

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

JUNE 26, 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 Marilyn Schnell, Thomas Sisul, Michael Gilbert, Sue McConnell, Martin Tully, Mark Zabloudil; Acting Village Manager Riccardo Ginex; Village Attorney Daniel Blondin; Village Clerk April Holden

Absent: None

Visitors: **Press:** Susie Gura, Downers Grove Reporter, Carol Kania, Downers Grove Sun Residents & Others in Attendance: Mike Williams, Steve Mihelich, WAA, 210 N. Hale, Wheaton; Rick Tarulis, Downers Grove Park District (DGPD) Atty., 101 N. Washington, Naperville; Dan Cermak, DGPD, 2455 Warrenville; Howard P. Ring, 4637 Middaugh; Alice Strelan, 5611 Brookbank Rd; Cathy Mahoney, 4832 Montgomery; Lynn Leo, 4828 Montgomery; Tessa McGuire, Pool Committee, 4910 Cornell; Cheryl Caplan, 1103 W. Norfolk; Elsa Fischer, DGPD, 322 Fourth St.; Carol Doty, DGPD, 1921 Curtiss; Susan Dunlap, DGPD, 4225 Saratoga; Mary Thomson, DGPD, 4063 Cumnor; Bud Sherman, 3311 Pomeroy Road; Marilyn Gerloff, 4241 Highland Mike Kubes, 5538 Lyman; Lynn & Bill Bila, 4638 Middaugh; Mark Konnikiewicz, 1037 Palmer; Sean Coughlin, 4824 Saratoga; Fran Kubes, 55387 Lyman; Julianne Coughlin, 4824 Saratoga; Robert Kleb, 4600 Belmont; Bruce Siegert, 4654 Puffer; Marc Patno, 4517 Belmont; Raymond, Tom & Jennie Napski, 4526 Belmont; Tom Julian, Chamber of Commerce, 6223 Springside; David Patton, Healy, Snyder, Bender & Assoc., 10113 S. Helene Ave.; Marty Schark, District 99, 6301 Springside; Karen Lewis, 1134 Adelia St.; Patti Kole, 4602 Belmont; Barbara Weber, 4507 Belmont; Lynne Rinker, 919 Meadowlawn Ave; Bob Pindar, SEASPAR, 6000 S. Main St.; Bob & Anne Schadt, 4609 Puffer Rd.; Ronald Schadt, 41 W. 56th St., Westmont; Laurel Bowen, 829 Clyde Dr.; Carolyn Thomas, 45298 Main; Gordon Ferguson, 4547 Oakwood; Edna P. Smallwood, 4616 Belmont; Andrew Clark, 1226 62nd St.; Tom Sleeter, 5416 Maplewood; Janis Sleeter, DGPD, 5416 Maplewood; Jerry Kiluk, 4733 Puffer; David Kusminek, 821 63rd St.; Barb Wysocki, Chamber of Commerce; Phil Barr, 4605 Puffer; Irma Pittroff, 4428 Sterling; Dave Tatterson, 1240 Gilbert; S.A. Miller, 825 63rd; Janet Barr, 4605 Puffer; Lois Wilke, 3945 Main; Steve Kaporicz, 4530 Forest Ave.; Joyce & Robert Gramm, 1016 Adelia; Rita Martin, 4942 Montgomery; Cheryl Prescott, 704 Summit; John Haine, 1110 Grove; Tim McJoynt, 1423 Grant; Janene Cerulli; Dee Huskisson, 4926 Seeley; Karen Wriss, 1717 Taylor; Tom Maurer, 912 Summit; Cromwell, DGPD, 622 Jonquil, Lisle; Patricia Garver, 4541 Forest; Jerry Yoksoulain, 926 60th Pl.; Jim & Noraine Eberlin, 4621 Forest; Greg Vogler, 5401 Maplewood; Jeff & Barbara Freeman, 1113 63rd St.; Mary & Patty Smith, 4533 Forest; Mary Schulz, 4537 Forest.

Staff: Ken Rathje, Director, Planning Services; Amanda Browne, Planner; Bill Porter, Code Services; Don Rosenthal, Director, Code Services; Doug Kozlowski, Public Information Officer; Bob Schiller, Traffic Manager; Brian Pabst, Director, Redevelopment; Stan

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Balicki, Public Works; Jack Bajor, Director, Public Works; Mike Baker, Assistant to the Village Manager; Bob Jungwirth, Engineer; Marty Lyons, Director, Financial Services; Steve Ruffolo, Director of Operations, Public Works

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 cable-cast over cable channel 6.

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

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

GUESTS

Mayor Krajewski noted the presence of several Scouts in the audience and asked them to introduce themselves. Robert Wakeley from Downers Grove Troop 9 said he worked on an Eagle Scout project stenciling storm drains in the Village between the tracks and Ogden Avenue, Fairview Avenue and Main Street. The stencils identified the storm drains and warned the public not to pour pollutants into the storm drain. He worked through the Conservation Foundation on this project. He has 21 merit badges. Other scouts present were Jim Dawson, Matt Kraft, Matthew Martin, Charlie Martin, Christian Peterson, Matt Cruz, and Chuck Martin, Committee Chairperson. Mr. Martin thanked Steve Ruffolo from Public Works who coordinated with the Conservation Foundation to assist Robert on his project. He said that Christian will be attending Jamboree in Virginia this year. Troop 9 meets at First Presbyterian Church. Mayor Krajewski then gave each Scout a Village pin.

MANAGER

Manager Ginex thanked all of the staff for their hard work and dedication during this past weekend's Heritage Festival.

1. **Bids:**

- a. **Flying Pest Abatement Services FY 2001/02.** Manager Ginex said staff recommends awarding a contract to Clarke Environment in an amount not to exceed \$26,500.
- b. **10-Ton Trucks for Public Works.** The Manager said staff is recommending the purchase of three trucks in the amount of \$305,571, to replace trucks purchased in 1986, and they will be equipped with plows.

- c. **Asphalt & Cold Mix for Public Works.** The Manager said staff recommends awarding a contract for liquid asphalt to K-Five Construction for \$15,300, bituminous hot and cold mix jointly to Harry W. Kuhn, and K-Five Construction in an amount of \$30,500.
2. **Grant Amendment – Illinois Department of Natural Resources.** The Manager said this is a request for a one-week waiver, and he asked Jack Bajor to make the presentation.

Jack Bajor, Director of Public Works, said the Village applied for the IDNR grant in July 2000 in the amount of \$100,000 to support the bikeway path program. The Village of Woodridge was also involved in this project but opted not to proceed with the project. The Village must go forward if it wishes to retain the funds. He asked Mr. Balicki to provide further information.

Stan Balicki, Administrative Assistant, Public Works, said the Resolution would allow a one-year extension of the grant agreement with the IDNR. Because of the change in the scope of the project and the partners involved, the Village needs to look at reallocating the funds.

Commissioner McConnell asked if the funding is continued, how it will be used and how the information will be disseminated to the public. Mr. Balicki said funds from IDNR are for off-street bikeway improvements. It would be handled in the manner as any other capital projects. The public can get additional information in the Library as well as in the Village offices.

Commissioner Schnell asked that this be put on the Internet, and Mr. Balicki said they are working on that.

3. **Phase II – Downers Grove Estates Annexation – Public Hearing.** Ken Rathje, Director of Planning Services, said that Phase I annexation was presented to the Council several weeks ago. This is Phase II which will bring in the remainder of the Downers Grove Estates/Meadowlawn area and will involve about 50.77 acres, with 119 properties having signed the agreements. Some of those have new ownership. Mr. Rathje said that rather than having people re-sign the petitions, staff suggests that the annexation go under the Annexation by Publication Statute of the Municipal Code. Once the properties are annexed, staff will proceed with the rezoning process at no expense to the owners. The plan is for the commercial properties at the corner of 63rd and Main to be zoned B-2. The properties on the east side of Main Street will be zoned R-3, with the remainder of the property on the west side zoned as R-4. There are eight previously annexed properties that still carry R-1 zoning. Staff proposes to include those in the rezonings for consistency. Mr. Rathje said if this is placed on the July 3 Council Agenda, staff will bring this to the July Zoning Board of Appeals meeting, after due publication.

Mayor Krajewski said some residents have asked about an effective date of January 1, 2002. Mr. Rathje said the Council can choose to do that, however, rezoning will not proceed until after annexation.

Commissioner Zabloudil said he has spoken with residents in that area as well, and asked that they consider the impact of the effective date on the rezoning and taxes. He asked that they consider a rebate of taxes if the annexation takes place now.

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Mayor Krajewski added that they should also look at the impact of annexation and rezoning on those people looking for building permits, or those already in the construction process under County regulations.

Mr. Rathje said if the Council wished to delay on a portion of the annexation, they could rezone Phase I now and proceed with Phase II for January. He said they would prefer to bring it to the Zoning Board of Appeals as a unit. Mr. Rathje explained that the Village cannot rezone the property until it has been annexed into the Village. Staff will work to place it on the Agenda for the ZBA immediately following the annexations.

Commissioner McConnell said she thought it makes sense to do it in two steps. She would make it effective January 1. The Council concurred with that. Mr. Rathje asked if the Council concurred with rezoning phase I in July, and the Council agreed.

Karen Lewis, 1134 Adelia, said she has lived there since 1988 and is opposed to bring brought into the Village. She has 27 signatures of other property owners who do not want to be annexed. She noted that several owners did not get letters announcing this annexation. Mayor Krajewski asked Mr. Rathje to address the reasons for the annexation.

Mr. Rathje explained that in 1985 the Village extended water mains through the subject area. The Council at that time allowed residents to sign agreements to annex their properties at a later date. Downers Grove has served the area with water and requested that those properties be made a part of the community at a future date. Mayor Krajewski noted that Downers Grove is the only municipality in DuPage County that allows the delay of annexation upon water connection. Mr. Rathje added that in addition to supplying water to this community, there have been situations where wells dried up. Without the Village's water main, there would have been no way for those properties to have potable water.

Ms. Lewis said that people who moved in after that time said they didn't know they were signing annexation papers at the time of their purchase.

Karen Bigley, 1021 Oxford Street, said she favors the annexation but would like it to become effective January 1. She asked for an explanation of Phase I. Mr. Rathje explained that there was property annexed about one month ago and that property came into the Village as R-1 zoning. He explained how the property size relates to the zoning designation. Ms. Bigley asked whether they will be forced to go on sewer and water. Mr. Rathje said that the annexation will not have an impact on the sewer. Regarding water, the Ordinance does not require owners to hook up to water simply because they are part of the Village. But, if their wells fail and there is a watermain within 250' of the property, they will have to hook up. They cannot co-mingle the water from both systems. He then referred to an overhead projection to outline Phase II and Phase I annexations. He explained that Phase II consists of 50.7 acres. Phase I rezoning will proceed at this time. Ms. Bigley asked whether she was part of Phase I or Phase II, and Mr. Rathje said he would follow-up with her and provide a copy of the Ordinance. Ms. Bigley asked whether they automatically get sidewalks once they area annexed. The Mayor said they would be made part of the Village's matrix and sidewalks would be installed based upon the area's weighted score on that matrix.

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Roger Gramm, 1016 Adelia, said he was unaware of the annexation as they purchased the home in 1990. He said the Village never sent any letters to the people in the unincorporated area stating that there was an annexation proceeding coming up at a particular time. Regarding the water mains installed in 1985, he said that the Village has made money on the residents every year by selling them water and that should satisfy the situation. He thinks this came up suddenly to the residents, and the annexation should be put aside. He said rezoning is after the fact. He is happy to be unincorporated, and he thinks the annexation should be set aside for a number of years until residents are ready to accept the annexation.

The Mayor pointed out that the agreement was signed by the residents in 1985 which he believes is enough time. He repeated that the Village did not require immediate annexation at that time, as do other municipalities. He added that they are putting this off to January 1 so residents in order not to tax in the middle of the year for full year services.

Rod Eschbach, 929 Meadowlawn, said he never signed an agreement to annex his property. Mr. Rathje said out of the 281 properties, 206 signed and 76 did not sign. He said the majority have signed to get the Village water. Mr. Eschbach said he could drill his well deeper if he wanted. Mr. Rathje said that DuPage County requires connection to water mains if they are available. They cannot drill the wells deeper as long as they are under County jurisdiction. Mr. Eschbach said he did drill his well deeper. He cannot drill a new well, however. Mr. Rathje said if it comes into the Village they cannot drill deeper by Village Ordinance. He said that he would furnish Mr. Eschbach with a copy of the Municipal Code.

Cheryl Kaplan, 1103 Norfolk, said if she signed she did so unknowingly, stating she is opposed to the annexation. She purchased the home seven years ago and signed papers her lawyer put in front of her. She asked if they will be annexed even if they did not sign. She asked about the requirements. Mr. Rathje said that the original requirement was that any property owner who wanted water had to sign a petition for annexation and an annexation agreement. The Petition for Annexation would not be acted upon until after January 1, 2001. The Village proceeded with the annexation of the first group of properties. The Village, under State Statutes, has the authority to annex any assembly of land 60 acres or less in size under Annexation by Publication, commonly called forced annexation. That is the procedure the Village is using, although 61% of the properties within Phase II have signed the agreement. He noted that the Village Attorney pointed out that Village Council policy specified that any surrounded properties that would qualify under the force annexation provisions be annexed.

Attorney Dan Blondin said every year the Village audits property to see if they meet the 60-acre threshold, and when they do those areas are routinely annexed.

In response to Ms. Kaplan, Mr. Rathje said that the entire area constitutes less than 60 acres. Ms. Kaplan asked if there is any recourse. The Mayor said the Ordinance allows this annexation, and it has been Council policy.

Ms. Kaplan asked who determines the standards of the private well. Mr. Rathje said that the DuPage County Health Department determines the standards for water potability using normal testing procedures. The Village does not test wells.

Jeff Freeman, 1113 63rd Street, asked where they can get information on the taxes and how this will affect them.

Marty Lyons, Director of Financial Services, responded that the Village taxes are 4.7% of the total tax bill, in addition to 4.5% for the Library and 6-8% for the Park District. He said he can put together a handout for those interested. The Mayor noted that the Village Council did give a \$1 million rebate of taxes last year. Mr. Freeman asked if there were any other costs involved to those who are already tied into the sewer and water. Mr. Lyons said there were none, other than building permits that may be subject to Village Code. There is a 2.5% utility tax on gas, electric and telecommunications.

4. **Parking & Traffic Recommendation: North High School.** The Manager said North High School has acquired additional property as part of its expansion program, and is proposing to create a 51-space parking lot with ingress off Forest, and egress onto southbound Main Street. He asked the Director of Public Works to explain further.

Mr. Bajor said both he and Bob Schiller, Traffic Manager, attended a series of neighborhood meetings regarding the North High School proposed 51-space parking lot. He said that the Parking and Traffic Commission (P&T) supports the recommendation to allow egress only onto southbound Main Street, with an entrance off Forest. He said that two representatives from District 99 are present at the Workshop meeting. He then asked Mr. Schiller to summarize the project.

Bob Schiller, Traffic Manager, said that on May 15th P&T heard a request from School District 99 for ingress/egress for a 51-space parking lot they wish to install on the south side of North High School, between Forest Avenue and Main Street. In April, the Village was invited to a public meeting with the residents on Forest Avenue, and a second meeting was held in June. Essentially the proposal forwarded to the P&T included three options: 1) ingress and egress on Forest Avenue; 2) ingress off Forest with right-only egress onto southbound Main Street; 3) ingress on Forest Avenue with ingress/egress right-in/right-out on Main Street. After its evaluation, P&T chose to recommend Option 2. He said that both entrance and exists will be controlled by electronic gates. The exit gate is a 24-hour gate, and the entrance gate is scheduled at this time to be a code-operated gate controlling access for faculty and staff, with the exception of normal school hours.

Commissioner Schnell said this was addressed at the Public Works Committee meeting with residents who were present. She said they discussed greenspace, as well as concerns about pick-up/drop-off parking. There were also concerns expressed about the hours of use. Commissioner Schnell said that the residents were told that this would not be voted on this evening, but would be placed on a Future Active Agenda.

The Mayor said one resident was concerned about egress onto Forest, and thought the school could do something to eliminate that possibility.

Commissioner Tully said he was concerned that this issue would be called for a vote tonight, especially since they had not had an opportunity to review the minutes from the P&T meeting at which the recommendation was made. There was a concern that there would be exiting through

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the Forest exit. He said it is a gated entrance. If the gate were up during school hours after drop-off hours, it would be possible for someone to drive out on Forest. He said one solution could be to keep the gate down and require a sensor that would not allow an exit at that point. The Mayor said that a sensor will be on the Main Street exit also.

Commissioner Schnell said that one resident suggested angled parking with the same number of spaces, so that all parking would be angled toward Main Street. She said the School District said they could not fit the same number of spaces; however, a resident said they had a drawing showing that it could be done. She has asked for a copy of that drawing for the Council to review. Mr. Schiller said he would provide copies and will measure it off himself to make sure it meets Code requirements.

Commissioner Sisul asked about the problem with right-in/right-out on Main Street. Mr. Schiller said that the amount of control the school wants to have on the lot would have caused problems with an entrance on Main Street. They wanted the lot to be tightly controlled so as to eliminate any potential traffic back-up on Main Street. He said the original plan was for the entrance gate to be up from 9 a.m. to 2 p.m., but closed during drop-off and pick-up times. He further responded that there could be a problem during the rush hours causing too much of a traffic hazard on Main Street. The Mayor said that the parking lot could become a drop-off stop as well. Commissioner Sisul asked why there would be a problem using the parking lot as a drop-off site. Mr. Schiller responded that it could create a gridlock from people coming in two directions, as well as people in the parking lot waiting for pick-ups while others were exiting parking stalls. It would involve too many traffic movements in too small an area.

Commissioner Sisul asked what consideration was given to make the lot a circular drop-off area, and not a parking lot. Mr. Schiller asked a District 99 representative to answer that question.

Marty Schock of District 99 said there is a circular car drop-off now and the traffic stacks up all the way down Forest. They drop-off right in front of the building. Using the parking lot would create a worse gridlock. Commissioner Sisul suggested making the turnaround entirely within the parking lot. Mr. Schock said they were not looking for a drop-off, they are looking for staff parking space. To construct a circular drop-off in that area eliminates the possibility of getting as many parking stalls in that space as possible.

Commissioner Tully asked whether this was District 99 property. Mr. Schock said it was. Commissioner Tully verified that what occurs on that property is not within the Village's jurisdiction, and Mr. Schock said that was also correct. Commissioner Tully said the issue that the Village has control over is simply the ingress and egress onto Village streets.

Commissioner McConnell asked whether the Police Department has had any comments on the traffic flow. Manager Ginex said this was discussed with Marion Heinz who sits on the P&T Commission. Mr. Schiller said that Officer Heinz has reviewed it and everyone agreed that this configuration would be functional. He said that this proposal would free up student parking by taking the faculty cars out of the student lot.

Patty Smith, 4533 Forest, said she distributed a petition signed by the neighbors, and she noted that two neighborhood architects could not be present at the Workshop meeting. Ms. Smith said

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that neighbors have attended previous meetings with District 99 at the Council's recommendation, and the neighbors believe there has been a breakdown of communication. They were told in a March e-mail from the School Board President that the Board would be pleased to meet with the residents, however, that has not happened. She said the residents are not confident that the plan will work regarding safety and traffic flow. They question the safety of the high school students, pedestrians, staff, and the 11 children living in the immediate area of the Forest Avenue cul de sac. She asked how the lot will be secured at night. Ms. Smith said that the school has property with no good solution as to how to access it. She said there are numerous questions related to traffic accessing the lot. Ms. Smith then read the petition addressed to the Mayor and Council from the residents, and distributed it to the Council members. The petition indicates that neighbors were not included in the plan, and were not given an opportunity to review the plan. Ms. Smith said the neighbors were under the impression this was being approved by the Council this evening, and asked that they will explore the concerns expressed before making a decision.

The Mayor said that the School District has requested action on this tonight, however the Council has agreed not to act upon this until further review. He pointed out that the Council is looking at ingress/egress.

Commissioner Sisul said there is a limited issue before the Village Council. It is the School District's decision as to what goes on that property. The Village Council will address the issue of ingress and egress.

Commissioner Tully said that the Council did not have the opportunity to read the P&T minutes before this evening.

Mark Smith, 4533 Forest, said he understands this is an issue of ingress/egress. He said in March the residents approached the Council to ask for assistance in addressing noise and safety concerns with the new generator on the school property, as well as the proposed parking lot. The Council suggested they meet with the School Board, which they did. They were told their ideas would be welcomed, but there were no formal minutes of those meetings, as the School Board requested they keep the information informal and outside the format of the School Board meetings. He reviewed the format of those meetings, stating the citizens never had the floor to make a presentation. The residents never saw the plans for the parking lot before this evening. Mr. Smith said that four requests were made to Marty Schock, and every request to discuss design changes were denied. Requests to meet with him to discuss reducing the noise from the generator were also denied according to Mr. Smith. Mr. Smith said that the neighborhood feels the school has shown little respect for the neighborhood. He outlined various disruptions to the neighborhood caused by the construction, stating the residents south of the school are tired of being used as Downers North's waste receptacle. He stated that poor housekeeping procedures on the part of the District have marred the area between the school and the neighborhood. He then summarized the problems of the plan.

Commissioner Sisul pointed out at this time that the issue before the Council is the ingress and egress issue. He realizes that Mr. Smith's comments are important to him and residents regarding their meetings with the School District; however, he asked whether Mr. Smith has comments related to the egress and ingress. Mr. Smith said he would e-mail the text to the Council. He said that the neighbors have found what appears to be 132 unrealized parking spots in existing lots, that

could be increased to 177 with additional paving. He believes the District's use of this lot is deceptive and should not be encouraged. He said he presented a proposed layout of diagonal parking. He asked that a committee be appointed by the Council to review the citizens' concerns.

Commissioner Gilbert said that Downers Grove has no jurisdiction whatsoever as to whether the parking lot is built. He said the Ordinance before the Council further restricts the parking lot, it does not promote or encourage it. It restricts it to right-out only. He said it would be wonderful if they could address all of those points as he lives within a block and a half from the area and fully understands the concerns. However, there is nothing the Council can do, as they have no ability to force District 99 or its staff to alter their course. He said the prior Village Manager addressed the issue as well. He does not know what good another committee would do. The Mayor said the Village did contact the School District regarding the generator, and they must comply with the noise Ordinance. They cannot force them to make changes to the plan. He expressed his concern about egress onto Forest and wants to see something done to restrict that as well.

Commissioner Schnell asked whether there was a way to encourage that the lot not be used at midnight. Perhaps the janitorial staff could park elsewhere. She said the Council cannot dictate, but she believes there are cooperative ways the District can look at a neighborhood and realize they need to be a good neighbor and try to work cooperatively. Some of what has been said by Mr. Smith is just common sense and common courtesy in a residential area. She saw the residents at the Committee meeting and they are hurting in this situation. She asked they sit down with the people and try to work this out.

Mr. Schiller said that was one of the discussions at the P&T meeting, and the School District said they would be willing to reduce the hours in the evening and have the night time janitorial staff use the open parking lot at the corner of Main and Grant.

Steve Karpowicz, 4530 Forest, asked whether the Council can deny the School Board ingress or egress off Forest or Main Street. The Mayor said no approval has been given at this time; they are studying it now. Mr. Karpowicz said if they do not get the access to Forest Street or Main Street, what good will the parking lot be.

Attorney Blondin said that the Village Council is not approving the access to Forest or to Main Street. They are going to change the traffic law to say that when using a particular driveway, they can only make a certain type of traffic movement. The Council cannot deprive someone of access. Their permits meet the requirements and the Village cannot deny the request. Mr. Karpowicz asked what the requirements are.

Mr. Schiller responded that he can provide the requirement to Mr. Karpowicz.

Carolyn Thomas, 4529 Main Street, said she lives across the street from the egress. She is concerned for the neighbors on Forest. She asked whether Forest could be closed for the morning drop-off/afternoon pick-up traffic, and sent to Prince where it is supposed to go. The Mayor asked whether P&T has addressed that issue. Mr. Schiller said they discussed it briefly. The Mayor said it is something the Council has been trying to work with. Both high schools have traffic problems and congestion.

Laurel Bowen, 829 Clyde, said she rides past the high school twice every day. She sees the traffic, speeding cars, and the construction. She thinks the Council has an obligation to the residents to work with its sister agencies. She asked what else the residents can rely on the Council for, as they say they cannot do anything because it's not their jurisdiction. The agencies will not meet with the residents. She said there has to be some way to meet with them informally. Ms. Bowen said the Council can force the clean street issue, as there is debris everywhere. Nothing has to be approved until those issues are fixed. She said buses are parked there for hours on end.

The Mayor said that tonight the Village is looking at the issue of ingress and egress. Ms. Bowen said they can delay the approval until they meet with the agencies that are offending the neighbors. The Mayor said this is a Workshop, and they will not vote upon this tonight. Ms. Bowen said she realized that, but would not have an opportunity to speak at another meeting. The Mayor asked that she keep her point on the issue. Ms. Bowen continued that the residents are paying for school buses, yet there are more cars pulling up to the school everyday than buses. Can they ask the school to find other methods to perhaps have the adults drop off the students further away from the school.

5. **Zoning Board of Appeals Recommendation: Park District Recreation Center.** The Mayor made the following statement concerning the Zoning Board of Appeals recommendation.

The next item on the agenda is consideration of Petition C-2-01 related to the application of the Downers Grove Park District for a recreation center at their Belmont Road property. This matter has previously been the subject of two public hearings before the Downers Grove Zoning Board of Appeals on January 24 and May 23, 2001. The minutes of these meetings as well as extensive other documentation related to this application have been submitted to the Downers Grove Village Council and reviewed by Council members and will guide the actions of the Village Council in this matter.

Tonight's meeting is not a public hearing. The public hearing has been conducted and concluded by the Downers Grove Zoning Board of Appeals. Tonight's meeting is to allow the Village Council to consider the recommendations and findings of the Zoning Board of Appeals and render a final decision regarding the application of the Downers Grove Park District for a special use for their recreation center. The Council will not treat this as a public hearing - but will, within limits, permit relevant and non-repetitive statements.

It is therefore the intention of the Village Council to provide an opportunity for the petitioner to make a brief presentation as well as the staff to summarize the application and issues. Reasonable opportunity will also be provided for public comments. These comments must, however, be relevant to the Council's decision and should not repeat information already included in the record or previously provided this evening.

Public comments can be no more than five minutes per speaker and should be directed to the Chair.

Again, it is to be remembered that the public hearing in this matter has been conducted and concluded. Tonight's meeting is not a public hearing.

Mayor Krajewski said that many Council members and the Mayor attended the two previous meetings on this issue and all have read through the more than 75 pages of minutes of those meetings. He noted that there are four criteria for a special use permit which are to be considered in this case, and asked that anyone wishing to speak on this subject address those four criteria. He further asked that comments be limited to five minutes.

Mr. Rathje stated that the petition under consideration was reviewed by the Zoning Board of Appeals, which forwarded a positive recommendation to the Council for approval of a special use for a park and family recreation center for property located on the west side of Belmont Road approximately 800 feet south of Ogden Avenue. The proposal is to construct a 59,081 square foot building with various indoor recreational facilities, as well as offices and a portion for the SEASPAR facilities. They will provide 234 parking spaces with 7 handicap spaces. A total of 213,893 square feet will be set aside as buffer and landscape greenspace. Water detention facilities will include one facility to the northeast and another to the southwest of the site on the golf course property. Mr. Rathje said the stormwater engineer has reviewed the plans and found them to be consistent with the Village Ordinance.

Mr. Rathje said that IDOT is the agency of jurisdiction over access to Belmont Road and requires a left turn lane for the northbound to westbound traffic movements, and the Park District has indicated they will construct that lane. A question raised at the January ZBA meeting concerned placement of the sidewalks; however, the Park District modified those original plans and has set the sidewalks back 14'. The only other zoning issues are the floor area ratio for the proposed district, which is 0.187.

Mr. Rathje turned the discussion over the Village Attorney Blondin.

Attorney Blondin noted that the matter before the Council has generated a number of questions regarding how the Village's zoning laws should be applied in relation to the Park District. He said it should be remembered that until recently, the Village practice was to treat the Park District as completely exempt from zoning laws; however, in 1986 the Illinois Supreme Court issued its seminal ruling in a case involving the Wilmette Park District. Since then, the Village does require the Park District to go through the zoning application process, but that is a limited review.

Attorney Blondin noted that no Illinois case has ever held that a municipality, through the exercise of its zoning powers could override the decision of an elected Park Board regarding the location of their parks. On the contrary, he said that cases have been just the opposite as in Decatur Park District vs. Becker. Mr. Blondin said that the cases have held that the governmental entities are to work cooperatively, each fulfilling its own role, and the role of the municipality is to mitigate impacts, not to supervise the Park Board or manage the Park Board.

Attorney Blondin explained that when dealing with other governmental units, it must be understood that normal rules of zoning do not apply. He said that in Illinois, there is not a hierarchy of governmental units below that of the State of Illinois. There is no hierarchy between the Village, Park Districts, School District, or other special purpose districts in relation to their authority. He explained that the Courts have attempted to interpret the authority of each in a manner which

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creates the least amount of conflict while permitting each entity, in cooperation with each other, to achieve their individual statutory functions. As a result, the Village's zoning restrictions are not applied by the Village in dealing with other public entities, in the same manner as they are applied in dealing with private individuals. That is the state of the law, and it has been for a long time.

He said there are basically four criteria that need to be addressed in relation to a special use, and those criteria are :

1) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

2) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property value or improvements in the vicinity;

Attorney Blondin said it is the Park District's decision as to what they are going to put on the property. It is the Village's role to decide how to mitigate the impact -- that is what type of improvements or modifications to those improvements should be done, and that follows traditional zoning issues such as traffic, lighting, bulk issues. He pointed out that because it is a special use, that the Supreme Court has recently addressed the issue of how municipalities are supposed to review those criteria for special uses. In the case of Chicago Heights v. Living Word Outreach Full Gospel Church and Ministries, Mr. Blondin said the Supreme Court, regarding special use criteria in terms of determining whether there is an adverse impact on surrounding property, stated that by listing something as a special use in a zoning ordinance, "it is equivalent to a legislative finding if such use is one that is in harmony with other uses permitted in the district." Because a legislative body has already determined that the use listed is a special use in the district, a special use permit may not generally be denied on the grounds that it is not in harmony with the surrounding neighborhood. Instead, it can be denied only if it is determined by the facts and circumstances that granting the requested special use would result in an adverse impact on the adjoining or surrounding properties unique and different from that adverse impact that would otherwise result from the development of such a special use anywhere else in the zone.

Attorney Blondin then continued reviewing the remaining two conditions.

3) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located; and,

4) That it is one of the special uses specifically listed for the district in which it is to be located.

He said that condition 4 has been the subject of some question. The Zoning Ordinance does not define the term public park; however, the Park District Act provides extensive regulations as to what a Park District can do, and he quoted Section 8-10 of the Park District Act. It is clear that the Park District Act contemplates the recreation center to be permitted as part of a park. He pointed out that one of the things reviewed is what has the Village done in the past. It is clear that in the past they have treated recreational centers and gymnasiums as adjuncts to other kinds of uses. Park District facilities such as Lincoln Center have been treated as part of the Park

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District's mission as far as their role in the Village. He said he believes the State Act would include this as a permitted park.

Attorney Blondin reiterated that the public hearing on this matter, which is mandated by law, has been conducted and concluded. He said this is a public meeting where the Council is to obtain additional information or clarification that has been raised as a result of the hearing. This is not, itself, a public hearing.

The Mayor clarified with Mr. Rathje concerning condition 3, that the Park District has met all of the Zoning regulations, is not requesting a variation, has met all of the stormwater requirements and parking restrictions. Mr. Rathje said that was correct. He said the Park District made sure that everything went according to regulations and exceeded the regulations.

Commissioner Sisul asked to review the four conditions again with Attorney Blondin. In discussing the issue with the residents, many had questions as to what legally the Council could do today, and why the Village could not entertain other legal opinions in this matter. He asked whether in Attorney Blondin's interpretation the proposed use condition has been met, and whether there is a need for a recreation center.

Attorney Blondin said in his memo he said his interpretation of the law is that determining the need is not a determination of the Council. Commissioner Sisul reiterated that questions as to need of the recreation center is not before the Council. Attorney Blondin said it is the role of the other public entity to make that determination.

Commissioner Sisul then asked about the next condition regarding the special use not being detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property value or improvements in the vicinity; noting that in Attorney Blondin's memorandum he addressed that issue. Attorney Blondin said he thought the Council had more discretion in that area in that they could look at the impact and try to mitigate the impact of the facility. That is shown in the minutes, as far as issues of turning lanes on Belmont, etc.

Commissioner Sisul then covered condition 3 regarding complying with regulations of the Zoning Ordinance. Attorney Blondin said that condition has been met, as stated by Mr. Rathje. Regarding condition 4, in further response to Commissioner Sisul, Attorney Blondin said the use is one of those listed as a special use for that district. Mr. Blondin said it is based upon how the Ordinance is written, how the State Acts deal with Park Districts, and the Village's past methods of dealing with agencies such as the Park District. He believes it does qualify as a park.

Commissioner Sisul then asked if, under the four conditions, the second is the only condition where there is some discretion on the part of the Council. Attorney Blondin said that it is the only condition wherein the Council has the greatest ability to effect the final configuration of this project. He pointed out that they have to show that, for some reason, at this particular location it is completely unreasonable because it is a unique location. He then referred to the Wilmette case and the Attorney General's statement regarding that case. He then read from the Attorney General's statement as follows: "The court indicated that requiring the park district to participate in the hearing would not thwart or frustrate the park district in exercising its statutory obligations and was the best possible way to achieve cooperation between independent units of local government having competing interest. Nothing in the opinion, however, suggests that the

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municipality could have prevented the park district from locating its park where it chose to, or from conducting thereon ordinary park functions.”

Commissioner Sisul asked that Attorney Blondin summarize what he believes would be relevant to the Council’s discussion. Attorney Blondin said he believed the impact issues regarding matters of parking, ingress/egress, safety, bulk requirements, setbacks, and side yards, and its configuration on the site, etc., are relevant items for consideration. Commissioner Sisul said it has already been determined that the proposed structure meets the bulk requirements. Attorney Blondin said that is what he understood per Mr. Rathje.

Mr. Rathje said that as far as setback, the Park District exceeds the 40’ front yard setback, and has exceeded the side yard and rear yard requirements. The maximum floor area ratio for the district is 0.6, and the Park District is at about .18, or 1/3 of the maximum permitted. Regarding parking requirements, they do exceed that requirement. The relationship of the building to the surrounding lot lines are met and exceeded, as is the relationship of building area to land area. Greenspace covers more than 1/2 of the site, but there is no specific amount of greenspace requirement. Regarding stormwater, Mr. Rathje said that the engineering consultants for the Park District have worked extensively with Mr. Jungwirth on this matter. The plan is to have two stormwater detention facilities, rather than one detention facility originally proposed last January. He said that the Engineer determined that the plans are consistent and approvable under stormwater management requirements.

Commissioner Gilbert asked Attorney Blondin about the limits of the Council’s authority both inside and outside the complex, and whether the request can be denied based upon the traffic flow outside the facility. Attorney Blondin said that the Supreme Court’s decision issued in March of this year states you can deny it if you can show that the “adverse effects above and beyond those inherently associated with such a special use irrespective of its location within the zone” are found. He said once you decide something is a special use, you’ve already said that this kind of use is permitted within this zone within certain conditions. When you know a use will generate a certain level of traffic, you have already effectively said that you are going to let them in a particular zone, but you are going to control it. One has to show that the petition should be denied because of the location’s unique characteristics.

Commissioner Tully stated that the Park District is a unit of local government, and Attorney Blondin agreed. Commissioner Tully asked whether the facility would be run on a profit basis, and Attorney Blondin deferred to the Park District. Commissioner Tully said he understood that the facility is designed to have a running and a walking path. Mr. Rathje said it would have both interior and exterior path areas. Mr. Rathje confirmed that about 57% of the site was greenspace.

Commissioner Tully then asked about appraisals, noting that the Park District commissioned two independent appraisals, as well as an appraisal done by one of the residents in 1999. He asked if there were any additional appraisals submitted with respect to impact on residences within the community one way or another since those appraisals were done. Mr. Rathje said none were submitted to his department, and he is unaware of any other appraisals.

Commissioner Tully then reiterated a statement by the Mayor, saying that this is an issue that the Council has spent considerable time studying. A number of them have spent hours at Park District meetings, Zoning Board of Appeals meetings, and read the minutes of those meetings, as

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well as numerous reports and submissions on the subject. It is not a decision made in a vacuum. They obviously have received and read countless e-mails, phone calls, letters from residents both in support and opposition to this. He walked the property today, and he does, in some respects, understand the concerns of the nearby neighbors. He said it is important to reiterate that the focus is limited to a special use. If it was not for the special use request, they would not be there. No matter how strongly one may feel about the facility, the Village cannot apply the Zoning Ordinance in an arbitrary or capricious fashion.

The Mayor said there is a potential walking path in the north storm water detention pond area. Mr. Rathje said that the walking path would be on the edge of the detention pond, and there will be a walking path on the interior of the building.

Commissioner Schnell said that the land is pitched and asked whether there is a grade change for the sidewalk. She asked whether the point at which the sidewalks are to be placed meet the ADA requirements and safety requirements, and if there are any restrictions as to grade changes. Mr. Rathje responded that Mr. Cermak of the Park District is going to have his staff verify the grade. He stated that in order to make a slope consistent with ADA requirements, the standard is a 1 in 12 slope, i.e., 1 foot of rise for every 12 feet of run. Commissioner Schnell asked about the pitch of the hill in relation to the sidewalk. Mr. Rathje said that would not be an ADA issue, and probably is not a safety issue.

Commissioner Schnell then questioned traffic, stating that traffic generated by the new underpass has not been taken into effect. She asked whether there are estimates available that can be factored in. Mr. Rathje said there are none available at this point. He said that people probably would not go out of their way to use the underpass. In order to have a signal, there would have to be an extraordinary volume of traffic generated to and from the facility. He stated that IDOT requires a left turn lane in situations such as this, irrespective of the traffic volume generated. Testimony provided and traffic studies indicate that due to the vantage point of the entrance to the facility, westbound traffic would be able to see oncoming traffic adequately. With the underpass, traffic will be able to flow in a much more regulated fashion, rather than in interrupted groups.

Commissioner Schnell then asked about concerns expressed about the northeast detention basin and how it will affect the east side of Belmont Road.

Bob Jungwirth, Village Engineer, said that there will be additional runoff due to the additional impervious area. However, passing the water through the detention facility attenuates the flow and greatly diminishes the flow over a longer period of time. He said that from the east side of Belmont to Pershing Road, there is overland flow to the currently vacant property. On Pershing a 36" Village storm sewer begins, then goes south on Pershing to Woodward, then Warren Avenue, and eventually empties into St. Joe's Creek.

Commissioner Schnell asked about flooding on the vacant lot. Mr. Jungwirth said the impact might be an extended drain time. The peaks will not be increased, but will probably be reduced. The fact that the property is naturally downstream is not going to be altered. As for damage, none is expected.

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Commissioner Sisul asked about the impact on sight lines and view, and relevance to property values. Attorney Blondin said it would seem to him one would need an objective opinion that this was so significant it would affect the property values. Putting a building there that was not there before will affect the sight lines. Whether it affects property values would have to be established by an appraiser. Wherever it is placed would affect sight lines.

Commissioner Sisul asked whether IDOT will have any obligation to settle with the homeowners as far as damage to their driveway or relocation of their driveway. Attorney Blondin responded if it were significant enough to deprive them of the use of their driveway, it might be an issue; however, he does not know that is the case in this situation. You cannot deprive someone the use of their property without paying some compensation. That would be between the homeowner and IDOT.

Commissioner Sisul said they are looking at a very substantial drop off and it would require regrading the driveway. He wanted clarification as to where the issue falls into the Council's consideration. Attorney Blondin said that would be IDOT's determination as they have to issue the permit. He assumes that IDOT would be making other improvements along Belmont. They cannot deprive someone of access without compensating them.

Rick Tarulis, Attorney representing the Park District, noted that the Park Board members, as well as staff are present to answer any questions the Council may have. He then summarized the petition, noting there have been two public hearing that went for many hours. Regarding the four standards, Mr. Tarulis reviewed them individually. Regarding condition 1 and the determination of the necessity for this park, Mr. Tarulis said that this has been in the long-range plan of the Park District for over ten years. The National Park and Recreation Association (NPRA) has standards for Park Districts. For a community the size of Downers Grove, the NPRA determined there should be two recreation centers. He said in 1996 the Park District did a study that determined a recreation center was necessary. They commissioned community surveys and analyzed its current usage. They have maxed out the facility usage at this time, and have a longer waiting list than programs to meet the demand. Mr. Tarulis said that the Park District also intends for this facility to replace the Washington Center, which cannot adequately accommodate recreation uses, and is in need of renovation.

Mr. Tarulis said that SEASPAR will be a partner in this recreation center, utilizing about 5,000 square feet for their programs and office space. Mr. Tarulis then submitted a letter for the record from School District 99 stating that the School District cannot consider expanded use of their facilities by other agencies for the academic year. Regarding the location, the Park District has analyzed its options and available sites, and has determined the Belmont is the best possible site for this use. Belmont Road is a 4-lane road and will have more than enough capacity for the users of this facility with the left turn lane. Mr. Tarulis referred to the engineer's memorandum in the January packet stating there would be minimal impact on adjacent streets from this facility.

Mr. Tarulis said that in the May ZBA minutes he quoted a case entitled Clement v. O'Malley. That case as well as others in Illinois, have clarified that the Park District has the authority to determine what to do with its property. The Park District is exercising its statutory authority in this case.

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The Mayor asked Mr. Tarulis to address the four points and to bring whatever new information he would have for the record.

Mr. Tarulis then addressed the second condition, stating that the Village regulates health, safety and welfare of its residents through its Ordinances, and the Park District is in compliance with all aspects of the Ordinance related to this petition. They are requesting no variances from the Ordinance.

Regarding property values, Mr. Tarulis said that the appraisals are in the record. They are professional, unbiased appraisers. He said that he understands the concerns of homeowners; however, he does not agree with them. He said the Park District does not believe property values will decrease.

Mr. Tarulis said that there is nothing new regarding the third condition. For the fourth condition, Mr. Tarulis referred to the Village's Future Land Use Plan of 1995 which defines open space to include both passive and active recreation. He said the question of whether this is a public park is supported by the Village's Future Land Use Plan as it meets the Village's definition of open space.

Mr. Tarulis said that the Park District has received the approval of numerous agencies concerning their requirements for this type of facility. He believes the Park District has addressed the concerns expressed at the public hearings, and is requesting the support of the Village Council. The Park District is willing to continue to cooperate in any way.

Commissioner Tully asked whether the facility will be operated on a profit or non-profit basis. Mr. Tarulis said they are hoping to break even on the operational aspects of the facility. There is no information that the income from this facility will cover the debt service, so the principal, interest and bonds to build the project will not be covered.

Dan Cermak, Administrator, Downers Grove Park District, also stated that this is not to be operated on a profit basis. They intend to break even. He said principal and interest will not be recouped.

Commissioner McConnell asked about the height of the berm.

Lisa Cassidy, Civil Engineer for the project, stated that standing on the southwest side of the detention basin, the berm would be 14' high. If standing at residences along Puffer, the berm will be only 3-4' high in certain spaces, and further north you will not look at the berm at all but will look over it.

Commissioner McConnell asked about the trees on the west side and whether they will be preserved. Mr. Tarulis said they will preserve as many as possible. Mr. Cermak concurred. He said that there is over an acre of land on the west side along the golf course that will not be touched. Their philosophy is to enclose the golf course so that golfers are not affected by the outside world. They intend to save as many trees as possible. There are black locusts and maple trees there.

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Commissioner McConnell discussed the significant slope downward as you exit the site to turn right onto Belmont. She asked whether that can be smoothed down for the right hand turn. Mr. Cermak said that the actual ingress/egress will be about 30-40 feet south of the area where she exited the site, so it will be flatter and easier to get out.

Commissioner McConnell then asked about lighting and how they intend to address the question of lighting, including car lights, from affecting the neighboring residences.

Steve Mehelik of Williams and Associates Architects responded that the light standards are 20' high, and they have met and exceeded Village standards and industry standards. He said that their lighting pollution trespass exceeds those standards as well.

Mike Williams of Williams and Associates Architects said the sidewalk will have a maximum 2% slope from the right-of-way line toward the street curb. From the edge of the sidewalk the slopes will vary between 2% and 2.5%. The property at the neighbors' front yard will range from a 3:1 to a 4:1 slope, and there will be a retaining wall added to the Kleb's property at the Park District's expense.

Commissioner Schnell then asked about the swale, or "V" in the road and whether that will change. Mr. Williams said that IDOT has accepted the conditions presented in the engineering drawings, and has approved flattening the road as well toward a widened curb line. Drainage water will run north and south at the curb lines and that is also satisfactory with IDOT.

Commissioner Schnell asked about the parking lot proposed above Puffer Road, stating the elevation of the lot is higher than the elevation of the road. She expressed concern regarding the lighting being seen from Puffer Road. Mr. Williams said that they have dedicated themselves to a 50' separation from all of the neighboring property lines before they put in any pavement. Within that 50' they will plant and raise a berm, so that the parking lot will be depressed. Since the lights will be on 20' high poles, they will be lower than the tops of the surrounding berms.

Commissioner Schnell said in speaking with the residents, it was brought up that next to Napolski's property there is a 100' setback. She suggested looking at the possibility of moving it another 10 feet to keep another stand of trees intact. That would provide natural screening for the parking as well. Mr. Tarulis said that the Park District is agreeable to improving the design to the project. The buffer will be 75' to 125'. The project will be an improvement over what used to be there, because this will replace the old houses and driveways.

Commissioner Schnell asked if Puffer will be used for ingress and egress for construction. Mr. Tarulis said not other than for watermain loop from Belmont to Puffer. In further response he said upon completion of the construction, the Park District has provided an option to connect the walking path to Puffer if so desired. There will, however, be no vehicular traffic. The walking path will be available to the students to walk to school as well.

Commissioner Schnell then asked about relocation of gas, water or sewer lines and interruption of services and inability for residents to access their driveways. There is a concern about those interruptions in services and access. Mr. Tarulis said he knows it will be done in accordance with all of the rules and regulations and as conveniently as possible.

There being no further questions from the Council at this time, Mayor Krajewski called for a brief recess.

Upon return from recess, the Mayor opened discussion to the public, repeating that this is not a public hearing. He requested that people make comments that are new to the record and address the issue of the four conditions for a special use. He also asked that comments be limited to five minutes.

Bud Sherman, 3311 Pomeroy, said he is the founding president of SEASPAR and served with them for 15 years. He said having SEASPAR's headquarters at this proposed site is beneficial and crucial. Commissioner Sisul said they are not interested in raising the issue of need, but are interested in obtaining additional information regarding condition 2. Mr. Sherman said that Downers Grove is the largest of the eleven entities that belongs to SEASPAR, and having the headquarters at this site would be very helpful. All districts had to approve it. He said if this is turned down they will have to begin all over again.

Kathy Kole, 4602 Belmont, thanked the Council members who visited the site and spoke with the neighbors. Regarding condition 3, Ms. Kole asked how much more the road will be cutting into her property, and if it will still be a v-shaped road. She also asked about traffic, saying this morning she could not turn north out of her driveway at 7:30 a.m. She said this development will cause a major traffic jam, regardless of the hours of operation of the facility. She said the underpass will also add to the traffic problems. She further stated she could not turn out of her driveway at 6:00 p.m. to come to the meeting. The Mayor asked the Park District representatives to discuss Ms. Kole's question concerning her property following the meeting.

Tom Napolski, 4526 Belmont, said that he believed the Zoning Board of Appeals did not accurately consider zoning law when it recommended approval of the special use permit for the recreation facility. He said the neighbors are prepared to defend their legal rights. He said they respectfully ask the Council to deny this request, as it will devalue their home and change the character of the neighborhood. He said the project is not desirable as it will change the character of the land, as it will be in use from 5:00 a.m. to 10:30 p.m. Mr. Napolski said this building belongs in a B-2, B-3 or M-1 district, and not a residential district. He said the proposal is basically a commercial facility. He said he was addressing condition 4 as this was not an appropriate special use for this district. Mr. Napolski said the parking lot is detrimental to the health of the community. There was a strong and unified resistance of the neighbors to the water park previously. The Mayor said they are not dealing with the issue of the water park at this time. Mr. Napolski continued that this proposal will lower property values. He said this is a residential area and all zoning laws should be followed. The Mayor asked what zoning laws are not being followed. Mr. Napolski said they disagree with the Village's interpretation of the law. He said uncontrolled commercial enterprises in residential areas will bring more light pollution, traffic pollution and noise pollution to an area that already has its fair share of such things.

Tom Sleeter, 5416 Maplewood Place, addressed condition 2 regarding property values. He said that the appraiser hired by the Park District would not answer the questions regarding the reduction of property values. He said the key question is whether a home that now has a view of a golf course will have a decreased property value when that view is blocked by a 14' wall. Mr. Sleeter said had the appraiser said it would not reduce property values it would blow his credibility,

and if he said it would reduce property values it would be opposed to what he was hired to do. He sees that as a key issue. There will be a substantial drop in property values. He urged that the Council turn this down as the Park District has many alternative locations that they have refused to look at. The Mayor asked whether he believed if the recreation center was placed in a different location the property values would not be hurt. Mr. Sleeter said they have had to go through many convolutions to adapt the project to this site. The site has traffic problems, runoff problems, property damage problems at this location. He doesn't know of any other site where there would be a 14' high berm for the water retention pond. He doesn't think there would be as many problems in another location. He noted that Midwestern University was done in an attractive way. The neighbors of the Park District site almost feel it was designed to be an eyesore.

Greg Vogler, 5501 Maplewood Place, said he was President of the Downers Grove Roadrunners and the Nomads Basketball organization. He also coaches soccer and YMCA activities. He said he is in the trenches and knows what the families are looking for in the community. Mr. Vogler said there is a severe shortage of indoor facilities. He will address why this is important for the community as a whole and why the Village Council should think it is important. Commissioner Sisul said Mr. Vogler should understand the Council's concern as he has gone through public hearings. Need is not an issue they are concerned with at this time, and they do not want to open that issue at this time. Mr. Vogler said he is coming from a different perspective and has new information. He said that the organizations need indoor facilities as their organizations spend all of their weekends in outside communities. He said it is time to think about keeping residents here, rather than having them use outside community facilities. He said they invest in communities with public facilities. The Mayor interjected that the Council is looking for new information and has read his statement from the minutes at the Zoning Board meeting. Mr. Vogler said he does not know what is in those minutes, and said that as a former Council member he knows that everything that is said does not appear in the minutes. He then said that public investment is important to businesses looking to come into this community. They look to see how a community is trying to improve itself. On behalf of the organizations he mentioned he recommends a positive approval of the special use.

The Mayor noted that the Village Council also has tapes of the public hearings held, and if the information does not appear in the minutes, it is on the tapes.

Sean Coughlin, 4824 Saratoga, addressed condition #2. He said that due to the Arbor Circle Apartments and the commercial buildings on Ogden Avenue it is probably less injurious to the neighborhood in general to put it at this location, than to put it on a residential street in a purely residential area.

Marc Patno, 4517 Belmont Road, said he believes the rules have changed since he became involved in this project. He said the Council does not have the courage to stand up to the Park District, and intends to turn its back on the citizens' referendum all because of three Park Board members and one attorney. He said if they have to go through more elections and referendums they are willing to do that. He said the Village Council is prepared to use the law to seize their property and when it comes to protecting their property, it hides behind the law. He said if the Council cannot or will not consider the referendum, he hopes the Village's attorney will allow it to make a ruling on property values. Everyone, without exception, agrees there will be more traffic

on Belmont Road if this facility is built. He had a copy of a letter from the Lisle Township Assessor who is the ultimate authority on his assessed valuation. Mr. Patno said the letter says that their property values will drop as a result of this development. He asked if the referendum question had been worded differently, and 55% of the voters had voted that the Belmont site was unsafe, would the Village Council then consider having the authority to make a ruling on that. He submitted a document to the Council for the record.

Rita Martin, 4942 Montgomery, read a letter to the Council. The letter referred to the May 23, 2001 Zoning Board of Appeals meeting, which she said was conducted unfairly. She said there was a format announced but not followed, and the Park District's attorney was allowed unlimited time. She then asked about the stormwater and where it will be released. Ms. Martin said a great deal of time was spent by the Park District attorney to convince the ZBA that only the Park District could make the decision as to need, which diverted time from other important information and issues. She said a legal challenge as to the correctness of the procedure will not be surprising, and she thinks it is unreasonable to expect citizens to stay until 2:00 a.m. in order to be heard. She said some discretion is expected. A quasi-judicial board with extensive power over the lives and property of citizens should be able to adjourn and reconvene at reasonable hours. She said there was no urgency to conclude that hearing on May 23. Ms. Martin urged the Council to deny this petition. She said that the majority of the voters have twice rejected this development in its various forms. Ms. Martin also said there are more recent reviews by the State regarding conducting public hearings. One such review said that citizens have the right to question and cross-examine the petitioners. She said the State is attempting clarification of this to define the rules of various bodies. She hopes that the Council and Mayor will deliberate this matter seriously before approving a project of such profound impact.

Jan Sleeter, 5416 Maplewood, said she will submit a longer response. Ms. Sleeter said there are a couple of key issues. She said she spoke with the counsel representing the neighbors who has significant differences of opinion from Mr. Blondin's interpretation of the law. She also said that the DuPage County Zoning Board of Appeals turned down a smaller recreation center and larger park for the Butterfield Park District in May. She said there are areas for interpretation. The Mayor asked the reason for that denial. Ms. Sleeter said it was increased traffic, reduced property values, and flooding issues. She said that one of the appraisers used was Phillips, which was the first one used for the Park District project. The Mayor said that staff has contacted the DuPage County Board in relation to that denial and the primary reason for the denial was a variance for parking of 45%. The subject project for the Park District asks for no variance. Ms. Sleeter said that just because the Park District owns the property does not make it a park. She said that the Village's Zoning Commission in May 1999 turned down 5:0 a request to have the Park District to put whatever they wanted on whatever property they owned without zoning issues being applied. She said what was said tonight is in contradiction to that area in her opinion. Attorney Blondin said a text change was proposed that would have made parks a permitted use and not a special use. It would be subject to the zoning laws but would not need a special use permit.

Ms. Sleeter then said that gets to the definition of a park. Just because the Park District owns it does not mean it is a park. She then discussed appraisals, stating the Tibble appraisal included 12 areas that were "comparable," yet, according to Ms. Sleeter, only two of those were built in an

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area with pre-existing residences in the area. None of the cases included widening of streets or sidewalks being moved closer to residences . She said none of those included berms either.

Commissioner Tully asked why there have been no contrary appraisals submitted with comparable information. Ms. Sleeter said because there have been five different versions of this project. The people cannot afford to get different appraisals. She said there have been four different versions of the road as well. Commissioner Tully said it would have been helpful to get a comparable appraisal based on any of those versions. He said it would be helpful to him in making a decision. Ms. Sleeter said that the residents are waiting for a reasonably finished project. She said the latest estimates from Mr. Cermak for fixing the residents' driveways is \$108,000, which is an average of \$30,000+ per home. She added that traffic is a unique situation to this area. There are approximately 1,200 cars per hour during peak morning hours going south on Belmont Road, and 400 going north on Belmont Road per the METRA traffic study. She said that someone coming out of the Park District facility would have less than 3 seconds to try and get out going south. There will be significant problems making left turns out of the facility during peak traffic hours. The Mayor said that is an IDOT issue, and if there are enough warrants for the traffic, there will be a request for a light. Ms. Sleeter said this is something the Village has not addressed and should consider as a safety issue. She said she asked Mr. Bajor if IDOT would allow a light. She said the Council needs to look at alternatives. The Mayor said it is the jurisdiction of IDOT.

Judy Coughlin, 4824 Saratoga, commended the Park District and Village Council as she believes the Park District staff and Board have not entered into the project lightheartedly. This began several years ago and there have been countless hours of research. She commended Planning Services and the Attorney for their thoroughness in this project as well. She believes the Park District and the Village have worked cooperatively, and the Council would be hard pressed to find one of the four criteria not being met.

Ronald Schadt, 41 W 61st Street, Westmont, said he was representing his parents who live at 4609 Puffer Road. He quoted from the part of the Zoning Ordinance saying that the passages stipulate that the Village Council is authorized and required by the Zoning Ordinance to protect the residential districts in the community from developments that would detract from the quality of life or value of property in those districts. He stated that the Council authority transcends that of all other agencies within the municipality. He said if the Downers Grove Park District is immune to the Village's jurisdiction, then this should be tested in court. He asked that the Council refrain from making a decision pending resolution of that challenge. Mr. Schadt said if the Council still has no reservations to the project, they should ask themselves why the Park District founded 55 years ago and the fifth highest paid Park District in DuPage County acknowledges that their need for a facility has existed for over a decade and yet has to borrow the full cash value of the facility. He said they should ask whether the Park District possesses the financial expertise or resources to properly manage and maintain the facility without increasing the tax burden on the community. Mr. Schadt then asked, on the issue of whether the project is injurious at this location as opposed to others, if that includes only R-1 locations or commercial locations. Attorney Blondin said it would include any other R districts. He said that special uses pertain to residential districts.

Philip Barr, 4605 Puffer, said he disagreed with the Park District's opinions expressed regarding property values. He said he had his home appraised and they told him he would suffer a 10% loss. He did not get a reappraisal because of the \$600 cost. Mr. Barr asked who would like to

suffer the loss of their property values, and who would like to live next to a 234-car parking lot replacing the woods. Mr. Barr said that Commissioner Carol Doty said some of the neighbors would have to make sacrifices. Mr. Barr said he requested a sign-off from the Park District in order to get a Plat of Vacation for Puffer Road. The District denied the request 5:0 stating that Puffer Road might eventually serve as a second access or emergency entrance, and losing the road might interfere with future plans for the park. Mr. Barr said he is also concerned about water runoff along Puffer as the proposed development is higher than the road. He said homes along Puffer have septic tanks and water wells, not sewers. One of the engineers from Williams and Associates said this project will not clear up any existing water problems. Mr. Barr said they will make matters worse. Mr. Barr said the golf driving range built along Puffer Road many years ago affected the septic fields of some residents. He added that Belmont and Ogden Avenue is the 5th busiest intersection in Downers Grove. There are no crossing lights and no sidewalks on Belmont Road and Ogden.

Lois Wilke, 3945 Main Street, said she has been a resident since 1954. She said that Main Street is the busiest street in Downers Grove. It was a two-lane road when she moved in with only one school. Now there is the Fire Department, all traffic for Good Samaritan Hospital, Yorktown, I-88, Butterfield Road, etc., They have lived there all those years and lost some property when the road was widened. They asked for sidewalks to allow for safety of the children. Ms. Wilke said of all the years they have lived there, their property value has never gone down, but has gone up. All the traffic, noise, dirt, flooding etc., has not diminished her property value.

Jerry Youksolian, 926 60th Place, said the Village needs this facility for its seniors, its early retirees, children and volunteer groups. The land was purchased in 1989 from a developer who was going to tear down all the trees and put in a housing development. The Park District published their plans and no one complained. He said that for every month that this is delayed, material costs are increasing. He encouraged approving this for the welfare of the town as it is needed.

Janet Barr, 4605 Puffer Road, said her house is adjacent to and directly south of the Park District property. She is totally against this development. There is no safe way to make a left turn from the west going north onto Belmont. She says it is only a matter of time before there is a serious accident. There will be hundreds of cars having to make that risky move every day. She added there is also no safe way to walk to the facility as you cannot cross the street at Belmont and Ogden Avenue. The Park District should be required to cross people safely. Ms. Barr said that hills block pedestrians from the view of drivers. She recommended that the Village update their traffic study and take into account including some type of underpass or overpass. She believes the project will be injurious to the property values, and that their property values will drop by 10%. The development will change the character of the neighborhood from a single-family neighborhood to a commercial area.

Mike Kubes, 5538 Lyman, addressed condition 1 regarding the necessity for the service, and stated he understands the concerns expressed by the residents on Belmont Road. He commended the Council for visiting the site and speaking with the residents. He then invited the residents to visit the SEASPAR site located at 60th and Main Street and attempt to maneuver through their limited space. They need more room and he believes the Park District facility will help this group.

DRAFT

Jenny Napolski, 4526 Belmont Road, addressed Attorney Blondin's four conditions, stating that the four conditions are as vague as everything else presented to the Council. She said she will be seriously affected if the Council approves this special use permit. She said the reason the Park District has so much back up is that they know they do not belong in an R-1 district. She said this is a commercial facility that will affect her and will affect all of the community.

Laurel Bowen, 829 Clyde, said she never received a survey and she has lived here 13 years. She said the survey is one of the primary reasons the Park District gives for needing the facility. Ms. Bowen said the position should be based on sound objective considerations, and not the urge to approve the latest trend in athletic facilities for the Park District. This project has continuously been rejected by referendum and elections, which she says is a reflection of need. She said that the Council should question why this is before them. She stated that it is against the Village Code to divert water to neighboring property, and more building will bring more water to the surrounding property. She said she had pictures to present but expected they would not be allowed. The Mayor asked if those were presented at the ZBA. She said they were but not all the Council attended that meeting. Ms. Bowen said the safety issue on Belmont Avenue is unsolvable. She said the Park District had a company called Metro conduct a traffic study which did not support the need for a left turn lane. She added that the speed limit is not enforced and there is no safe place to pull cars over. Ms. Bowen added that there is no emergency access to the facility, although it is going to be used by SEASPAR handicapped people. She said this should not be determined by three votes, and asked why the Park District is not using its current facilities to their fullest extent. The Mayor noted that Ms. Bowen was out of order and not addressing the issues before the Council. Ms. Bowen said it was not presented previously, and the Mayor said she is out of order and asked that she take her seat.

ATTORNEY'S REPORT

Village Attorney Blondin said he was presenting two items: 1) an Ordinance annexing certain territory to the Village of Downers Grove (Downers Grove Estates/Meadowlawn Subdivision Phase II Annexation) with the provision that this would be filed after January 1, 2001; and 2) an Ordinance restricting vehicular traffic from Downers Grove North High School parking lot. He asked that waiting period be waived and that the resolution regarding the Grant Amendment with the Department of Natural Resources discussed earlier this evening be voted upon at this meeting. He said he was not presenting the Park District Ordinance tonight, but intends to have it ready for the Council's Active Agenda for July 17.

The Mayor called for a Motion to waive the one-week waiting period.

Commissioner Sisul moved to waive the one-week waiting period to consider new business. Commissioner Gilbert seconded the Motion.

AYES: Commissioners Sisul, Gilbert, Zabloudil, Tully, McConnell, Schnell,
Mayor Krajewski
NAYS: None

The Mayor declared the Motion carried.

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
GRANT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE
AND THE DEPARTMENT OF NATURAL RESOURCES**

RESOLUTION 2001-62

Commissioner Sisul moved to adopt a Resolution authorizing an amendment to the grant agreement between the Village of Downers Grove and the Department of Natural Resources as presented. Commissioner Gilbert seconded the Motion.

AYES: Commissioners Sisul, Gilbert, Zabloudil, Tully, McConnell, Schnell,
Mayor Krajewski
NAYS: None

The Mayor declared the Motion carried.

STANDING COMMITTEE REPORTS

Commissioner Schnell referred to the CBD Project, stating RJN has been hired to look at compaction issues and is now out of the project. CSI Engineers will be providing a preliminary report of the compaction study and will be on board within a week. There should be a definitive answer within three weeks regarding the compaction. Mr. Bajor said RJN provided a preliminary report. Staff requested that a geotechnical expert be hired to resolve the issue. Hurley was involved at some point, but never completed the report.

Commissioner Schnell then said, with the concurrence of the Council, Bob Jungwirth and Jack Bajor would like to have the Stormwater Floodplain Commission look at the possibility of broadening their areas of review. There are a series of issues they would like to study and examine, and are looking for permission from the Council to do this.

Commissioner Tully said that the concept is that the staff and existing members of the Stormwater Management Commission would meet to determine what type of roles they should take to better use their expertise in stormwater issues. They would come back to the Commission with a job description of sorts and have the Council also review it. The Mayor said he thought it was a good idea. He also thought it would be good to expand that Board from 5 to 7 members. There was consensus among the Council members.

VISITORS

Ms. Laurel Bowen of 829 Clyde congratulated the Council on the Heritage Festival weather. She said parking was allowed on both sides of Carpenter Street, south of 55th Street. There is a dangerous hill there and it is traveled at high speeds. She recommended that there be restricted parking during the Heritage Festival in the future. She added that people could not exit their driveways because cars were parked too close to the driveway aprons.

DRAFT

The Mayor said they will be looking at expanding the areas of residential parking during Heritage Festival. The Police and Heritage Festival staff will review that issue.

Ms. Bowen asked if the ZBA meeting was held on May 23, how are the minutes already available to the Council. Attorney Blondin said that the Council will not be acting on this until July 17. The Mayor said they are on the Internet.

Ms. Bowen thanked Commissioner Schnell and Sisul for meeting with the neighbors, and encouraged the remaining members of the Council to walk the property. Commissioner Sisul pointed out that each Council members has been on the property and walked the property. Ms. Bowen said she thinks it is important that they meet with the neighbors to see what they might not notice otherwise.

COUNCIL MEMBERS

Commissioner Tully said that the residents requested better communication with District 99. He said perhaps that could also be extended to the Park District. He said that there is a Council retreat coming up in the fall. He suggested an agenda item for the retreat to consider a permanent liaison to serve on each of the Boards to facilitate communication. The Mayor said that the Village Manager will put the agenda together and this will be included for consideration.

Commissioner Tully than said that the Heritage Festival was fantastic. He thanked the Community Events staff and all other staff members for their work. Regarding the Council booth, he thanked all of those people from the EDC, Village staff, and Chamber of Commerce who staffed the booth to meet with hundreds of residents and answer questions. There was a lot of positive input regarding the Station Crossing plans and the parking deck.

Commissioner McConnell said she appreciated those who came to the Council booth. The feedback was very helpful, and she also thanked everyone who came to the Character Counts booth.

Commissioner Schnell said there was a lot of excitement about the Station Crossing, and possibly having another large restaurant in town. She also saw a lot of excitement about the parking deck with comments that it should be done right, and to make sure that it looks good. She also commented that it was a great car show. Her husband spent an hour and a half there saying it was the best he's seen.

Commissioner Zabloudil said it was a great weekend and he complimented the staff, Police and Fire Department members. There was a positive response for the drawings and renditions on display of Station Crossing and the parking deck. He encouraged meetings more frequently on an informal basis.

Commissioner Gilbert said that when he was in the Council booth there was not one complaint regarding Station Crossing or the parking deck. He gave his special thanks to the staff who worked the booth. He said he could not be prouder of the staff. The Festival was the best ever and they did an excellent job for this Twentieth Anniversary Festival. He said he hopes the Heritage Festival continues forever. He sees the value it has to the community.

DRAFT

Commissioner Sisul said the staff who worked to clean up after the Heritage Festival did an outstanding job and he appreciates their excellent work. Regarding the Council booth, he said people were impressed with the parking deck, and they seemed to prefer the brick facade.

Commissioner Sisul also thanked Commissioner McConnell for her mission statement for her department, and asked for the others as soon as possible. He would like to be able to distribute them as soon as possible for consideration.

The Mayor congratulated the entire staff, and especially Mary Scalzetti as she will be working in Code Services and would no longer be part of the Community Events staff. He said he spent time in the Council booth and the drawings and pictures helped the people visualize the plans. He noted that the Council members spent time in other booths as well.

The Mayor asked about the staff meeting with METRA and whether they have the traffic study on the underpass at Belmont. Manager Ginex said he would find out.

There being no further discussion, the Workshop meeting was adjourned at 10:53 p.m.

April K. Holden
Village Clerk

tmh/