

**MINUTES OF WORKSHOP MEETING**

**DOWNERS GROVE, ILLINOIS**

**AUGUST 14, 2001**

Mayor Krajewski called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 6:30 p.m. in the Council Chambers of the Village Hall.

Present: Mayor Brian Krajewski; Commissioners Michael Gilbert, Martin Tully, Mark Zabloudil; Village Manager Riccardo Ginex; Village Attorney Daniel Blondin; Village Clerk April Holden

Absent: Commissioners Marilyn Schnell, Sue McConnell, Tom Sisul

Visitors: **Press:** Susie Gura, Downers Grove Reporter; Jennifer Taylor, Chicago Tribune; Carol Kania, Downers Grove Sun.

**Residents & Other in Attendance:** Charles D. Collett, Chris Lavoie (C.H. Lavoie & Assoc.) 633 Rogers; Gary Goodheart, Jay Norco (Versar) Lombard; Terry Gifford, 5901 Janes; Kathy Wieland, HPN, 180 W. Park Ave., Elmhurst; Todd Sharafinski, 5638 Fairmount; Scott Krafthefer (Oakwood Development) 4937 Oakwood; Andrew Clark, 1226 62<sup>nd</sup> St.; Michael Zavislak, 5249 Carpenter; Mary & John Przybyl, 1227 Gilbert; Susan Brown, 1508 Gilbert; Jack Long, 5464 Cascade, Lisle; Mike Long, 416 E. Ogden, Westmont; Greg German (William Blair & Co) 1830 N. Winchester, Chicago; Katie Guilfoile (McDonald's Corp.) 1830 N. Winchester, Chicago; David & Joyce Allers, 149 56<sup>th</sup> St.; Linda Kunze (Downtown Management Board) 1015 Curtiss; Dave Tatterson, 1240 Gilbert; Mary Mack, 1111 Gilbert; Steven McCready, 7225 Camden Rd.; Ed Rickert, Larry Rosol, Patti Rosol, Mike Zaramba (Rosol Construction); Jim McBride, 1217 Gilbert; Richard Cofran, 1318 Turvey; Diane Lewis Calahan, 1307 Gilbert; Marilyn Gerloff, 4241 Highland; Catherine Loney, Kraemer and Loney, Inc.

**Staff:** Greg Zimmerman, Director, Human Resources; Mike Baker, Assistant to the Village Manager; Amanda Browne, Planner; Jane Gerdes, Assistant Director, Public Works; Marty Lyons, Director, Financial Services; Jack Bajor, Director, Public Works; Bob Schiller, Traffic Manager

Mayor Krajewski explained that Council Workshop meetings are held the second and fourth Tuesdays at 6:30 p.m. The meetings are video taped live and for later cablecast 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**

Manager Ginex said there was one change to tonight's agenda. Item 5, Parking Deck Engineering Firm, will be considered under the bid items.

**1. Bids:**

- a. **Water System Clamps & Fittings.** Manager Ginex said this is to award contracts to supply various clamps and fittings necessary to repair and maintain the Village water distribution system. Three bids were received on June 21, 2001. Three companies will share in the recommendations – Ziebell Water Service Products, Water Products Company and Mid-American Water.
- b. **Bulletproof Vests.** The Manager said this is to authorize the purchase of thirty bulletproof vests for the Police Department. This is directly related to a grant from the Bureau of Justice Assistance for \$4,462.02. Three companies bid on this. Staff is recommending awarding the contract to Kale Uniforms.
- c. **Pavement Marking.** The Manager said this is to recommend awarding a contract to Marking Specialists Corporation. The pavement marking on Main Street from the railroad tracks south to Maple Avenue, and on Curtiss Street west of Main Street has deteriorated to the point of needing to be re-striped. Staff would like to complete this prior to the grant re-opening of Main Street. Two companies bid on this project. Staff is recommending that the contract be awarded to Marking Specialists Corporation in the amount of \$21,120.30.
- d. **Proposal to Provide Supplemental Field Exploration Services for CBD Parking Deck – Versar.** The Manager said this is for approval of a proposal from Versar, Inc. for supplemental field exploration services associated with the CBD parking deck. He said staff is into the schematic design and design development phases of the CBD parking deck. It is necessary to determine structural loading requirements for the parking deck. This will include soil borings to determine the characteristics of the bedrock. Staff recommends approval of the proposal from Versar, Inc. for supplemental field exploration services not to exceed the amount of \$16,900.00.
- e. **CBD Parking Deck** - The Manager said also concerns the CBD Parking Deck. Staff is seeking approval of a proposal from C.M. Lavoie and Associates, Inc. for the civil engineering work. The schematic design and development phases of the CBD parking deck have progressed to the point where it is necessary to define the civil site work associated with the deck. Specifically, this is for the design of the vehicular accesses from Curtiss and Washington Streets, the pedestrian access from Main Street, and the associated utilities. Staff recommends approving the proposal from C.M. Lavoie and Associates, Inc. for the civil engineering work in the not-to-exceed amount of \$53,500.00.

**Commissioner Tully** asked about prior geotechnical work done by Versar, Inc.

**Jane Gerdes**, Assistant Director of Public Works, said Versar has done preliminary borings that have been in the shallow range of 30-40 feet. They have now determined that they need to do more investigation.

Commissioner Tully asked if this is using a contractor the Village has used before for the same type of geotechnical engineering services. Ms. Gerdes said that was correct. She said a representative of Versar was at the meeting to answer further questions.

In response to Mayor Krajewski, Ms. Gerdes said they were involved in Station Crossing as well as other downtown projects.

**Commissioner Gilbert** asked if the pavement striping done during Phase III of the downtown redevelopment was intended to be temporary and if this is permanent. He said it seemed to have deteriorated quickly.

**Bob Schiller**, Traffic Engineer, said the window for doing this type of striping closes September 15. Due to the construction schedule, the street was not ready for striping until after this date so a different product was used with the intention of attempting to get a few years wear until needing to re-stripe. He said the product did deteriorate faster than they expected.

Commissioner Gilbert asked the life expectancy of this product. Mr. Schiller said it is a minimum of four to six years.

Mayor Krajewski asked if this product has been used in the past. Mr. Schiller said he has used it on asphalt, but this is the first time on concrete streets. He said an inherent problem with concrete is that it is very difficult to get pavement markings that will last due to the characteristics of the concrete. He said this product was used on Curtiss between Main and Washington a year ago and is performing well.

The Manager said the bid items will be placed on next week's Consent Agenda.

2. **Lot Split: Fairmount.** The Manager said this concerns a lot split at 5626 Fairmount. He asked Amanda Browne to address this item.

**Amanda Browne**, Planner, Planning Services, said this is a recommendation from the Plan Commission regarding a proposed lot split for a lot at 5626 Fairmount Avenue. The lot split has two associated lot width exceptions. The subject lot is currently 131.3 feet in width. It is proposed to be divided down the middle into two lots approximately 65.65 feet each. The proposed lots represent a reduction from the minimum requirement of 75 feet of 9.3 feet or 12.6%. They do, therefore, require exceptions to be approved along with the lot split.

On the basis of a variation percentage, Ms. Browne said the proposed lots were not actually outside of the realm of what has been seen and approved in the past on a Village-wide basis. However, on a localized basis, the majority of the Plan Commission members felt that these lots would be inconsistent with the lot width characteristics of the surrounding area. With that theme in mind, they made a recommendation for denial of the proposed lot split. The vote was 4 to 1

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with 1 abstention. Ms. Browne circulated some photographs submitted by one of the people who spoke at the Plan Commission meeting.

Mayor Krajewski asked about the number of lots that are 75 feet or greater.

Ms. Browne said a survey was done of the east and west side of Fairmount and Lyman Avenue. On the east side of Fairmount, there were 18 lots between 75 and 100 feet, and four lots greater than 100 feet in area. On the west side of Fairmount, there were 12 lots between 75 and 100 feet, and nine lots greater than 100 feet. On the east side of Lyman there were also 12 lots between 75 and 100 feet, and nine lots greater than 100 feet.

Mayor Krajewski asked about the number of lots that were under 75 feet.

On the east side of Fairmount, there were eight lots less than 75 feet. There were seven on the west side of Fairmount. There were seven lots on the east side of Lyman less than 75 feet.

Mayor Krajewski asked if any of those lots were subdivided after to 1991 when the Subdivision Control Ordinance was adopted. Ms. Browne said she could find none that were approved after 1991 in that block area between 55<sup>th</sup> and 59<sup>th</sup> on Lyman and Fairmount. Most of the existing lot widths in the area were created as early as the early 60's and 70's. She said she found nothing after 1991 when the current Subdivision Control Ordinance was adopted.

Commissioner Tully said some of the diagrams the Council received were difficult to read. He asked about the lot widths of the lots surrounding the subject site. Ms. Browne used an overhead to depict the lot sizes. She said there are certain lots that are less than 60 feet wide but are held in common ownership.

Commissioner Tully said he would be helpful to have a color representation of the lots below 75' in width, as it is difficult to determine the characteristics of the neighborhood. Ms. Brown showed an aerial photograph of the area to the Council.

**Commissioner Zabloudil** said he looked at the subject site. He said upon review, he could understand why the Plan Commission recommended a denial based on the characteristics of the neighborhood.

Ms. Browne said the petitioner was present and wanted to address the Council

**John Long** said he represents his sister-in-law, the owner of the property. He referred to one of the slides previously shown. He referred to home on lots of less than 65 feet.

Mr. Long said he is asking for approval of the request for a variance to allow the property to be split into two equal parcels. He said he made a short presentation before the Plan Commission. He said there are people in the neighborhood who feel this is a nice idea. He reiterated that there are five criteria to be considered when determining whether an exception is warranted. Mr. Long said that according to the staff, he answered all five of these criteria. He said there is no negative impact on surrounding properties with respect to value or reasonable use. Compared to many homes in the area, the lot widths would be easily buildable.

Mr. Long said that small homes on large lots were done many years ago, but not necessarily today. Upon dividing the lot into two halves, the area is approximately 19,786 square feet, almost two times the area required. The reasonably-sized residences for these two properties will be readily accommodated by the width, depth and area of the requested lots. The current home on the lot is at the end of its useful life and is going to come down as a teardown. For the value of the property, Mr. Long said it would be necessary to build a home approximately 7,000 to 8,000 square feet. There are no homes of that size in the area. Some of the newer homes are up to 4,500 square feet. The two lots can easily accommodate homes of that size. The two lots will be over 4/10 acre each. He said properties of this size are appropriate to the neighborhood instead of the existing lot of 9/10 acre. Mr. Long said the request will not change the essential character of the surrounding area. There are new homes on Fairmount ranging from 2,500 square feet to 4,500 square feet on lots similar to what he is requesting.

Mr. Long said there have been approximately 11 lot splits in the last six years. He said he is asking for a 12% variance. Variances of up to 30% have been made on widths alone. When taking into consideration the overall size of the two lots, he thinks his request is reasonable.

He said he did not get an opportunity to answer the objections raised at the Plan Commission meeting. He said the objector on the north side has her residence on a 65-foot lot. Another objector from across the street has park land to the east and south. The objector to the south currently faces a 60-year old unattached garage. Her residence is approximately 20 to 30 feet higher.

Mr. Long asked the Council to consider this request. He said he feels it is the most reasonable use of the land in the future and more in keeping with the neighborhood to put two homes here rather than one very large home that will not fit in the area.

Mayor Krajewski asked about the number of lot splits Mr. Long referenced and whether they were in the subject area. Mr. Long said there were 11 in the Village in the last six years. Mr. Long listed the lot splits. Mr. Long said there may be three lots comparable in size to this one in the area.

Mayor Krajewski asked Ms. Browne to review the approved lot splits to determine if they were larger, smaller or the same size as compared to the other lots in the area.

In response to Commissioner Tully, Ms. Browne reviewed the lot sizes in the subject area.

Commissioner Zabloudil asked Ms. Browne to provide information as to what type of variance was granted with the lot splits, specifically the percentage in terms of the width exception. Ms. Browne said that information was available.

**Carol Carlquist**, 5616 Fairmount, said she lives immediately to the north of the subject property. She referenced the pictures she took. She said she is concerned about what happens to these homes after the lots are split as these homes are replaced with very large houses. The lots in the area are 300 feet deep. She said there are people for and against this petition. She thanked the Council for looking at this issue. She said Downers Grove is green and space. She said there is

open space between homes because homes were built comparable to the size of the lots. She said the trend today is to build big homes because of the value of homes. The people who split the lots are the ones leaving the neighborhood. She said she has lived on this street for over 50 years. She supports keeping the special appearance of this neighborhood.

**Walter Carlquist**, 5616 Fairmount, said there are two 65-foot lots next to the subject parcel that he and his wife own. His house is on one lot and the other has been declared unbuildable. He referenced a 40-foot lot that has an existing house. He said the majority of a third lot that is 150 feet wide is in a flood plain and unbuildable. He said because these lots are 300 feet deep, the area is determined by the depth of the lots. Mr. Carlquist said all parties had an opportunity to speak at the Plan Commission.

The Manager said this would be placed on the Active Agenda.

3. **Landbank Proposals.** The Manager asked Village Attorney Dan Blondin and Assistant to the Village Manager, Mike Baker to address this item.

**Village Attorney Dan Blondin** said he would address some of the zoning issues applicable to the two applications now pending before the Council. He said it is not intended that this is comprehensive or will address all of the zoning issues. However, there have been a number of questions raised regarding a number of specific zoning aspects of both developments. He said it would be helpful to the Council and the public to understand what the Zoning Ordinance provisions are that would be affected by each application as well as some of the implications of changes required.

Mr. Blondin said that no matter which development is approved, if it is in general conformance with the plans presented, a text amendment addressing a variety of issues including density, setback, and open space as well as possible additional public hearings related to either a planned development or subdivision may be required.

Initially questions were raised regarding the density requirements for each of these developments. To understand that Mr. Blondin said we must first understand what each of these developments is under the Zoning Ordinance. He said neither of these developments will fit under any current definition found within the Zoning Ordinance. The two closest definitions within the Zoning Ordinance are attached single family dwellings, generally referred to as group, row and townhouses. This is a building originally designed and constructed to accommodate three or more dwelling units with dwelling units joined together by party walls and be not more than two stories in height, each unit of which has its own ground floor entrance and living space. Mr. Blondin said both of these developments exceed the two story in height requirement. Under the current definition, neither of these developments would fall under this definition.

The second definition that could have been applicable is multi-family dwelling, which is a dwelling containing three or more units, more than one of which unit is connected to a common corridor or entranceway, or where the dwelling units are vertically connected to neighboring dwelling units. This is what is commonly understood to be the more traditional condominium-type dwelling. Mr. Blondin said neither of these structures constitutes a multiple family dwelling.

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Mr. Blondin said the reason why both of these units are over two stories in height is because of the definition of "story" under the Zoning Ordinance. He said a story is defined as that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next above it. It is important to realize that this definition makes no distinction between floors above or below grade. Mr. Blondin said it is clear that both of these developments have more than two floors in their buildings. Neither development would fit under the definition of attached single family dwelling. Mr. Blondin said there is no definition with our Ordinance right now which would meet either one of these developments. These would either have to be put under one of the existing definitions by modifying one of the existing definitions or creating a new definition.

Mr. Blondin said the second issue related to this is the issue of density. He said he believes there is a need for additional revisions to the density provisions to accommodate either one of these developments. Mr. Blondin said this is an R-6 zoning district. In an R-6 zoning district there are density provisions for two-family and multi-family dwellings as well as single family dwellings. Noticeable absent from the density provisions within the R-6 district, are any density provisions for attached single family dwellings, the group, row and townhouse provisions. Mr. Blondin noted that as far as multi-family, the minimum lot area for three or more bedrooms is 3,000 square feet. Two or fewer bedrooms is 2,178 square feet and one bedroom is 1,452 square feet. Mr. Blondin said it is significantly less than perhaps some of the density numbers that have been mentioned earlier. Mr. Blondin said he thought the density number discussed previously were 4,000 square feet for townhouse developments.

Mr. Blondin said the proposed developments do not fall into the definition of the attached single family units; however, the attached single family dwelling units are permitted within the R-6 district but there is no density provision within the R-6 district for these units. There is a density provision within the R-5A district for attached single family dwellings which is 4,000 square feet. Mr. Blondin said it was debatable that the provision of the R-5A would automatically default into the R-6 district in the absence of a specific provision within that district. Mr. Blondin said if these are to be called townhouses, it would be necessary to change the density provisions of the R-6 district to put some density provisions in for either one of these developments.

Mr. Blondin said the conclusion regards density is that both of these developments whether they are 16 units or 26 units will require a revision to the density provisions of the Zoning Ordinance.

Mr. Blondin discussed other changes needed to the Zoning Ordinance. Regarding setbacks, Mr. Blondin said the current provisions within the R-6 district require that the minimum front yard be 25 feet plus one foot for each two feet of building height over 20 feet. He said both of these developments will require some modification of the front yard setback. They may also require side yard and rear yard setbacks depending on how the final lots are configured. Mr. Blondin said it is to be remembered that it is anticipated that there are a number of single family lots that will either be combined or redesigned resulting in different lot lines from those currently in place.

Regarding greenspace, Mr. Blondin said if either of these proposals becomes a planned development, it requires a minimum of 40 percent of the land area be set aside as permanent common open space as defined under the Zoning Ordinance. Mr. Blondin that either of these developments might have to go as a planned development. In this case, it appears that both of these developments would require some modification to the open space provision.

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Mr. Blondin said the reason why these developments may have to be planned developments or subdivisions is because the lot lines will have to be reconfigured. This means it will probably be necessary to do a subdivision. It is possible they will have to be planned developments due to the fact that there may be a lot that does not front on a public street and there may also be a lot that includes more than one principal building. In this case, the only vehicle to permit that currently is as a planned development. Mr. Blondin said it is possible to draft a text amendment to address this provided Council knew specifically what the final design characteristics were going to be. However, Mr. Blondin said at this time it may be helpful to anticipate that the Council is going to need to have two separate processes. One would be a text amendment to address the issues outlined this evening, and the second would be either a planned development and/or subdivision which would address the lot line issues.

In conclusion, Mr. Blondin said that either development will require changes to the Zoning Ordinance as regards density, setbacks and probably as regards green space. Either development will require either a planned development and/or a subdivision to accompany the text amendment.

The Mayor said some of the changes are necessary because they are not yet defined in the current Code. Mr. Blondin said that was correct. He said neither development falls under either definition of townhouse, rowhouse, nor do they constitute multi-family.

Mayor Krajewski said it would be necessary to make some changes to the Code to accommodate the definitions of these two developments. Mr. Blondin agreed. He said once the developments were defined, the density provisions would need to be amended.

Commissioner Gilbert said it is not clear as to exactly what the text amendment would be or how the planned development would be configured until there is a final or more definitive site plan than is currently available. Mr. Blondin said a final site plan is probably not necessary. He said once the Council gives direction as to which development is preferred that within the parameters of what has been proposed, a text amendment can be drafted that is broad enough to cover the final modifications assuming the design does not deviate too much from what is currently being proposed. Mr. Blondin said he would like to do the text amendment and other changes consecutively.

Commissioner Gilbert asked about the elimination of the story provisions. Attorney Blondin said there are two issues involved. Currently, the definition of townhouse, rowhouse or grouphouse related to this development are limited to two stories in height. Historically, two stories in height meant two stories above grade, however the definition of “story” does not say above grade—it says the area between the floor and the ceiling. For this development it seems to serve no purpose to have a two-story in height townhouse restrictions since there are height restrictions already in the Ordinance. He sees no solid reason to keep that provision. Commissioner Gilbert confirmed that it would be accomplished through the height restrictions and Attorney Blondin said that was correct.

**Mike Baker**, Assistant to the Village Manager, said he was asked to look at a density comparison of the two proposals with the apartment and condo buildings in the immediate area. He displayed a chart depicting the differences between the units.

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Mr. Baker then provided a historical summary of the landbank policy which was originally drafted in the 1970s. The Village began to acquire the properties for higher density redevelopment at some future time. The intention was 25-60 units per acre. The Rosol proposal is 15.06 dwelling unit per acre, and the Oakwood proposal is 9.27 dwelling units per acre. Both are lower than the original intent of the landbank policy.

Mr. Baker said that a group of realtors met on August 8 to share their perspectives on the proposals. All seemed to agree that either proposal would generate enough demand to sell the units quickly, particularly due to the location and its proximity to the Burlington Northern. In addition, there are high demands for the type of housing proposed. In addition, they felt the variances requested were justified and recommended that even greater variances should be considered. The realtors preferences were evenly split with three favoring Rosol and three favoring Oakwood. Some felt the Rosol higher density would benefit the downtown area and enhance the CBD. Points in favor of the Oakwood development were the architectural appeal, larger room dimensions, and a price more in line with the size of the units offered.

The Mayor added that some of the realtors thought the Rosol bedrooms were too small and the Oakwood bedrooms were too big.

Commissioner Gilbert asked how many bedrooms there were in each proposal. Mr. Baker said staff has sent out letters asking for additional information on the layout, and number of bedrooms. They requested that information by Friday.

The Mayor asked that some of the realtors also thought there should be nine-foot ceilings.

Commissioner Gilbert then asked about the differences in square footage in the footprint, asphalt area, greenspace area and the park, both separately and including the park. He asked if that information has been received. Mr. Baker said staff wants to be sure they are including consistent figures for both proposals. They want to be able to compare them equally. Commissioner Gilbert said it is confusing as to what is actually being measured, particularly in relation to greenspace. Those figures are necessary to make a decision.

Commissioner Tully added that they need an apple-to-apple comparison, particularly with respect to greenspace and what exactly is considered greenspace in the proposals. He said a breakdown to that effect would be very helpful.

Commissioner Gilbert referred to a memo from Oakwood, but the numbers seem to be inconsistent. He wants to see something definitive. Mr. Baker stated that staff is trying to provide uniformity in the comparisons.

The Mayor said that once a decision is made on the developer, there will probably be additional meetings to suggest some modifications to the plans. He said they would also like citizen comments indicating what the public prefers.

**John Przybyl**, 1227 Gilbert, said he had questions for both developers. He looked at the RFP process, and said it sounds like some of the Zoning Ordinances are outdated based upon current

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housing needs. The Mayor added that at a Council retreat they identified ten goals, one of which is to look at the Future Land Use Plan and the Zoning Ordinances within a two-year time period.

Mr. Przybyl said it could be that because of some of the confusion there were developers who did not want to bid, and suggested that they may need to have to re-bid the development due to the confusion. He reviewed some of the comments made in the past by the Council and the Development Board concerning what should be built in this location. He said on page 11 of the RFP there was a statement for low density preferences. However the Rosol plan is 25% over the density which was allowed in the RFP. He said he thought the spirit was to keep low density for the area. Mr. Przybyl asked about the purpose of the RFP—is it to give them a framework to stay within, or does it allow for looking at plans that are outside the perimeters. He does not think it is ethical or fair to other developers who may not have bid due to the limitations.

The Mayor said that once the RFP went out, there was a preconference for those interested in bidding to ask questions and get clarification as to the RFP specifics. Regarding the density issue, when the landbank policy was implemented in 1979 it was with the thought of 28-60 dwelling units per acre. The Council has decided to come in at lower density.

Mr. Przybyl said that was not mentioned in the RFP. He said that R-6 zoning should determine what has to be built within that district. One proposal is 25% over of the guidelines. He suggested again that perhaps this should be re-bid. Someone may be rejected because they followed the rules, or may have been coached away from suggesting something outside the specifications. He indicated in his comments that this appeared to be revenue driven.

The Mayor said that they included the possibility of alternatives in the RFPs.

Mr. Przybyl said if the RFP is the boundary, what happens if a proposal is outside that boundary. He noted that stormwater is an issue and neither plan submitted outlines what is required. The water level rises faster than ever with the downtown construction, and he is concerned about the retention and needs for the area. Concerns have been expressed in the past with no response from the Village to more closely study water buildup and erosion.

Mr. Przybyl then addressed the issue of the architectural design and its compatibility with the neighborhood. He said the neighborhood is eclectic. It isn't a Victorian neighborhood, or a Frank Lloyd Wright neighborhood. There are homes ranging from the 1880s to brand new homes. There is not one predominant style. He thought the Oakwood plan looked at the neighborhood and various architectural features and placed them together. The Rosol plan in his opinion is cookie cutter and eliminates the eclectic nature of the neighborhood.

Mr. Przybyl added that the big concern is the fairness issue, and perhaps the whole process is invalid.

Commissioner Gilbert asked Mr. Przybyl his opinion with regards to density—is it dwelling units per acre that matters the most or the physical mass of the buildings. Mr. Przybyl said it is a little of both. When you look at the street side of things, he does not like the massive wall of the Rosol plan. The Oakwood development is broken up a little more. Regarding the density, the effect of 3-deep looks like a giant flag lot that does not fit—it is non-traditional. He knew setbacks would be an issue.

Commissioner Gilbert then noted that there according to his figures, there are 28,000 square feet in the Oakwood footprints and 24,000 square feet for the Rosol footprint. One has 26 two-bedroom units which would accommodate approximately 52 people, while the other has 16 three-bedroom units that would accommodate about 48 people theoretically. That is why he questioned whether mass was important. Mr. Przybyl said that looking at the streetscape, the Oakwood units are larger, yet the footprint would not seem as evident walking up from the street. Commissioner Gilbert asked if they should factor in the aesthetics as well, and Mr. Przybyl said that was part of the RFP.

Commissioner Gilbert than asked whether the mass of the buildings or the greenspace is more important. The amount of greenspace in the development in his understanding means ground not covered by pavement or building. In the Rosol development there appears to be 22,458 square feet of uncovered ground, while in the Oakwood development there appears to be 12,400 square feet of uncovered ground. The Oakwood development appears to have more mass and less greenspace, while Rosol has less mass and more greenspace. Mr. Przybyl said that perhaps those numbers were not fair to consider until the final comparisons are in; however, conceptually both mass and open space matter. He said something that looks more like his neighborhood and would be more appealing to his eye would be the Oakwood plan. He said he told Mr. Rosol that the plan looked like something they just pulled out of a file drawer, although Mr. Rosol said there was a great deal of planning. He said that later Linda Kunze showed a picture from Naperville which was almost the exact development as Rosol's. Mr. Przybyl said he thought the Village could do better than that. They own the land and can ask for a lot.

Commissioner Gilbert asked about the stormwater issues, and said it would be a benefit to everyone to have more open land and greenspace rather than one that has less. Mr. Przybyl said it would depend upon the layout design. He said more absorbing areas would benefit the stormwater, unless there are other innovative ways he is unaware of that would address the issue.

The Mayor said that the Council will be addressing the stormwater issue with the developer.

**Joyce Allers**, 149 56<sup>th</sup> Street, said that Linda Kunze showed those photographs to show a representation of a beautiful development, and Mr. Przybyl's statement was a misinterpretation.

Ms. Allers said she had no choice of developers as well. She had a question for the Oakwood development. She is familiar with the townhouses on Carpenter and Gilbert with the garages underground, and they have water problems. She said if Oakwood is chosen, they must make sure to address this issue.

**Mike Zavislak** said he was a realtor with Baird & Warner. He said they cannot deny progress in the Village. When driving through the town, he points out the eclectic nature, and the rowhouse fits into this eclectic nature. He said that he would rather have 26 to sell than 16 because he knows that this project will be extremely marketable. In LaGrange they have waiting lists for this type of home. The price range is also easier to sell. Mr. Zavislak said that the demand for walking to the train is also very high. In terms of tax base, 26 units is better than the 16 units.

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The Mayor said the consensus of the realtors was no matter which developer is chosen, there would be a high demand. The developers have said they already have some people interested in the units.

**Jim McBride**, 1217 Gilbert, said he's been involved with this project for a long time, since prior to the Village Council expansion. He noted that people keep bringing up lot density and mass. From his review of the drawings, the Oakwood development has detached garages which increases the land coverage. On the Rosol development, the garages are underneath. In terms of the density in urban planning, there is a central core and the density rings outward. Downers Grove historically was built with many tight streets, and Gilbert is now the bypass for the downtown area.

Regarding the goals of the RFP, Mr. McBride said the Oakwood Development matches the goal of the RFP. It fits the character and spirit of the RFP. The RFP was carefully thought out. Mr. McBride said that the neighborhood has a vested interest in what happens here. The Rosol development has limited personal space, while the Oakwood development does have personal space. He thinks the Rosol development would attract a more transient person to the neighborhood. He grew up in the Oak Park area which has high density. He believes the Oakwood Development embodies the flavor of the RFP. He said they should remember they are not voting on one proposal, but on a spirit of cooperation with the community.

The Mayor said this entire project actually goes back to 1978 when the Village Council began the landbank process.

Village Attorney Blondin said that under the Zoning Ordinance, in the R-6 zoning classification, there is no requirement for landscape or green space for this development as that term is defined. The Planned Development requires 40% permanent common open space in a Planned Development. He read the definition of the "common open space" from the Ordinances. He said that per the Ordinance in the R-6 zoning district the buildings and accessories cannot cover more than 40% of the area of the zoning lot. There are no landscape/greenspace requirements.

**Diane Lewis Calahan**, 1307 Gilbert, said she only studied the plans today. She works as a ReMax realtor. Ms. Calahan said as far as the density comparison, the lots on Curtiss Street are deeper. The Gilbert lots are substandard and some are no deeper than 100 feet, so they could not do the same density as a 4-6 story building. She asked if they are putting the cart before the horse by not having a topographic survey before going out for bid. Ms. Calahan said that in the past 15 years they have lost about 2.5 feet of their land into the Creek, and that is a major concern. Regarding materials used, she said that this is a residential area and she wants the materials to be compatible with the residential neighborhoods and not the downtown area. She questioned the wrought iron fences in the front yard, as no single-family area can have a wrought iron fence in the front yard. In her opinion, the Rosol plan looks like a long brick wall with fences in front. Regarding ingress/egress off Gilbert, she said that the traffic at that intersection near the bank is horrendous already. There could be up to 30 cars on either plan coming out of those small exits. Ms. Calahan asked whether the small park/tot lot would be deeded to the Park District. The Mayor said the Council has not yet decided the management/maintenance of that property.

Regarding the density, Ms. Calahan said that, because the lots are substandard, improving the single-family homes would only be viable under the grandfather clause. She did not think that could do any developing without a PUD. There have been comments by the developers that this would be favorable to the Central Business District, and she does not know that is so important. She sees the CBD as dying at this point. She asked whether the density issue and scale and price of the properties is of primary interest to the CBD or to the residents as a whole.

The Mayor responded that in 1996 when they were reviewing the infrastructure for the redevelopment, the Council implemented the TIF District, which was put in place in 1997 to pay for the improvements. The plan was to put the townhouses in and have them completed by 1999. There is still nothing completed. Since the tax increment began in 1997, the Village has received nothing to date. The development of this land is just one piece to pay for the infrastructure improvements.

Ms. Calahan said she worked with the Village Planning Department in 1972 and 1973 when they started this project so she is familiar with it. She suggested that instead of demolition, make it possible to move some of those houses elsewhere. The Mayor said they are currently working with someone who is interested in moving one or two houses. There will also be a demolition auction for what is in the buildings.

**Susan Brown**, 1508 Gilbert, said she thinks it is exciting that the Village is going to consider reviewing the zoning for the Village. She suggested that public information sessions would be helpful. Regarding her opinion on the proposals, she feels strongly that the Oakwood development is preferable because it looks less dense and has more open space. She believes density or the perception of density is really important. The physical density is also important as the number of people will impact traffic so much. She pointed out that Gilbert Avenue is a special place to its residents. People in town have treasured spots that they enjoy very much, such as Maple Avenue or 35<sup>th</sup> Street. She believes Gilbert is such a street. Ms. Brown said there is more than just this block at stake, as changes to the zoning laws will be applied elsewhere to accommodate other plans for the Village.

**Dave Patterson**, 1240 Gilbert, said he is disappointed that there were only two RFPs received. He expected to see more interest. He favors the Oakwood plan as it has lower density and appears to provide more detail on trees. He said that Gilbert is tree-lined, and he would like to see as many trees preserved as possible. He thought the Oakwood developers seemed to say they would save more trees. The Mayor said that both proposals addressed the preservation of trees. Mr. Patterson said that was his impression from the presentations he saw on the video tapes. The Mayor pointed out that both developers have made efforts regarding tree preservation. He noted that there appears through some of the e-mails he has received, to be some misunderstandings on some of the specifics on the two proposals.

Mr. Patterson said another issue of concern to him is traffic. He drives through the intersection of Gilbert, Forest and Burlington, and also walks through that intersection. It is a particularly dangerous intersection for pedestrians. There are many seniors in the area that have to be considered as well. In his opinion, lower density means less traffic pressure. Concerning water retention, Mr. Patterson said that his understanding is that any redevelopment has to have 100% retention on the site, either in the form of a retention pond or underground tanks of some type.

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The Mayor said that the Council is concerned about the stormwater aspect of the developments. Traffic patterns may change as a result of the completion of the downtown construction as well.

**Mary Przybyl**, 1227 Gilbert, said that when the landbank first surfaced, she understood the main goal to be to save homes by the people who live in the area. That is still her main concern. She said that the woman who is proposing to move one or two of the homes should be given as much time as she needs since this is a great undertaking. Ms. Przybyl said that Oakwood seemed more flexible in cooperating with the woman who wishes to save those homes. The Mayor noted that nothing will start until the Council makes the decision to move ahead.

Ms. Przybyl said that Rosol Construction had several people speak at the meeting and she was not sure that many of them were from the neighborhood. She believes 10 or 20 people will not make or break the success of the downtown businesses, however, they may add to the flooding problem and traffic problem. Most of the downtown businesses are not even open when these young professionals come home in the evening.

Ms. Przybyl said that she believes the architectural design and appeal is important, including the preservation of the trees to blend the development into the existing neighborhood. She believes the Oakwood development to be more sensitive to the issue of saving the trees. Her final concern was the lack of large projects completed by either of the developers. She asked how the Village can be assured that once they demolish the buildings they will proceed in a timely fashion and build the structures according to the proposals submitted.

The Mayor said there were other concerns expressed because these were smaller developers. He said staff is working on follow-up on the financial backgrounds, etc., and a developer's agreement is also being created. The developer's agreement will be established between the developer and the Village before the land is transferred.

**Steve McCready**, 7225 Camden Road, said this is new construction, and no matter what the developers do, this is new construction. He prefers the Rosol developer. He counted more than twice as many trees on the Rosol plans than the Oakwood plan. Mr. McCready said he liked both projects for Downers Grove. He said he voted in the elections for the Council to do what is best for Downers Grove. The Village needs the tax base and needs a slightly higher density. The Village needs to bring people to Downers Grove. He is pleased to see the Council looking toward the future. He said no one has any idea who will buy these units. Density cannot really be defined for a development. He asked that the Council look at both companies and pick one that has union contractors and subcontractors, speaking as a union official. They guarantee their work.

**Mike Zaramba**, Rosol Marketing Group, said that he has heard people describe their development as a long row of buildings. He noted that the drawings are in the downtown development office window. There is a 10 foot setback on the inside and outside of the individual units, and they are not one long row of buildings. He said that they had an arborist work with them to review the existing trees and proposed trees. They took great care regarding tree preservation.

**Scott Krafthefer**, 4937 Oakwood of Oakwood Development, said the RFP spells out 4,000 square feet per unit land density. He asked about the basis of that number. If it is not spelled out in the R-6 zoning, why is it spelled out in the RFP. Attorney Blondin said that the RFP stated that the Village would work with the bidders with changing zoning.

Mr. Krafthefer said that he received the letter regarding the definitions and will have it ready for the Council by the end of the week.

**Larry Rosol**, 6556 Berrywood, Rosol Construction, said that they have answered the questions submitted by staff. He said he has 24 years of contractor work and 14 years in his own business. He said his company can handle this job.

The Mayor said that three Council members were absent and will review the tape of this evening. If they have more questions they will submit those to the developers.

4. **News Box Ordinance.** The Manager asked Mike Baker to report on his study of this issue.

Mr. Baker said that based upon its review, staff is proposing an ordinance to regulate the placement of newspaper dispensing devices (“newsboxes”) on public property throughout the Village. He provided an overhead presentation, saying staff has spent several months looking at this issue in terms of other communities and how they handle the issue. He said the First Amendment and Freedom of the Press limits the Village’s ability to regulate the use of the newsboxes. The restrictions must be content neutral, narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication. Staff Attorney Enza Petrarca drafted an ordinance to meet those criteria. He said that the downtown has numerous areas with long lines of these newsboxes. He showed various locations on the overhead, noting the aesthetic issue, as well as public safety. In some cases the newsboxes affect sight lines and are in poor condition. The Ordinance regulations will provide a mechanism for the Village to remove the newsboxes from public property. He said the train station and Library have many more boxes than other locations. Mr. Baker said there are alternatives such as newsbox corrals or modular newsboxes, if the Ordinance regulations do not prove effective. Both Chicago and Geneva have used the modular newsboxes.

The Mayor asked whether Geneva has adopted an ordinance regulating the newsboxes. Mr. Baker said they are in the process of doing so. The Mayor asked whether there were any challenges from newspapers to the Geneva ordinances, and Mr. Baker said he was not aware of challenges but would check into that.

Commissioner Gilbert said that he would like to explore the concept initiated by the City of Geneva using city-owned boxes, and in that way control the aesthetic issue. Attorney Blondin said it might be possible to provide city boxes in the CBD, as well as Ogden Avenue. Commissioner Gilbert said the situation needs to be corrected. Mr. Baker said he would explore the modular boxes further, stating that the cost for a six-paper unit is \$2000.

Commissioner Zabloudil asked if they have explored the cost of leasing out the boxes. Mr. Baker said he believes Geneva charges a fee for the use. The cost to the news company is approximately \$300-\$400. There may be a cost savings to the news companies to have city-

owned boxes in place. Before adoption of the Ordinance there will be a public hearing to announce the Village's intentions to the public and news organizations.

Commissioner Tully asked Mr. Baker to display the newsbox photos from the Post Office area, and asked what impact the current proposed ordinance would have on that particular location. Mr. Baker said that each newsbox would have to have a permit attached to it that is site specific and identifies the location and other information. There would be a \$25.00 administrative fee for each permit. Several existing newsboxes would not comply with the ordinance at this time. He expected that the number of newsboxes would decrease either because of non-compliance or because of the administrative procedure to obtain a permit.

Commissioner Tully asked whether the actual location on the sidewalk would change with the ordinance. Mr. Baker said they would not change substantially. He then showed a slide of an empty box in poor condition. He confirmed that it would be removed if it were not brought into compliance.

Commissioner Tully asked whether there would be any grandfathering of any existing newsboxes, and Mr. Baker said there would be no grandfathering.

Commissioner Tully said that self-regulation is the first step wherein guidelines are given to the industry to follow. If the self-regulation does not work, the Village would then designate the boxes that could be used. Mr. Baker said that was the plan with the Ordinance.

**Marilynn Gerloff**, 4241 Highland Avenue, said she was pleased to see this on the Council's Agenda. She said the proposed Ordinance does not cover all the problems and does not limit the number of boxes. She does not think staff has done enough work on this issue. The Ordinance does not specify how many newsboxes are allowed on the corners. She referred to page 2 of the Ordinance, item 8, related to parkways. She reads it that parkways are not allowed to have newsboxes, while there are 19 on the Post Office parkway at this time. Nowhere in the Ordinance is there a limitation of the amount of newsboxes on a corner, and she would like to see that limitation included similar to what was done in Geneva. Ms. Gerloff suggested that they only allow the newsboxes by the train station, rather than throughout the downtown area. She wants this done the right way to begin with, rather than seeing how things work within six months.

The Mayor asked whether staff has talked about this with the Downtown Management Board and Mr. Baker said he spoke with them only briefly. The Mayor asked that he talk and work with them. They may have a preference on this matter and he would like staff to get their input concerning the different types of boxes available.

The Mayor asked whether the Village can limit the number of boxes. Attorney Blondin responded that the Ordinance provides distance requirements. He would have to look at the number of boxes they can have. He believes it would depend upon the area. They may need to establish factual reasons for limiting the number of boxes or newspapers that can be made available. He said that the Ordinance before the Council tonight will likely be changed before approval is considered. The plan is to conduct public hearings as well before presenting the Ordinance for approval. The Mayor asked that staff look to other communities as well.

Commissioner Tully asked that they determine how many newsboxes there can be in any one location. Attorney Blondin said he would have to look at it more closely. He thinks they might have to establish some record and standards by which the maximums are set.

5. **Agreement for Health Risk Assessment Program.** The Manager asked Greg Zimmerman, Director of Human Resources to discuss this program.

**Greg Zimmerman**, Director of Human Resources said that five years ago the Village looked to enhance the health program and educate employees. At that time employees were using only 4% of the benefits in the Village's health plan, including the annual physicals, etc. He felt the reason for that was that people were uninformed. After a five-year progression, he believes there has to be a solid educational program for the employees. He introduced Catherine Loney who has been the Village's health insurance resource for the past 12 years, and Katherine Wielan, senior consultant of HPN Worldwide, Inc.

**Catherine Loney**, Kraemer and Loney, Inc., said they want to establish early detection and self care. She said that employees have indicated that they want on-going seminars. Therefore they looked at methods of enhancing the program, one of which is through a comprehensive program through Health Promotion Network. She explained several methods that employees can use as part of this preventive care program. Ms. Loney briefly explained the financial aspects of the program as well. She asked Ms. Wielan to speak to the Council

**Kathy Wielan** of Health Promotion Network, said she had worked to add more elements to the existing program. A health risk assessment is a critical component of a larger strategy that is critical in identifying problems. Their integrated strategy includes items such as a self-care handbook, training on the book's use, a website with a health wise data base, early detection screening, and reinforcing communication via a newsletter to each employee's home six times a year. They have four goals which are 1) stay healthy and prevent problems; 2) be able to better handle problems when they occur; 3) encourage employees to work better with their physicians; and 4) understand and use the resources available. This program benefits the individual person and saves the health plan money.

The Mayor asked if the company is based in Elmhurst. Ms. Wielan said that was correct and they have been in business for 16 years. They have worked with the City of Elmhurst, Arlington Heights, and the College of DuPage. They have worked with Elmhurst and Arlington Heights for about six months. She said there are no municipalities they have worked with for several years. They have worked with Elkay manufacturing for seven years. Ms. Loney said she was responsible for bringing HPN into the Village based upon her research and learning that they had a comprehensive plan for preventive care.

The Mayor said he was looking to see if there was any local area data to show the savings reported at 4:1. Ms. Wheelan said they worked with four counties in Idaho, and those reported a savings by 56% of their people using the book by saving a visit to the doctor. They translated that into dollars which showed a savings to the company. Elkay did its own survey and determined their return on their investment was comparable to what HPN projected. She said it is harder to establish a return on the investment with website use.

## **DRAFT**

The Mayor asked whether the Village is ahead of other communities in this type of program. Mr. Zimmerman said the Village has grown to be the community that other municipalities are looking to for direction. The Village is considered to be on the cutting edge. He said the book Ms. Wheelan discussed is just one of the strategies. He went through the book, checklist and the website. That opened an extensive library to him whereby he was able to follow through on a problem of his own and obtain assistance.

Commissioner Gilbert asked whether the dollars were already budgeted. Mr. Zimmerman said they were. They are shifting the dollars and the claims. Commissioner Gilbert said it looks like a great problem, and the prevention is worth it.

Commissioner Zabloudil asked about a statistical validation of the survey. Ms. Wielan said they conducted two surveys on two companies and there were able to corroborate the results. Ms. Loney said that through this company, she has been able to find the mechanism to do her own output studies.

Mr. Zimmerman said that the Village has saved, through prevention, the cost of a potentially serious health condition in several cases involving Village employees.

Commissioner Zabloudil said it appears to be a win/win situation. Mr. Zimmerman said that Commissioner McConnell said her company uses the Healthwise Handbook and she is well aware of this type of program. She had some questions regarding the evaluative methods. He will discuss this more with her when she returns.

Commissioner Tully said this appears to be a promising program and he appreciated the presentation. He likes the concept of training people to make better use of existing resources. He asked what kind of training is provided either related to the book or other resources.

Ms Wielan said they would begin with “launch training” which presents an overview of the program. They would introduce the web, the newsletter and the self-care strategy. They would do a training exercise on how to actually use these items. The second part of training follows early detection screening and takes it a step further. They provide a “sneak attack,” a reminder for tumor self-exams, and in-depth methods of detection. That program is based on the U.S. Clinical Services guidelines.

Commissioner Tully asked how they proposed to get the people to make better use of the information and existing resources. Ms. Wielan said they will discuss their specific website and reinforce using it in the training. The newsletter will have a customized page dedicated to the Village of Downers Grove. She said there is a cross-training between the book and the website. They are seeing a trend of municipalities seeking their services.

The Mayor complimented Mr. Zimmerman on his efforts in this regard.

## **STANDING COMMITTEE REPORTS**

Commissioner Gilbert reported on the Public Safety Committee. They discussed the Opticom situation and agreed with the recommendation of staff. They will meet on it again.

## **DRAFT**

Commissioner Tully said that the Public Works/Public Services Committee did not meet and has no meeting scheduled.

The Village Manager invited everyone to come out to the Bike Race this weekend.

### **ATTORNEY'S REPORT**

Attorney Blondin reviewed the items presented to the Council for future consideration.

There being no further discussion, Commissioner Gilbert moved to convene into closed session pursuant to sections 2(c)(1) and 2(c)(6) of the Open Meetings Act to discuss personnel and the setting of a price for sale or lease of property. Commissioner Zabloudil seconded the Motion. Council moved into Executive Session at 9:45 p.m.

April K. Holden  
Village Clerk

tmh/