

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

AUGUST 27, 2002

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 (by phone), Mark Zabloudil; Village Manager Riccardo Ginex; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Press:** Colt Foutz, The Sun; Kevin Stahr, Suburban Life

Residents & Others in Attendance: JoAnn and Phil Matejczyk, 1539 Chicago; Marilyn Gerloff, 4241 Highland; Darwin Kurlio, Tinley Park; Ken Olsen; Robert Kuiken, Real Estate Broker, Clarendon Hills; Garth Doering, Ponobscot Management, Schaumburg; M.K. Minaghan, Chicagoland Apartment Assoc., Schiller Park; Eric Pauga, Courts of the Falling Waters, 7330 Fairmount; Terry Lally, 1008-1010 Curtiss; Wilfred Barry, 1440 Maple Ave; Don McGady, Hummer Creek Apts., 4900 Fairview; Mike Plescia, Clarendon Hills; Jim Leto, 811 Valley View Drive; Ron Waechtler, 919 Stratford Lane; Tina Welch & Kathy Nybo, D'Lara Photography, 4941 Main; Dick Cofran, 1318 Turvey; Rick Stanek, Karen Collier, AIM Curtiss LLC 1008-1010 Curtiss; John Elsik, 828 Clyde; Alan Jirik, Plan Commission, 1600 Hatch Place; Ross Johnson, 1311 Gilbert; Terry Hansen, 4525 Roslyn Road; Patricia Jeka, 1961 Elmore; Joanne Norgle, 1962 Elmore; Christine Fregeau, 1918 Elmore; Matt Hess, 351 College, Bolingbrook; Dolores Fisher, 4621 Roslyn; Jill Rowan, 5239 Lee; Tom Holcer, 1367 35th St.; William Ponstein, 6012 Hillcrest; Janis Farrington, 5211 Lee; Laurel Bowen, 829 Clyde; Spomenka Luedi, 3244 Highland; Andrew Clark, 1226—62nd St.; Ed Novak, 23 W. 581 Roy; Mark Patno

Staff: Susan Brassfield, Grants Coordinator; Phil Ruscetti, Fire Chief; Richard Mikel, Fire Prevention; Deputy Fire Chief Bob Tutko; William A. Mierzejewski, Fire Prevention; Carol Makoui, Fire Prevention; Marty Lyons, Director, Financial Services; Doug Kozlowski, Public Information Officer; Amanda Browne, Planner; Dave Van Vooren, Deputy Village Manager; Jack Bajor, Director, Public Works; Bob Schiller, Assistant Director, Public Works; Don Scheidler, Code Services; Don Rosenthal, Director, Code Services; Ken Rathje, Director, Planning Services; Mike Baker, Assistant to the Village Manager; Joe Skach, Director of Redevelopment

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.

MANAGER

1. **Bid: 2002 Sidewalk Improvements (Project #14-02) Lee Avenue.** Manager Ginex said the lowest bid was Swallow Construction. They have done work for the Village previously, but not on sidewalks. He said that the Village is in negotiations with the damage that was done on Prairie & Douglas. Staff recommends awarding the bid to A&R Cement in the amount of \$204,025 plus a 5% contingency.

The Mayor asked whether Swallow has done sidewalks in other areas.

Jack Bajor, Director, Public Works, said he did not know, but would look into this.

Commissioner Schnell asked for clarification from Mr. Bajor regarding sidewalks on Gilbert. He said they would have to get clearance from the DuPage County Forest Preserve District. She said they want to get a safe walking route to the downtown, and asked how likely they are to get the intergovernmental agreement.

Mr. Bajor responded that they have been following the matrix and have not been following that particular area. He said that the intent is to work toward a continuous pedestrian walkway path to the downtown area. He said, however, that staff hasn't broached the subject with other agencies.

Commissioner Schnell said that the intergovernmental agreement might permit cost sharing since this was being done for safety issues. She said doing the south segment between Elmore and Maple would allow a walking route into the downtown. She also recommended a 3-way stop sign at Elmore and Lee. Mr. Bajor said that traffic warrants are not present at that location, although it does appear to be reaching the required numbers. He said staff would take this back to the Parking and Traffic Commission (P&T).

Commissioner Zabloudil noted there were alternative bids for coloring the sidewalks and asked if this has been done in any other area. Mr. Bajor responded it is only in the downtown area. Manager Ginex said staff recommended a red finish on the sidewalks between Lee and Downers Drive.

Commissioner Sisul asked about the engineer's estimate on the first item. Mr. Bajor said it was \$66,000 at \$4 .00 per square foot. A & R Cement's bid was at \$94,875.00, or \$5.75 per square foot. Commissioner Sisul asked whether staff can get that amount lowered, and Mr. Bajor said they would follow up on that before the next Council meeting.

Mayor Krajewski said that Swallow is the low bidder, yet staff recommends A&R Cement. He suggested asking A&R Cement for a negotiated price.

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Commissioner Sisul the rest of the bid from A&R Cement is reasonable, but they are almost \$30,000 over on the sidewalk costs. Mr. Bajor said that the geometry of the particular area is unique.

Commissioner McConnell said there is a significant difference in item #20, with A&R Cement much lower than the engineering estimate. She questioned whether there may be a misunderstanding of the nature of the item.

Commissioner Tully asked whether there is information as to how they broke out the unit price on the material and labor costs. Mr. Bajor said he does not have that information. Commissioner Tully said he would like to see a copy of the final engineering plans.

The Mayor asked that staff also check to see if Swallow does sidewalks. He said that he had to go out last year to look at the work by M&C Scavelli, and felt that the restoration was not very good, although Scavelli thought they had done a good job. He asked if the contractors are also being asked to do restoration work. Mr. Bajor said that staff intends to go out to asphalt contractors for that type of work, and concrete workers for that type of work.

The Manager reiterated that staff would look at Swallow and at pigment type sealers at no cost, as well as negotiating the unit price. The Mayor said he knows A&R does a good job, but if there are others who also do a good job at cheaper rates, the Village should consider them.

Janis Farrington, 5211 Lee Avenue, said she has lived on Lee for 25 years, and addressed sidewalks on the west side of Lee south of Elmore, and the east side of Lee north of Elmore. She said there were dangers and hazards in this proposal, rather than the color of the concrete. The Mayor said they are discussing the bid right now.

Ms. Farrington said that she wanted to address the dangerous situation at Elmore and Lee. A neighbor lives at the corner who has seen people repeatedly ignore the speed limits. People crossing Lee are provided no safety. Vehicles going south are going over a blind hill. She asked that they reconsider the stop signs and reconsider putting the sidewalk south of Elmore to Maple. With the budget cuts, she asked how they can spend so much money for sidewalks for basically a two-block stretch. The Mayor said they are following the matrix. Ms. Farrington asked if something else could be considered. She suggested they do only Elmore south to Maple at this point. She said that Gilbert is one of the most dangerous streets in the Village, and she doesn't see connecting to that street.

Christine Fregeau, 1918 Elmore, asked that the direction from the Council be clear. She said the question is who will receive the bid for this project. All other questions, including design preferences, have been addressed. Ms. Fregeau said this is for the benefit of all the people who live on Lee. Lee is not a private road, and affects many residents including the 900 cars a day that use it. The matrix is a vision for the entire community. She said that the Council has already reviewed the budget and made its adjustments. She would like to have staff look at all the options, and hoped that there would be some cooperation between intergovernmental agencies to provide the walkways. Ms. Fregeau said Lee is not just an access to the downtown area, but also connects two parks, Memorial Park and Gilbert Park.

Dr. Leudi, 3244 Highland, said that the Council should address the number of trees in that area. The Mayor said that this issue concerns the bid. Dr. Leudi asked how many trees were going to be removed and why this is such an important project. The Mayor responded that it is the #1 priority on the sidewalk matrix.

Mr. Bajor responded that there would be 480 diameter inches removed, totaling 30 trees. The Mayor said that the Village tries to replace trees every year. Dr. Leudi said she is very alarmed because first they are attacking animals, now they are attacking trees.

Joanne Norgle, 1962 Elmore Avenue, said they look forward to the sidewalks. She asked that the Council keep focus on the fact that Lee is the #1 priority, and not allow the project to be stalled any further.

2. **2002 Water Main Replacement Project #04-02 – Change Order #1.** The Manager said Deputy Manager Dave Van Vooren has been overseeing this project.

Deputy Manager Van Vooren referred to Glendenning from Ogden Avenue to 39th Street. He said the last 330' on the west side of Glendenning needs the parkway restored. In light of this, staff is recommending the installation of the sidewalk at the time the parkway is restored. He said that Glendenning is a priority #4, but if they are going to restore the parkway this year, they should be able to install the sidewalk at the same time.

The Mayor asked what happened in that area yesterday, and Deputy Manager Van Vooren said he was unaware of any problems, but would look into it. He said they were doing service connections to the houses.

3. **Sprinkler Ordinance Discussion.** The Manager said Commissioner Gilbert had asked staff to make a presentation on this Ordinance some time ago. The Manager asked Chief Phil Ruscetti to address this item.

Fire Chief Phil Ruscetti said that the Council has been presented with a packet regarding the results of staff's meetings with various groups about this Ordinance. He noted that reducing the requirements of the Ordinance would be dangerous to public safety.

The Mayor said that the Village is the only community requiring sprinkling on the sale or transfer of ownership, and Chief Ruscetti said that was correct.

The Mayor then asked about the transfer tax and how the Village knows when a residential apartment building is sold. He noted that the Village has no business licenses and no transfer tax, making it more difficult to track sales.

Don Rosenthal, Director, Code Services, said that they do not really know as there is no method to track those sales at this time.

The Mayor said that the Village is on a go forward basis, requiring sprinklers if significant remodeling or use change takes place, while Oak Brook is very stringent, requiring the installation

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on the passage of the Ordinance. Chief Ruscetti said that the Village does have a more lenient requirement.

The Mayor asked what modifications they would recommend. Chief Ruscetti said they would want to track the transfer of ownership. He said that they anticipate that within five years all communities will require sprinklers for new residential and commercial buildings. This would protect all citizens. He said that Clarendon Hills requires all new housing to have sprinklers, which is a cost of about \$1 per square foot.

Manager Ginex referred the Council to page 30 of the packet providing a comparison of codes in neighboring communities.

Commissioner Schnell asked if there is a listing of apartments that are sprinkled, and Chief Ruscetti said there is. They are looking to have a method where as a business is sold, it must be brought up to the current code. Commissioner Schnell asked about a list of those businesses that are or are not sprinkled. Chief Ruscetti said that there should be a walk through before the closing of any transaction for sale.

Commissioner Schnell said that this could be an expensive proposition, and she asked whether there were any grants available for retrofitting of buildings. Chief Ruscetti said they will research that possibility. He added that the plastic systems will lower the costs for residential units. The sprinkler systems are basically for the living spaces and garage areas.

Commissioner McConnell asked about the existing Code and if it is equal to the national recommendations. Chief Ruscetti said that the Village uses the BOCA1996 Code. The municipal code states that fire and life safety is the first priority. He said that the Village's Code is more stringent on square footage.

Commissioner McConnell asked what brought this issue up. The Mayor said that the Village received communications that buildings had been sold without retrofitting because the Village did not know about the sales with no means of tracking. He said that if there are plans for expansion the Village knows about it. Other communities can track business changes through their transfer tax system.

Commissioner McConnell said that basically they are seeking a way to consistently apply the Code and asked if that was correct. Chief Ruscetti said the Fire Department is not recommending making the Code more lenient. He said that the packet refers to the requirements per type of construction and the percentage of sprinkled buildings by type. He said of 126 apartment buildings in town only 26 are sprinkled. The State is now requiring sprinkling in buildings over a specified square footage.

The Mayor said that the Department has done a good job of getting the commercial buildings done, but few apartment buildings are sprinkled, and there is no mechanism in place to monitor that. He said the Village has good staff in place and they know the Codes and are willing to enforce them, but need the tracking mechanism in place. The Codes have to be enforced if they are on the books. They have to get a mechanism into law so this does not surprise people.

Commissioner Gilbert clarified that this is not an issue of residential construction or new construction. The issue is what should appropriately trigger a retrofit. The problem with doing this in the older buildings is the cost associated with it. He gave an example of a building at Burlington and Washington, which is concrete core construction. To retrofit it would be difficult and would require finding a time when there were no tenants in the building. He said that is a lot to ask, given the exorbitant costs involved. The Commissioner said that they have gotten along well in the Village without the system in some of these buildings. He said if a building is going to experience major remodeling, that would be a different situation. He noted that the Council has to study the ordinance to determine what is the most reasonable way to move forward with the retrofitting.

Chief Ruscetti referenced a fire recently at 5107 Washington on the 4th floor. He said they were able to get to the apartment in six minutes because everything moved smoothly regarding alarms, ambulance availability, etc. Sprinkler systems help keep a fire in check before the firefighters arrive.

Commissioner Sisul asked what the NFPA compliant term in the Oakbrook Ordinance means.

Carol Makoui, Fire Prevention, said she understood that if there is an existing fire alarm system that meets the NFPA requirement, the building would be exempt from the sprinkler requirement. It would have to be examined every six months.

Commissioner Sisul asked whether Village buildings could qualify on the same basis, and she said she would have to look into that. He said that they don't want this to be arbitrary. He asked whether the Department intends to make all buildings sprinkled.

Chief Ruscetti said it was the intent with the support of the Council to have all buildings be sprinkled. This is not a new Code. They have had Ordinances regarding sprinklers since 1992.

Commissioner Sisul asked what the triggering events are and what is their recommendation to the Council. Is there an attempt to make buildings not going through change of ownership or substantial renovation, sprinkled buildings. Chief Ruscetti, said no, that is not the intention. The intention is to support the Code. If they want to trigger it, it would have to be identified in the Ordinance. Commissioner Sisul asked again to clarify that they are not attempting to make existing buildings that do not change ownership or undergo substantial changes require sprinklers. Chief Ruscetti said they are not requiring those to be retrofit at this point.

Commissioner Sisul then noted that Oakbrook has alternatives for its older buildings, and Chief Ruscetti said that they would have to research that. Commissioner Sisul said that they must be realistic. There are buildings that are over 100 years old that would be difficult to retrofit, but they do not want to encourage people to demolish older buildings. Chief Ruscetti said that they must look at the safety of the building. He said if the building is not taken care of, then they could be in trouble. Older buildings are not built like the modern buildings. He said staff is asking Council to support changes as the opportunities arise. He said they have been using the sale of buildings as a triggering device.

Commissioner Sisul asked whether they intend to go to the churches and require them to sprinkle without any renovation, and Chief Ruscetti said not at this point.

Commissioner Gilbert said that he received an article discussing the role of cities to select the portions of the BOCA Code that are relevant to their particular situations. It is meant to be a guide rather than a hard rule. He stated that economics do get involved in this decision. He is not purporting that they do not sprinkle the buildings, but he said there may be some other trigger other than just the sale of the building. Such a requirement may prohibit the sale of some buildings. He said it may be safer, but they also must consider what is wise.

Chief Ruscetti said that we all pay for safety everyday. Commissioner Gilbert agreed that sprinkler systems do save lives. He said he believed the Ordinance should be reconsidered. Chief Ruscetti asked when Commissioner Gilbert proposes that sprinklers be put in if not at the sale of a building. Commissioner Gilbert said that there is a chance that they will not be sprinkled. He said he agrees that it is appropriate to have sprinkler systems, but it is not always possible to have them in every building and may not be economically viable.

Fire Prevention Officer William Mierzejewski, stated that most buildings can be retrofitted and sprinkled. Commissioner Gilbert responded that an estimated cost for retrofitting a 3-story residential building would be \$115,000.

Commissioner Zabloudil asked when the Ordinance was adopted and what the square footage or range is per BOCA. Mr. Rosenthal said he thought it was in 1996 and with 12,000 square feet. Commissioner Zabloudil then asked about other code comparisons regarding residential units in other communities.

Chief Ruscetti referred to a handout. In further response he said they have not found a change of hands clause in other communities.

Ms. Makoui said that everyone is under the same requirements regarding alterations. She said that the Village is the only community that has requirements for the sale or transfer of property.

Commissioner Zabloudil referred to the Sprinkler System Application Requirements form. He asked if there is a list of communities, other than Oak Brook, with fire alarm systems that are NFPA compliant and do not require sprinkling. Ms. Makoui said she would provide that information. She said that basically, they are all working for the same goal, which is to make the community safe. She said that BOCA is a little less stringent than the Village's Code. Ms. Makoui said that in 1991 the Code adopted the change of ownership clause, which may have been added because the Village does not have business licenses. She stated that the lives of people in apartments are at stake, and the Department is looking to take a proactive approach.

Mayor Krajewski said that the Council realizes the importance of life safety issues. He said it seems as though everyone is moving toward sprinkling everything. The Mayor said the Village requires sprinklers on changes of ownership, while others do not. However, it is on the books and must be enforced. When someone purchases a building, he wants to be sure that it complies with all of the codes, and the Village needs a mechanism to know when property changes hands. He

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said if the Village has an Ordinance, it must enforce it. The Mayor said that the Council will review all of the materials provided by staff.

Chief Ruscetti said that the transfer of ownership is in the BOCA Code.

Commissioner McConnell asked what for some clarification of terms. She said she thought it would be good to have some options to review.

Commissioner Tully said he was looking forward to reviewing the materials. He said it would be helpful to know if the recommendation is to either stay with the existing Ordinance or to change it. In some situations they may have to conduct a balancing act regarding the need for safety with feasibility of circumstances.

Commissioner Sisul said he is concerned about what is required as well as what is done as a matter of practice. He wants to know whether existing buildings are required by Ordinance to be sprinkled. In the case of the Tivoli building, in 1995 it was required to be sprinkled at a cost of \$250,000 although it did not change hands. He said the building is solid concrete and for insurance purposes rated as a fireproof building, yet it was required by Fire Prevention to be sprinkled.

Chief Ruscetti said he would research the matter.

Commissioner Schnell said that since 1991 the Council did discuss making the Village's Code more stringent than BOCA. She said she would like to review the minutes of the meetings. She said she thought the discussion centered on older buildings in the downtown area, and the safety of the Village's firefighters.

The Mayor asked the Public Safety Committee to review this matter and bring it back to Workshop again.

Mary Kay Minaghan of the Chicagoland Apartment Association (CAA) complimented the Village's Fire Department, saying the six minute response time is impressive and the building owners are fortunately to have this department at their service. Her association represents about 110,000 units in the Chicagoland area. She said that CAA understands the safety of fire prevention programs in residential buildings, and initiated the first high-rise emergency procedures ordinance as a result of the 9/11 attack. It requires emergency procedures to be provided by building owners. Ms. Minaghan said CAA has learned that a prepared resident is a safe resident, and detection sensors are a critical part of any safety plan. An emergency preparedness procedure is as important for safe exiting by residents. She said the vast majority of retrofitting buildings with sprinklers apply only to high-rise commercial buildings because of the limitations of fire equipment beyond a specific height. Another reason used not to impose the retrofit standards on residential buildings is cost, which is between \$10-\$12 per square foot. There are many more hidden costs that have to be considered by the owners such as plumbing upgrades, or renovation of the building. She noted that it has been shown that fires are far more common in single-family residences than in multi-family dwellings.

Ms. Minaghan said the BOCA Code has been upgraded to 2000 for new construction and substantial renovation. The key problem in the Village is retrofitting. It is the only community in the United States that requires retrofitting on multi-family dwellings.

Regarding the transfer tax, Ms. Monahan said that the Illinois General Assembly prohibited the right of any local community to adopt a transfer tax without a public referendum. She said that CAA is pleased that the Village is revisiting this issue.

Commissioner Zabloudil recommended looking into the procedures for adoption of the transfer tax.

Tina Welch, 4941 Main Street, said that the retrofit rule almost cost her the sale of her building. She said they must take into consideration the size of the building. Her building has two 500 square foot apartments and the estimate for sprinkling that would be \$20,000. The building is almost 100 years old. Ms. Welch said there are many items to be taken into consideration.

Terry Lally, 1105 Curtiss Street, represents the buildings at 1008 and 1010 Curtiss. They have a 30-unit building and the estimate for a sprinkler system is \$115,000 for installation only. Adding the numerous other items including watermains, wiring, restoration, etc. would come to a total cost estimated at about \$200,000. He said when he purchased the building, they had an inspection and have had inspections since. They were never told they should have a sprinkler system. Mr. Lally said that this Ordinance would impact liquidity as well as result in lower rents due to the fact that the retrofitting would be exposed in the apartment. He said that he and his partner have always embraced life safety. Their properties have been inspected annually and the proper life safety equipment has been maintained since their purchase.

Eric Pauga of the Courts of Falling Waters at 75th and Fairmount said when they purchased the property 10-12 years ago they had inspections and have incurred about \$115,000 for smoke detectors, heat detectors and other safety equipment. He said they have a service contract and undergo annual inspections. He thinks sprinklers are impractical. He noted that these apartments are people's homes. Their business is to rent homes to people. Visible pipes will be aesthetically unpleasant to renters. Mr. Pauga estimated that the cost to retrofit his property would be approximately \$1.55 million, not including the loss of rent during the retrofitting period. He asked that the Council consider grandfathering in the existing buildings. He said that sprinkler systems are not required in the other buildings he owns in many surrounding communities.

Marilyn Gerloff, 4241 Highland, referred to a fire on Christmas morning, 1983, where three people's lives were saved because of smoke detectors. Ms. Gerloff said that smoke detectors save lives, and sprinklers save buildings.

4. **Plan Commission's Discussion re: Flag Lots.** The Manager asked Ken Rathje to review the issue.

Ken Rathje, Director, Planning Services, referred to a six-month moratorium by the Village Council on flag lots. The Plan Commission was asked to review the flag lot requirements. Mr. Rathje said that the Plan Commission considered this topic at three meetings and visited many of the existing lots in the Village. Their discussion was concluded on August 8, where they made a positive recommendation to continue the use of flag lots with a 4:3 vote. Their recommendations

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were to continue flag lots and establish a minimum size of 100' wide by 400' deep. Mr. Rathje said they discussed only making flag lots from lots of record and not an assemblage of lots. In addition, they recommended screening elements between the front and back of the lots.

Mr. Rathje said that it was recommended that some type of visual break between the lots be made as long as it was not an impenetrable wall. He said that last year he provided an estimate of 64 lots as the potential number of flat lots in the Village. He said that based upon the Commission's recommendation regarding size, at least 21 of those potential lots could be eliminated. He said that all of the Plan Commission members were not at the final vote. He said that their comments made should be given consideration, however. Both of those members said they would like to continue flag lots. The Plan Commission's goal was what is the best for the Village. He noted that four Plan Commission members were present at tonight's Workshop meeting.

Commissioner Tully asked how many lots would qualify in the Village as flat lots based upon the compromise recommendation from the Plan Commission. Mr. Rathje said based upon last year's potential estimate, it would drop from 64 lots to 43 lots.

Commissioner Tully said he appreciated the depth and extent of the consideration by the Commission and the staff. It was extraordinarily helpful, as were the photographs provided. He then asked Mr. Rathje what the process would be for giving a lot the sort of treatment of a flag lot if there were no flag lot provisions. Mr. Rathje asked if the question was how an existing lot could be built on, or how a flag lot could be created. Commissioner Tully responded that it is both. Mr. Rathje said that the provisions in the Zoning Ordinance going back to 1965 specify a minimum lot frontage of 45', which was aimed largely at cul-de-sac lots. Prior to the 1989 Ordinance flag like lots had to get a variation and have a minimum lot frontage of 45'.

Commissioner Tully asked about lots that did not meet the 45' lot frontage.

Mr. Rathje said that if there is a previously existing lot legally created it would have to have a minimum street frontage of 45' at the front property line.

Commissioner Tully said that the current variation procedures would not allow the creation of flag lots without the flag lot Ordinance. Mr. Rathje said that was correct, but if the property is large enough one could come up with a flag-like lot parcel that would be fully conforming to the lot frontage. He said that it must also satisfy other requirements in the Subdivision Control Ordinance.

Commissioner Tully then asked what the experience has been in the last ten years regarding emergency responses in regard to flag lot properties. He gave 1831 Elmore as an example, asking how they could get a fire hose back to that property. Mr. Rathje said that was considered in 1989 and the Fire Department required a 20' minimum for the pole and a 10' paved area. The Fire Department Fire Prevention staff said it is comfortable with an adequately paved and unobscured area. He gave another example of a property that had a significant grade drop, where the resident agreed to install a private stand pipe to the house.

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Commissioner Tully said that there are potential flag lots that are very deep, and he would like more input from the Fire Department on this. Mr. Rathje said he would poll them on the basis of the distance from the hydrants in other lots.

Commissioner Tully then asked about the criteria for exceptions. Mr. Rathje responded that one of the considerations is not that it is a flag lot, specifically, but rather that it is an area where lots are divided into similar sizes from the original lots. The exception language is the general language of the Subdivision Control Ordinance.

Commissioner Tully said that the exception language becomes difficult to apply in flag lots, and he asked about “hardship” and “practical difficulty” wording. Mr. Rathje said that might apply to tying up land that has a disproportionate amount of depth given the width of the lot, which would be given consideration at that point.

Commissioner Tully then referenced other sections of the Ordinance and referred to the wording of “trend of development” and how flag lots fit into that concept. He said he has difficulty with a trend of development being flag lots. He said he understood it to be that larger lots were being divided into smaller lots. Mr. Rathje said that is a fair characterization. If an area was originally subdivided by 100' x 350' or 100' x 400', and then later divided in to 50' lots that would fit the concept. Commissioner Tully said the issue of aesthetics has been brought up but he didn't think aesthetics drives the discussion because it is basically subjective. It is land use. You can divide either front to back, side to side, or not divide it at all. Mr. Rathje said the ability to divide is limited to the zoning designation as well.

Commissioner McConnell thanked the Plan Commission for its work and for the pictures. She said often you cannot tell where a flag lot is. Regarding safety, she said she would like to reconfirm that there have been no issues related to the existing flag lots. She said there has been discussion about creating cul de sacs instead, but she understands that they have their own set of issues. Mr. Rathje said that there may be opportunities to redevelop large parcels of land in other ways. He explained that even in very large lot areas it may not be possible to create a cul de sac due to the required lot width.

Commissioner McConnell then asked about a requirement in the Ordinance regarding the recommendation from the Plan Commission for screening with vegetation between the lots. Mr. Rathje said the notion was to break up the view between the front and rear houses with evergreens and deciduous trees. This is something that could be applied to one lot or the other. He said that the obvious candidate would be to assign it to the rear property, using a simple row of trees arranged similarly to that done in the back of a lot.

Commissioner McConnell said that based on what the experience has been with existing lots, there is already a lot of landscaping and she would not want to overlegislate. She would agree to take that requirement out. She then referred to the two members of the Commission who were unable to vote, and said if she has interpreted it correctly it would have probably have been a 6-3 vote by the Commission.

Commissioner Schnell also commended the Plan Commission for their work on this issue, as it makes the Council's job much easier. She said that part of the Council's thinking in adopting the Ordinance was to provide a better looking streetscape. She gave Roslyn Road as an example of

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not having as much foliage. Mr. Rathje said that if the existing vegetation is satisfactory, they should not be made to tear it down. Mr. Rathje said they could ask Forestry to review the individual situation.

Commissioner Schnell said she felt that either 305' or 400' will serve the community. She asked about the reasoning behind the 400' number.

Mr. Rathje gave examples of equivalent dimensions to demonstrate the lot sizes. He said he would e-mail these to the Council members.

Commissioner Schnell said several of the Plan Commission members said 305' was fine; 400' was a compromise. Mr. Rathje agreed.

Commissioner Sisul said he was proud of the work done by the Plan Commission. He said it is important to deal with whether there is a reason why we don't like flag lots and asked about public reaction to flag lots.

Mr. Rathje said the public is typically neutral. A few people have been concerned about people having the ability to look into others' homes, and another issue has been the surface water protection areas in the Roslyn/Cumnor area. He said that since these hearings he has received only a few phone calls – one in support of flag lots and one from a developer. He said there has been good support. Regarding the value of the homes on flag lots, Mr. Rathje said flag lots sell for \$200,000 and more, which is not a negative impact on the value of the land. He said none of the lots has gone begging for a builder, and in fact, some are considered very desirable.

Commissioner Sisul asked why the concept of a house behind a house is a problem. Mr. Rathje said some people may consider the front of the house to be the "eyes," and the front is looking into the back of the other house, which is considered to be the more private area. The front of the house is often less used. Both houses will use the back of their respective lots.

Commissioner Sisul asked if the rear house has to be oriented toward the same street as the front house. Mr. Rathje said some have been angled. The custom is that when one comes down a drive, one sees the front of the house.

Commissioner Gilbert said odd-shaped, buildable lots could and should be created. He asked how that could occur without flag lots.

Mr. Rathje said it would be through lot width variations. The value of land is on the basis to support buildings. He said most land in this area is rectangular or square. The most critical dimension is the lot width. Other than a flag lot, they could make the lot width uniformly narrow or allow a narrow front and then a larger rear lot.

Commissioner Gilbert said Commissioner Waechtler said there are so many criteria, it is difficult to define. Commissioner Gilbert said a house built behind another is an intrusion into the backyard of the front home. Mr. Rathje said some consider it an intrusion while others do not.

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Commissioner Gilbert said he doesn't see anything that changes his opinion. Uniformity is what people like and that don't like it to be gone. He said it is not fair to existing property owners. He said he didn't see any lots of those available that would be appropriate for flag lots.

Commissioner Zabloudil thanked the Plan Commission for their work. He said he has not seen anything that convinces him of the need for flag lots. He does not see a future benefit. Just because we can do this doesn't mean we should. He said they will get out of control with people who want to build on them.

Mayor Krajewski thanked the Plan Commission for their work. He invited the Plan Commission members present to make comments.

Phil Matejezyk, 1539 Chicago, said he was the member that took the pictures of the flag lots. He said he was impressed with the properties. The subject homes were very diverse and very attractive. They have wider lots in the front and square lots in the back. He said the comments were positive as he took the pictures. He asked the Council if there was a problem they were trying to solve. He said flag lots are appropriate and an addition to the community. Not many people attended the hearings. He asked if we are trying to regulate a problem that doesn't exist.

Mayor Krajewski thanked Mr. Matejezyk for getting out into the community.

Mark Grisbaum, 6012 Ridgewood Circle, said he is a member of the Plan and Zoning Commissions. He said he was not in favor of flag lots initially, but looked at it objectively and differently as the discussions continued. There are only a small number of lots that qualify for flag lots. The homes are pleasing and the views of the people are that they appreciate living in them. He said he struggled with sliver lots. For example, those that are 50' by 300'. He said lots of 100' by 400' allow for more diversity and minimizes the number of sliver lots. People like the diversity, size and configuration of the flag lots. He said he supports the ordinance with the changes.

Alan Jirik, 1600 Hatch Place, said he wrote an e-mail sharing his concerns. He said the policy issue is there are some very large lots and they went to 100' by 400' to make for even larger lots. He said if these were not flag lots, there would be one structure on a lot of a substantial size. The immensity is what caused him to come out as he did. He said the Plan Commission worked hard on this.

Ron Waechter, 919 Stratford Lane, said he voted against flag lots. He was in support of flag lots at the beginning of the discussion. He reiterated three points of the ten made in the minutes: 1) Some developers may want to take smaller width lots and combine them. He said he felt this may be a significant number; 2) Regarding emergency services, there are only 11 we have had experience with. He said a paramedic had a concern with a home at the back of a lot; 3) There are surrounding suburbs that have banned flag lots.

William Ponstein, 6012 Hillcrest Court, said the Plan Commission did a good job. He supports the continuation of flag lots. He said he doesn't know where the 400' requirement came from. Regarding the invasion of backyard space, he said would still be an issue regardless of flag lots because one could still build on the back part of a lot.

Tom Holster, 367 35th Street, said he was glad to see the recommendation of the Plan Commission although he said he has a problem with the 400' requirement. The requirement of the additional length impacts emergency services.

5. **Grant Application to the U.S. Fish and Wildlife Service for Lacey Creek Restoration Management.** The Manager said staff is recommending the submission of a grant application to the U.S. Fish and Wildlife Service's Region 3 Flexible Funding Program for financial support in the amount of \$10,000 to support Lacey Creek restoration management and stewardship activities. This is a project designed to preserve and enhance the overall stream corridor and wetland restoration of Lacey Creek. A stipulation of the grant program requires a minimum local match of 50% of the total project cost, and funding requests can't exceed \$10,000.00. The tangible improvements of this overall project will include better water quality in the stream corridor, reduction of erosion, and improved wildlife habitat.
6. **Grant Agreement to Support Purchase of Live-Scan Electronic Fingerprint Imaging System.** The Manager said the Village recently received a grant agreement from the Illinois Department of Commerce and Community Affairs (DCCA) as part of the Illinois First Member Initiative funding program. It is sponsored by former Senator Thomas Walsh in the amount of \$104,000.00. The funding will be used to purchase a digital booking system consisting of a live-scan electronic fingerprint imaging system and a digital camera subsystem. The Manager said the total cost is \$156,669.29. He said the remainder of the cost after the grant is in the Police Department budget. He said \$43,000 is in the Computer Capital account and \$9,600 in the Evidence Storage System account.

Commissioner McConnell said there would be approximately \$33,000 remaining in the Evidence Storage System account budget. She asked if that would be enough for what is needed. The Manager said it has been reworked and is sufficient.

Mayor Krajewski thanked former Senator Walsh for obtaining this grant. He said he was told the cost of the system was \$104,000 and is now \$156,000.00. He said he would like to know about the difference in the figures.

Manager Ginex said the difference is the digital camera subsystem. He said the Village could have purchased in the live scan as a stand-alone system.

7. **Extend Environmental Service Agreement – Versar.** The Manager asked Joe Skach to address this matter.

Joe Skach, Director of Redevelopment, said this is to request approval to exercise the first annual extension of the current agreement with Versar, Inc. for professional environmental services, as provided for in the contract. He said Versar is currently working on projects in the downtown area undergoing redevelopment work.

Mayor Krajewski said he would like to know about current projects and costs. The Manager said he has provided that information.

STANDING COMMITTEE REPORTS

There were no reports.

ATTORNEY'S REPORT

Attorney Petrarca said she was presenting three items to the Council: 1) a resolution extending the environmental service agreement with Versar; 2) a resolution authorizing submittal of a grant application to the U.S. Fish and Wildlife Service for Lacey Creek restoration management; and 3) a resolution authorizing submittal of a grant agreement to support the purchase of live-scan electronic fingerprint imaging system.

There being no further discussion, the Workshop meeting was adjourned at 10:00 p.m.

April K. Holden
Village Clerk

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