needed relief. The relief relates to the parking setback, in order to build the building properly and accommodate the required parking. He noted they previously looked at constructing a five story building, with two levels of underground parking. The proposal's garage is similar to the depth of a basement for a single family home. He also noted that the additional relief needed for the interior setback and that was missed and he takes the blame. There is no way around building the parking garage without the relief. He concluded by stating that he knows people think

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change is bad, but he thinks change is good for communities and if they don't redevelopment they die. People want to move to Downers Grove and he believes his 55 year old mixed use development will help create a multi-generational communities and the current properties on the site do not benefit the community in any way.

Vince Barrett returned to the podium and asked the Plan Commission if they have an opportunity to respond. Chairman Rickard indicated that the public comment portion of the meeting is completed, but allowed the public member to ask his question. Mr. Barrett indicated that there were items that were brought up by the petitioner that are going to just lay there and can't be touched and that is not fair. He asked that the public be able to respond to some of the comments provided by the petitioner. Chairman Rickard indicated that if there was potentially new evidence that was presented he could see an opportunity for a rebuttal, but feels that nothing new has been presented that has not already been stated. Mr. Barrett then further stated that the only reason they are not constructing a five story building because they couldn't get the financing. Mr. Barret then proceeded to comment that he does not hear discretion as it relates to the codes, approvals, etc. from the Plan Commission, staff, the petitioner or the architect. Mr. Rickard reminded Mr. Barrett that the public comment portion of the meeting is over and not going back to that again, and the Plan Commission is attempting to deliberate on the case. Everyone had an opportunity to speak, the petitioner had an opportunity to respond and staff gets to provide comments.

Commissioner Toth clarified if there is any reason why the plan can't be adjusted to accommodate the above grade side yard setbacks at the southeast corner. Chairman Rickard stated that a recommendation can be made to alter the plan, in essence denying the relief for the current that portion of the setback and the petitioner would need to decide at that point if they want to move forward. It is certainly appropriate for the Plan Commission to make recommendations on this and put that in the form of a motion.

Commissioner Toth stated that they felt the below grade setbacks are acceptable. They believe that is in line with the intent of keep large buildings from encroaching on other properties, but as far as the above ground setback, not meeting the requirements, I am not in agreement with that and that there are some extenuating circumstances that couldn't allow that.

Commissioner Maurer stated that they would like to echo what some have said. When development of this scale is constructed, things such as water, and drainage are take care of and generally, if not always far better than the current conditions. This is the part of the beauty of downtown Downers Grove, where I own a property myself that is 100 years old. When I had to work on it I had to follow the same provisions of drainage and stormwater review that are neighbors from Turvey and Highland brought up here. Stormwater control will be improved by this development and the plan will go under engineering scrutiny. He stated that he hopes this brings some comfort to our neighbors.

Commissioner Dmytryszyn stated that they share Commissioner Toth's view. He thinks they have to be sensitive to setbacks when they are so close to residential areas and think given the new information presented around the setbacks, it's a challenge to get behind supporting the project. He believes they need to amend the proposal or otherwise he can't support it and needs

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to consider the public benefits are greater than or equal to the relief necessary. He shares the community's frustration around having a building like this in your backyard, but it is zoned Downtown Business. He noted, as discussed at the last meeting, you could put up a 70 foot building that does not require any relief and it would not come in front of the Plan Commission and that should be recognized. When we look at the relief we have to be cognizant of the area surrounding it.

Commissioner Rector stated that when look at what's in the purview, they feel this is an appropriate use and that the applicant has met that criteria. When it comes to the setbacks they agree with Commissioner Dmytryszyn and need to account for the residents in the area that stated this does encroach into the setback. She feels this partially meets the development requests, but we need to take a closer look at the setback relief that's being asked. She then shared that she sat through a lot of comprehensive plan discussions and went over every detail thinking about what the impact would be on various parts of the community and hopes that a project like this people involved in the process and bring their good ideas to the table.

Commissioner Dmytryszyn stated that they share the same concerns regarding the residential setback and would like to better understand why this could not be configured differently and to also understand the parking constraints.

Mr. Zawila provided a clarification of the relief being sought. Mr. Zawila confirmed that the respective setbacks of the building are respectively 7 feet and 3 feet from the property line and the references in the report are for the above ground and the below ground portions of the building.

Commissioner Rector then further stated that the above ground portion is what they are most concerned about and the below grade setback is not of concern, when it comes to setbacks. Rector was in agreement with the setbacks and the stated concerns.

Chairman Rickard stated that they agree with above ground setback and this could have been probably designed to avoid that. They personally don't have a problem with the east side with the parking garage underground. He understands that there is often infrastructure underground and some are subject to setbacks, but it essentially invisible. There have been several comments about the south end and feels that is a high percentage of the building in that setback for something this visible. He then further stated that there were comments about this being appropriate based on the height and why the building is so big. He further stated the type of development we see and there are going to be many opinions on the look of the building, but that is subjective. The bulk of the building is what the Village is looking for here. The Village is looking for mixed use development that is denser and this project meets the density requirements perfectly. He feels like the southeast corner of the building could be revised to eliminate the variance and could be incorporated. The special use meets the standards for approval and this the type of development that is in the Comprehensive Plan, with a transit oriented development, higher density and mixed use. He could support this whole petition with the elimination of the above ground setback relief on the south side of the building.

Chairman Rickard continued by stating having said all this, the Planned Unit Development is accused of being used to increase density, or project further into a setback and that the PUD should be used to allow more give and take. In this case he noted that there is some weight to the fact that they greatly reduced the allowable height and feels like the development is a plus to the community as a whole with the height reduced, especially the residents that live near. The other item we have not talked about is density and we have had a lot of petitions come in asking for relief and there is room between this building and the neighbors, especially if the southeast corner can be taken into account. Mr. Zawila then clarified the area again for where the above ground portion of the building was in the interior setback.

Commissioner Roche noted that when looking at the lots south of here which extremely shallow. Even though it is zoned DB, the lot may be difficult to develop, but it's also important to protect the residential setbacks or we will end up with dead space as you move closer into the downtown area.

WITH RESPECT TO FILE 22-PLC-0017 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER RECTOR MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A PLANNED UNIT DEVELOPMENT, ACCOMPANYING REZONING, AND SPECIAL USE AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST AND THEREFORE, I MOVE THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0017, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE, PLANNED UNIT DEVELOPMENT AND REZONING SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, RENDERINGS, ARCHITECTURE PLANS PREPARED BY STUDIO21 ARCHITECTS, DATED AUGUST 1, 2022, ENGINEERING PLANS PREPARED BY RWG ENGINEERING, LLC DATED AUGUST 8, 2022, LANDSCAPE PLANS PREPARED BY GREEN GRASS, AND TRAFFIC PLANS PREPARED BY KLOA DATED AUGUST 16, 2022 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL CONSOLIDATE THE THREE LOTS INTO A SINGLE LOT OF RECORD PURSUANT TO SECTION 20.507 OF THE SUBDIVISION ORDINANCE PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT OR BUILDING PERMITS.**
- 3. PRIOR TO ISSUING ANY SITE DEVELOPMENT OR BUILDING PERMITS, THE PETITIONER SHALL MAKE PARK AND SCHOOL DONATIONS IN THE AMOUNT OF \$154,984.92 (\$132,081.96 TO THE PARK DISTRICT, \$16,488.12 TO ELEMENTARY SCHOOL DISTRICT 58, AND \$6,414.84 TO HIGH SCHOOL DISTRICT 99).**
- 4. ALL SIGNAGE FOR THE APARTMENT BUILDING AND FUTURE RESTAURANT SHALL CONFORM TO THE VILLAGE'S SIGN ORDINANCE.**

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5. **THE BUILDING MATERIALS SHALL BE SUBSTANTIALLY CONSISTENT WITH THE APPROVED PLANS AS VERIFIED BY THE VILLAGE AND CONSISTENT WITH THE DOWNTOWN DESIGN GUIDELINES.**
6. **BICYCLE RACKS WILL BE PROVIDED ON THE SUBJECT PROPERTY AS REQUIRED BY VILLAGE CODE.**
7. **PRIOR TO THE ISSUANCE OF ANY BUILDING OR DEVELOPMENT PERMITS, THE PETITIONER SHALL PAY TO THE VILLAGE TREE REMOVAL PERMIT FEES SUBJECT TO VERIFICATION BY THE VILLAGE FORESTER.**
8. **AN 8-FOOT TALL FENCE SHALL BE CONSTRUCTED ON THE SUBJECT PROPERTY.**
9. **THE USE OF OUTDOOR SEATING FOR A COMMERCIAL USE SHALL BE SET BACK WEST AND NORTH 13.45 FEET AND 37.2 FEET RESPECTIVELY FROM THE ADJACENT R-5 PROPERTIES.**
10. **THE HOURS OF OPERATIONS FOR THE OUTDOOR PATIO WILL BE LIMITED TO 9PM, SUNDAY THROUGH THURSDAY, AND 10PM ON FRIDAY AND SATURDAY.**

SECOND BY COMMISSIONER ROCHE. ROLL CALL:

AYE: COMMISSIONERS MAURER, CHAIRMAN RICKARD

NAY: COMMISSIONERS DMYTRYSZYN, PATEL, ROCHE, RECTOR, TOTH

MOTION FAILED. VOTE: 2-5

FILE 22-PLC-0025: A PETITION SEEKING AN AMENDMENT TO PLANNED DEVELOPMENT #31 TO ALLOW FOR AN AMENDMENT TO THE APPROVED ALLOWED USES LIST IN PUD #31. THE PROPERTY IS GENERALLY LOCATED WEST OF LACEY ROAD STARTING APPROXIMATELY 1,100 FEET NORTH OF THE INTERSECTION OF LACEY ROAD AND FINLEY ROAD AND EXTENDING NORTH TO BUTTERFIELD ROAD AND WEST OF WOODCREEK DRIVE, COMMONLY KNOWN AS ESPLANADE AT LOCUST POINT, DOWNERS GROVE, IL (PINS: 05-25-413-009, 0525-415-009, 05-25-415-010, 05-36-200-009, -011, 05-36-202-008, -015, -016, 017, 05-36-400-017, 06-30-301-007, 06-30-304-002, -003, 06-30-305-003, 0631-100-019, -020, -021, -022, -023, -025, -027, -028, -029, 06-31-103-001, 002, -005, -006, -007), VARIOUS, OWNERS AND M&R DEVELOPMENT, LLC, PETITIONER.

Ron Lunt, partner with Hamilton Partners introduced himself as one of a series of petitioners for this item, and briefly introduced his team. He explained he would discuss the benefits of adding luxury apartments to the Esplanade development. Mr. Lunt used the example of the Hamilton Lakes development, and explained how the development has adapted over time. He stated that originally Hamilton Lakes was exclusively an office park, then the group introduced multifamily development which was a positive investment. He mentioned it is hard to predict expected tenant occupancy with the rise of work from home opportunities.

Approved

Harold Francke introduced himself as an attorney with the law firm Meltzer, Purtill and Stelle, LLC, working with the proposed developer M&R Development. He shared a video which provided an overview of the property and the Esplanade development. He provided context on the property location, and outlined what would be included in the proposed development. He quotes that the zoning code allows for adjustments in PUD if it would promote mixed use. He reiterated that this evening's discussion would not include information on what type of development would be located on the property, or bulk regulations related to the property, but would be focused on the idea that allowing multifamily development to be included in this area currently zoned ORM would be an improvement.

Gary Morey introduced himself. He stated that he has been a developer in the Downers Grove area for over 20 years, and commented on the success of the Esplanade project. He explained that the development concept for Esplanade was to extend and play off of the existing Oak Brook development, and that creating synergy of uses is important. He provided anecdotal stories of how the increase in employers allowing "work from home" opportunities has caused a decline in demand for office uses. He feels it is time to focus on mixed use development. He then outlined a rough site plan for the property.

Mr. Francke provided further clarification on the proposed breakdown of usage by acre, but reiterated that the purpose of this petition is not to request approval to develop this property.

Chairman Rickard concurred with that clarification, and reiterated that the numbers proposed are not binding as a part of this petition.

Iris Olson, with M&R development, introduced herself and explained the breadth of experience at M&R regarding these types of development projects. She acknowledged the need for multifamily developers to be nimble through the pandemic. She shared a list of properties they've developed nearby, and discussed the benefits of incorporating this type of development at this location, and provided detail on their priorities for their developments. These include mid-sized properties with focus on eco-friendly practices.

Terry Smith, with BSB Design, introduced himself, and noted that his design group specializes in multifamily projects, and has lots of experience with the included petitioners, particularly M&R Development. He discussed infill trends in development, and mentioned that the pandemic has created "a new normal" by adjusting what is typical. He sees the repurposing of office and commercial development as a big part of adjusting to the new normal. He provided examples of other suburban office and commercial mall campuses that are in the early stages of being repurposed.

Mr. Francke presented letters of support from neighboring property owners, including Choose DuPage and the Downers Grove Economic Development Corporation.

Chairman Rickard mentioned that six different letters were received in tonight's meeting packet and will be read into the public record.

Approved

Mr. Francke stated that all standards have been met regarding any rezoning and particularly for the PUD requirements for this site. He offered more information if the Commission desired to further clarify the case. Chairman Rickard said more clarification is not necessary.

Commissioner Dmytryszyn asked if any analysis had been conducted regarding market absorption.

Diana Pittro with RMK Management Corporation introduced herself, and explained that RMK is in charge of the management and leasing of M&R's properties. She stated that Hamilton Lakes took roughly 22 months to lease up, but the usual time frame is 12-18 months. She blamed the longer time frame on conditions surrounding the property, including highway construction and roadwork. Mr. Lunt confirmed that market absorption is possible.

Commissioner Dmytryszyn mentioned many of the uses nearby are industrial, and asked if that was considered in the development plan. Mr. Lunt responded that the industrial uses were considered, and mentioned that similar uses are combined in the Hamilton Lakes development. He explained that warehouse uses are higher priced and in higher demand than office space.

Chairman Rickard invited for any additional public comment.

Scott Richards asked a series of questions including clarification on the number of acres the property consists of, what roads would be most affected by this development, and whether families were considered as a potential demographic population type for this development. He inquired further if school transportation had been considered if families were to move into this development.

Chairman Rickard then invited staff to make their presentation.

Mr. Jason Zawila, Planning Manager, provided a brief overview of the staff report, including the property location and explained the notice of the public hearing. He explained the history of PUD #31, including its history of amendments. He explained in this case that the ORM zoning district does not allow multifamily development, but that PUD #31 has been amended in the past to allow previously unallowed uses, and that the Plan Commission, through this process, can allow other uses. He reiterated that the petitioner will be required to finalize the proposed development in great detail as a future PUD amendment, if approved. It was stated that the Comprehensive Plan has several recommendations related to the subject property being development as commercial, but provided a reference to the motion in the packet, if the Plan Commission supports the project.

Commissioner Maurer asked for confirmation that the bulk and density regulations would be discussed at a later date, which was confirmed by Mr. Zawila.

Mr. Francke returned to the podium to respond to Mr. Richards' questions. He stated that the development is 19 acres, and that it is expected that Lacey road would see more increased traffic. He provided a reminder that a traffic impact study would have to be conducted to provide further information on the development's traffic impacts. He also explained that the current plan would

Approved

focus on studios to 2 bedroom apartments, which would not drive demand for families to reside at the development.

Commissioner Rector expressed support for the project. Commissioners Maurer, Patel and Chairman Rickard echoed support and felt that the standards are met.

WITH RESPECT TO FILE 22-PLC-0025 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER MAURER MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A FINAL PLANNED UNIT DEVELOPMENT #31 AMENDMENT AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST AND MOVE THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0025, WHICH WILL ADD MULTIPLE FAMILY RESIDENTIAL USES AS AN ALLOWED USE IN PUD #31.

SECOND BY COMMISSIONER DMYTRYSZYN. ROLL CALL.

AYE: COMMISSIONERS DMYTRYSZYN, ROCHE, MAURER, PATEL, RECTOR, TOTH AND CHAIRMAN RICKARD

NAY: NONE

MOTION PASSED. VOTE: 7-0

22-PLC-0026: A PETITION SEEKING AN AMENDMENT TO PLANNED DEVELOPMENT #18, A SPECIAL USE FOR A RESTAURANT WITH A DRIVE-THROUGH, AND A FINAL PLAT OF SUBDIVISION WITH AN EXCEPTION TO LOT FRONTAGE. THE PROPERTY IS CURRENTLY ZONED B-2/P.D. #18, GENERAL RETAIL BUSINESS/PLANNED UNIT DEVELOPMENT #18. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LEMONT ROAD AND 75TH STREET, COMMONLY KNOWN AS 7221-7451 LEMONT ROAD, DOWNERS GROVE, IL (PIN: 09-29-110-002 TO -008, -013 TO -016), PMAT, DDP, LLC, OWNERS AND PETITIONER.

Mr. Jason Reibert, introduced himself as a part of Gulf State Construction Services. He noted that this project was part of an ongoing redevelopment plan at this shopping center. Mr. Reibert shared that the scope of work included a new 5,000SF restaurant and retail building on a new outlot on the west side of the Downers Park Plaza and to the east of Burger King and 3 Corners Grill & Tap. He also shared that the new outlot to the south was previously approved and under construction. Mr. Reibert noted that the proposed lot was located in an area of parking away from retail parking allowing for a redevelopment opportunity. He then noted that no new access points would be proposed. Additionally, he stated that the parking study found that the internal circulation would not be negatively impacted and that there would be sufficient parking available. Mr. Reibert noted that there were existing utilities and drainage on the site. He then

Approved

shared the elevations and highlighted that similar architecture would complement the existing buildings in the shopping center. Mr. Reibert explained that the proposal included a restaurant with a drive-through window. He also noted that the proposed outlot would meet the subdivision requirements. Mr. Reibert shared that the one item that would require an exception is the street frontage since access to Lemont Street was not possible. He noted that to address a lack of access a cross access agreement would be granted on lot 7. Mr. Reibert concluded his presentation by stating that the criteria for each entitlement request was met.

Chairman Rickard thanked Mr. Reibert, and asked the Commission to present questions.

Commissioner Dmytryszyn asked for more clarification on the internal traffic patterns with the proposal and upcoming Panera building. Mr. Reibert explained that the outlot location was chosen because this area of parking was rarely used. Additionally, the outlot would be directly located adjacent to the main access point off of Lemont Street. As such, this existing access point would help funnel the traffic toward the new outlot.

Chairman Rickard invited for any additional public comment.

Mr. Haran Rashes shared that he lived directly north of Lemont Road. He stated that he was opposed to the petition because of the additional traffic that would be produced and its impact on pedestrians. Mr. Rashes shared that he found the traffic study inaccurate and disagreed with the results. He acknowledged that he understood that Lemont Road was under county jurisdiction but noted that he had concerns over the lack of pedestrian signage and crosswalks. Mr. Rashes stated that crossing Lemont Road was not safe.

Mr. Scott Richards, asked why new development was being clustered in the Downers Park Plaza. Chairman Rickard shared that the petitioner could respond that but it sounded like the location was based on the underutilization of the existing parking lot.

Chairman Rickard then invited staff to make their presentation.

Ms. Flora Leon, Senior Planner, summarized the request stating that the petitioner was requesting approval for a planned unit development amendment, special use for a drive-through, and a final plat of subdivision with an exception to lot frontage. Providing a location map she noted the subject site was located east along Lemont Road. The existing zoning district was B-2/P.D. #18 or General Retail Business with an overlay of Planned Unit Development #18. Ms. Leon noted that the required noticing was provided and staff received one phone call asking for information on the future tenants.

Ms. Leon then provided an overall shopping center site plan for reference. She noted that the proposed outlot was located just east of 3 Corners Grill & Tap and Burger King. The proposed future building would include two tenants. She then provided the proposed outlot site plan. Ms. Leon highlighted that as shown on the site plan the outlot did not have frontage along Lemont Street. She noted that the request for the subdivision included a request to deviate from the street frontage requirement. This said, Ms. Leon stated that no change would be occurring to the access of the shopping center along Lemont Street. She then shared that the new outlot would have

Approved

three entrances and one would be dedicated for the proposed drive-through. Ms. Leon reminded the Plan Commission that the special use request was for this newly proposed drive-through. She went on to share that the trash enclosure would include the required screening and that a pedestrian connection would lead pedestrians onto the existing sidewalk on Lemont Street with permission of the owners at the 3 Corners Grill & Tap. On this note, Ms. Leon explained that staff would also be open to having the petitioner provide a connection out to the sidewalks on Lemont Street via the Burger King lot. If the Plan Commission agreed with this option when making a motion they would simply need to amend the conditions of approval items 3 and 4.

Ms. Leon then shared the elevations of the proposed building and explained that the materials included EIFS and face brick. She then shared that the proposal met the goals of the Comprehensive Plan and that the criteria for a Planned Unit Development, Special Use, and a Subdivision with an Exception were all met. She noted that if the Plan Commission agreed a draft motion could be found on pages 6 and 7 of the staff report.

Commissioner Rector asked for clarification on modifying the conditions of approval. Specifically she asked if the connection had to be designated now. Ms. Leon explained that the conditions of approval, items 3 and 4, could be reworked to allow flexibility for the connection to be established on Lot 7 or 6N.

Commissioner Rector asked if the Village had any oversight over the crosswalks on Lemont Street. Ms. Leon offered that staff would work with the Public Work Traffic Manger to see if they could reach out to the County to express those concerns.

Commissioner Rector noted that regardless of whether this project happens that concerns needs to be addressed. Mr. Zawila added that that concern was noted on the record and that staff would follow up with Public Works on this matter.

Chairman Rickard noted that if the drive-through ended up on the southern building the stacking would not work and so this design is locked in for the most part. Ms. Leon agreed and stated that the site plan is really the only configuration that worked for the site.

Mr. Reibert explained that while he understood the concern over the crosswalks on Lemont, their scope of work really ends once they are able to make the connection to the sidewalk on Lemont Street. He then explained that the outlot location was chosen because it is centrally located and it is an area seldomly used in the shopping mall. He also noted that this was the only location where they would not negatively impact the existing parking areas of businesses like Shop & Save.

Commissioner Toth, agreed that this area of parking is rarely used and the proposed use would fit in well with the existing mix of users.

Commissioner Dmytryszyn agreed that the area of parking was rarely used and noted that great projects are happening at this shopping center. He mentioned that he did have concerns over the interior traffic patterns and that the data for volume of traffic in the traffic report seemed light.

Approved

Commissioner Rector stated she would rather leave the condition of approval for the connection on Lot 7.

Commissioner Roche asked for clarification on which lot was in questions. Mr. Zawila explained lot 7 was 3 Corner Grill & Tap and lot 6N was the Burger King. Commissioner Rector noted that the connection made more sense on lot 7.

Mr. Zawila added that staff offered this evening that either lot 7 or 6N would work for this proposal just in case the petitioner and owner of lot 7 cannot come to an agreement. He noted that this was another option for the conditions. If the condition remains with only making mention of lot 7; then the petitioner would need to come back to plan commission if this connection needs to occur on lot 6N instead. Commissioner Rector agreed that lot 6N should be added in.

WITH RESPECT TO FILE 22-PLC-0026 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER RECTOR MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR AN AMENDMENT TO PLANNED DEVELOPMENT #18, A SPECIAL USE FOR A RESTAURANT WITH A DRIVE-THROUGH, AND A FINAL PLAT OF SUBDIVISION WITH AN EXCEPTION TO LOT FRONTAGE AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST AND THEREFORE, I MOVE THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0026, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PLANNED UNIT DEVELOPMENT, SPECIAL USE, AND A PLAT OF SUBDIVISION WITH AN EXCEPTION TO CREATE A NEW OUTLOT WITHOUT STREET FRONTAGE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; AND DRAWINGS PREPARED BY WOOLPERT ENGINEERING SUBMITTED ON 8/24/222, AND BY ZITO RUSSELL ARCHITECTS UPDATED ON 8/3/22, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. A PERPETUAL CROSS ACCESS AND PARKING EASEMENT IS PROVIDED BETWEEN LOTS 2-A AND LOT 1-B AND IS SHOWN ON THE PLAT OF SUBDIVISION.**
- 3. THE PEDESTRIAN CONNECTION SHALL BE SECURED WITH THE APPROVAL OF THE PROPERTY OWNER AT 7231 OR 7301 LEMONT ROAD.**
- 4. A PEDESTRIAN EASEMENT SHALL BE PROVIDED ON LOT 7 (7231 LEMONT ROAD) OR LOT 6N (7301) FOR THE BENEFIT OF PUBLIC ACCESS TO LOT 1-B.**
- 5. THE PEDESTRIAN CONNECTION ON LOT 1-B MUST BE CLEARLY DIFFERENTIATED THROUGH THE USE OF ELEVATION CHANGES, A DIFFERENT PAVING MATERIAL OR OTHER EQUALLY EFFECTIVE METHODS.**
- 6. THE PHOTOMETRIC PLAN SHALL CONFORM TO THE VILLAGE ZONING ORDINANCE.**

Approved

7. **ALL SIGNAGE SHALL BE PERMITTED SEPARATELY AND CONFORM TO THE VILLAGE'S SIGN ORDINANCE.**
8. **A FINAL PLAT OF SUBDIVISION WILL BE REQUIRED PRIOR TO PERMIT ISSUANCE.**

SECOND BY COMMISSIONER TOTH. ROLL CALL:

AYE: COMMISSIONERS RECTOR, TOTH, DMYTRYSZYN, MAURER, ROCHE, PATEL, AND CHAIRMAN RICKARD

MOTION PASSED. VOTE: 7-0

Mr. Zawila reminded everyone to check the Council Agendas online for a schedule of upcoming cases in front of the Village Council. Mr. Zawila introduced Emily Hepworth as the new Development Planner for the Village of Downers Grove. Ms. Emily Hepworth, Development Planner, shared she was happy to be here and that it was nice to meet everyone.

Mr. Zawila shared that he believe the Plan Commission would meet in October and again in November for general training.

Chairman Rickard asked if another meeting would occur in September. Mr. Zawila said no second meeting was scheduled for September.

THE MEETING WAS ADJOURNED AT 10:43 P.M. UPON MOTION BY COMMISSIONER DMYSTRYSZYN. SECOND BY COMMISSIONER PATEL. A VOICE VOTE FOLLOWED AND THE MOTION PASSED UNANIMOUSLY.

/s/ Village Staff
Recording Secretary
(As transcribed by MP-3 audio)