

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

AUGUST 12, 2003

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, Martin Tully, Mark Zabloudil, Ron Sandack, Stan Urban; Deputy Village Manager Dave Van Vooren; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: Commissioner Sue McConnell, Village Manager Riccardo Ginex

Visitors: **Press:** Kris Owens, The Sun

Residents: Jan Kopis, 1240 Chicago; John Haine; Jeffrey Bilek; William Weiss; William M. Barrett, Marriott Suites; John Randall, Marriott Suites; John Luka; Marilyn Gerloff, 4241 Highland; Christine Fregeau, 1918 Elmore

Staff: Pam Church, Deputy Police Chief; Mike Baker, Assistant to the Village Manager; Steve Rockwell, Director, Economic Development; Lori Skotterud, Redevelopment Planner; Amanda Browne, Planner; Joe Skach, Director, Planning & Community Development; Cathy Schuster, Economic Development; Kathy DesMarteau, Planning & Community Development; Mike Millette, 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.

MANAGER

1. **Grant Application: Local Law Enforcement Block Grant.** Deputy Manager Dave Van Vooren said Deputy Police Chief Pam Church would explain the program.

Deputy Police Chief Pam Church said that the funds may be used to hire additional law enforcement officers, support personnel, overtime, and procuring technology and other law enforcement related materials. The amount is \$12,885.00 and the Village may apply for the full grant, with the stipulation that the Village contribute a cash match of 10% of the total program

costs, or \$1,432.00. It also required the formation of an Advisory Board by the Police Department to review the use of the funds. She said staff recommends submitting the application for the grant.

Commissioner Tully asked how the match amount would be worked into the existing budget. Deputy Chief Church said there are equipment funds that can be used through the regular accounts.

Commissioner Urban asked about the proposed use of the funds. Deputy Chief Church said she is in the process of receiving input from various department sources. Ideas are being submitted regarding training and equipment needs as well. They might also need enhancements to the evidence bar coding system. This is still in the planning stages.

2. **Chapter 28 Text Amendment – File No. 1095.** The Manager asked Joe Skach, Director, Planning and Community Development, to address this item.

Joe Skach, Director, Planning and Community Development, said this is a follow-up to a discussion recommending an amendment to Chapters 2 and 28 in order to be consistent with the recently approved amendments regarding the powers and duties of the Zoning Commission, the Plan Commission and the Zoning Board of Appeals. There was significant discussion on the issue which the Plan Commission considered in its recommendation.

Commissioner Tully said that Mr. Nicholau expressed his concern during the discussed that this text amendment necessitates an enhanced level of communication as the Plan Commission takes on its expanded role. Commissioner Tully said he is looking forward to the six-month review.

Mr. Skach said he thought the lines of communication have already opened with the joint meeting between the Plan Commission and the Economic Development Commission. He said that petitions will be coming before the Council in the near future.

Commissioner Schnell asked for the timetable to institute the transition to the two boards regarding the interview process. The Mayor responded that they will begin those interviews soon. He said that most of the people on the Zoning Board of Appeals, to his recollection, said they wanted to remain on that board, and the Plan Commission seems to wish to remain on that board as well. The Mayor added that Commissioner McConnell asked that a six-month update be provided as well.

3. **Ogden Avenue Vision Statement.** The Manager asked Mr. Skach to address this item.

Joe Skach, Director, Planning and Community Development, said that the presentation is a synopsis of meetings between the Plan Commission and the EDC concerning the Ogden Avenue Vision Statement. The EDC Subcommittee has looked at issues and developed a vision statement. Mr. Skach said that DGTV prepared a documentation of the major corridors including Ogden Avenue which will be made part of the GIS. Staff then presented the DGTV film with commentary from Mr. Skach.

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Steve Rockwell, Director, Economic Development, said in February 2003 the Ogden Avenue Subcommittee determined the need for a vision for the development of Ogden Avenue. He said that the Council and Mayor directed the finalization of a plan with a clear understandable direction. He reviewed the process toward the completion of the preliminary vision. This is the result of the coordination of the EDC, Plan Commission and the EDC Subcommittees. He noted the presence of members of the EDC board at the meeting.

John Randall, Chairman of the Strategic Planning Subcommittee, presented the preliminary vision statement for Ogden Avenue. A slide presentation was made of the Ogden Corridor. He noted that change is needed to improve the reflection of the Village to 36,000 travelers who use Ogden Avenue daily, as well as to improve the under performing economic engine of the corridor. Mr. Randall then discussed the demographic trends of the present generation. The seven key objectives are based on the idea that lifestyle drives retail. The Village is laid out based on the times of its originators. The draft vision sees a high quality corridor providing experiential retail 24 hours/7 days, representing a people friendly community and a community accented with greenspace.

Mr. Randall discussed the seven objectives as follows; 1) attract experiential retailers; 2) create a vibrant 24-hour corridor; 3) create an energized, people-friendly corridor; 4) beautify the corridor; 5) unify the design elements throughout the Village; 6) the historical streetscape should reflect the old; 7) upgrade the technological infrastructure. He noted that many of the business examples shown in the slide presentation are well known to the public, however, they are not in Downers Grove.

Mr. Randall said that the next step is to begin the search for a grant to assist in the development of the vision, insure that the land use and zoning support the vision, identify and target the successful entrepreneurs not already in the Village, and install new direction signage to accent the changes.

Commissioner Schnell thanked the Subcommittee for a great job. She said that some of the concerns regarding sidewalks and greenspace are that the centerline is not a straight centerline. Acquiring right-of-way may be cost prohibitive and difficult to achieve. She agrees with making it pedestrian friendly with greenspace, and asked how do they proposed to make the area pedestrian friendly.

Mr. Randall said they have considered this and he has examples from surrounding communities as to how that was achieved.

Mr. Skach said that with respect to the qualitative aspects of Ogden Avenue, there is a conundrum regarding the vision and the reality of the actual space. Much of the vision statement could apply to the whole Village. He said that the challenge on Ogden Avenue is to look at developing and fostering the economic generator and balancing those desires with the qualitative aspects. Design guidelines have been discussed and need to be addressed substantively. They have applied to CMAQ for some grant assistance. They need to look at implementation components, curb cuts, the beautification of the area, incorporation of landscaping, etc.

Commissioner Schnell asked how they can incorporate sidewalks. Ogden Avenue is not pedestrian friendly. She said she would like to have feedback as to how this would be accomplished and incorporated into the business area. She said she would like to see them look at ways to work in concert with the County for additional financing, as was done in other communities.

Mr. Skach said that in the budget discussions, they looked at Capital Improvements on Ogden Avenue and working with the County, including discussion of costs, gateways, pods, etc.

Mr. Randall said that five years ago they spent \$50 million at the Ramada on Michigan Avenue. There were no sidewalks or gardens, and they heard from Mayor Daley that it should be fixed right away. So they hung baskets from the 9th story. With creative people and commitment, there are solutions.

Commissioner Zabloudil thanked the EDC for its work. They have demonstrated a great deal of dedication. He asked how the Council can help develop the plan and support their work.

Mr. Skach said that the Council endorsement and review allows the staff to pursue ideas as policy. He said that the Ogden Avenue Master Plan has not been used to its full capability, and by virtue of joint discussions their capability to perform is increased.

Commissioner Zabloudil said that the Council would want identified what needs to be done to get the policies in place and support the vision before discussions with developers. Mr. Skach said that they need to have an action plan component of this vision including financial aspects.

Commissioner Urban thanked the staff for a well-done job. He commented on the area in Lombard along Butterfield Road and asked what made that happen as quickly as it did. He also asked what the Council can do to make this happen quickly as well, then asked what the proposed timeline is for this project.

Mr. Rockwell said that tonight was more of a “pause” to present the ideas to the Council and determine whether that is what the Council is looking toward. If this is the vision, then staff will return with a projected timeline.

Commissioner Tully said that over the past three years he has often been asked what is being done about Ogden Avenue. During that period of time a plan was put in place, a TIF District established, an Ogden Avenue Subcommittee was put into place, and changes are occurring. Comments are more positive now, and he said he continues to be excited and impressed about this and about the presentation made to the Council. He noted that Ogden Avenue presents challenges and this will take a lot of creativity. He said that greenspace and a unifying design are critical elements. He reviewed the other elements including outdoor seating, a sense of place, beautifying the corridor, fostering an historical look, and creating an in-town feel to Ogden Avenue. They’re talking about creating synergies and complimentary commercial corridors throughout the Village and tying them together. He said this is a start to a wonderful process. He asked whether staff has seen more excitement expressed on the part of private interests.

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Mr. Skach responded that there has been positive interest expressed and discussions have allowed staff to begin speaking with petitioners in a completely new direction.

Mr. Rockwell said that one of the goals is to talk to the current business people considering development on Ogden Avenue, and discussions already held show a lot of interest on Ogden Avenue's improvement.

Commissioner Tully asked whether the Committee has looked at expanding the plan to the Village as a whole. Mr. Rockwell said there have been conversations along these lines about various areas, and the vision will be determined for different places.

Mr. Skach said there was discussion specifically about the downtown, and now in the concept of strategic planning, how the various areas play off of the downtown area.

Commissioner Zabloudil said that as companies approach the Village, there has to be a plan added to the vision. He suggested that tonight's presentation could be built on for prospective businesses and also put on the cable network. Mr. Skach said that was also discussed at the strategic level. Mr. Randall said that is in the more detailed Work Plan. Commissioner Zabloudil said he believes they have done a great job and he is comfortable with what the Committee is doing to date.

The Mayor said that the Council is impressed with what has been done so far and wants them to continue to work on the project.

Jan Kopsis, 1240 Chicago, member of the Committee, said that he carried with him concerns which were expressed by Commissioner Schnell. He said that the EDC is getting through this. Interviewing many of the business people on Ogden resulted in a feeling of excitement at the proposal to increase greenspace. He said he is extremely excited as well, and has seen the positive response of the Council and the EDC. He asked that that level of excitement be maintained.

The Mayor thanked Mr. Kopsis for his service on the EDC and on the Ogden Avenue plan.

Marilynn Gerloff, 4241 Highland, said she lives close to the Ogden Avenue corridor. She is glad to hear that they are starting to focus on signage and uniformity of signage. She said that signage helps identify a certain feeling about a community. Ms. Gerloff said that if businesses are made to conform to standards, the area could look fantastic. She gave examples of how Oak Brook and Hinsdale specified what type of color schemes were acceptable.

Christine Fregeau, 1918 Elmore, said she is excited to hear what it happening, and is happy to hear about how this can be done. She said that in mid-July Lisle received funds for sidewalks through the Mayors and Managers Conference. She said it was good to see a uniform effort.

4. **Text Amendment Setback Variations – File No. 1096.** The Manager asked Mr. Skach to address this.

Mr. Skach said that this is an amendment to Section 28-1802 of the Zoning Ordinance regarding authorized variations in non-residence zoning districts only. This would allow parking in required

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yards, by allowing business or commercial petitioners to request reductions of required yards by more than 50%. In residential zoning districts, the language for variations in required yards will remain at a 50% reduction or less. If a commercial lot has an adjacent lot line with a residential district, the 50% maximum allowed will remain.

Mr. Skach said the basis for this request is rooted in discussions held over the past year or so regarding Ogden Avenue parcels. He said an action plan is necessary to facilitate the change of the Code. He noted that on the eastern portion of Ogden Avenue there are very difficult parcels that have lot depth issues and other practical difficulties. He said that petitioners who have come forward to put a site back into productive use have been faced with too many limitations. Parking provisions became a problem due to setbacks, for example.

Mr. Skach said that this Ordinance amendment was heard by the Plan Commission and the EDC. There was a unanimous recommendation by the Plan Commission to adopt the Ordinance.

Commissioner Tully noted for clarification that this Text Amendment does not effect residential areas; does not apply to commercial areas that abut residential areas; does not change any other requirements mandated by the Code such as greenspace percentage, etc. It allows a mechanism by which a petitioner could request a hearing on a certain variation such as parking or reduced yard setbacks.

Mr. Skach said that this comes under the auspices of a variation which has clear and distinct provisions for consideration.

Commissioner Tully said that this amendment stems from the planning process. This has been designed to be broad to allow the potential for flexibility in commercial areas, and does not relate to just one particular site although there is an obvious benefit to Ogden Avenue. In addition, this is in the variation context, not a special use. The Commissioner then asked, in the variation context, whether there is less risk of establishing precedent as requests would be handled on a case-by-case basis. He asked about the impact on other lots for similar variation requests. Commissioner Tully then inquired about a situation where the size of the lot and proximity to residential areas limits the potential for making certain changes. He said the Ogden Avenue Master Plan identifies lots to be expanded, and asked how decisions will be made to grant variations or require petitioners to expand their space.

Mr. Skach responded that it comes down to how far the Village would want to go in terms of mandating certain private arrangements for the purchase of additional land. But, with respect to the variation, the language is very specific in its discussion of unique circumstances such as practical difficulties or hardship issues. He noted that allowing a petitioner to request a variation is not the same as granting the variation. He explained that in terms of the variation, the intent of the Code is clear. If there are unusual hardships, the ability to be heard must be granted; however, it does not reduce the staff's responsibility for due diligence. The petitioner should be required to make efforts to mitigate the hardship.

Commissioner Tully said it appears to be a superior method to obtain results rather than having to create a new category of special uses.

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Mr. Skach then showed slides of the northwest corner area of 63rd and Main Streets. This parcel is a good example of this issue in that the setback requirements caused mitigating circumstances for potential developers to put this tract back into productive use. Even though historically parking was used in this location, per the current ordinance, the required yard could not be reduced sufficiently to allow the use of the parking as required. He noted that the site was also 20'-30' below street level, which was not created by the petitioner. The setback requirement is a significant component that has been a major stumbling block in putting the site back into use as a petitioner could not even request a reduction of the yard to the face of the retaining wall, even though it would not visually impact 63rd and Main Streets. Therefore, the developer of that site was lost. A second potential user of the site was also lost due to mitigating circumstances.

He then referred to a slide of Ogden Avenue and a very small parcel which is affected by the setbacks that will cause parking problems. He noted that the Code is structured in terms of the percentage of landscaping required for specific zoning districts. Businesses prefer to use front yards as a marketing aspect of their business. He explained that using straight percentages is a disadvantage to smaller businesses. The Code does not discuss qualitative aspects. Mr. Skach showed by a diagram how beautification and design guidelines can be used to move forward in addressing the qualitative aspects such as minimum width landscape buffers. He indicated that in surveying 20 communities regarding parking issues, only Downers Grove and Barrington had a restriction on parking in required yards. The rest permitted it with landscape requirements. He added that there was discussion about the issue of vision triangles and the need to modify the Code regarding corner lots. Code language needs to be tightened up in regard to the vision triangle issues.

Commissioner Schnell said that Ogden Avenue is definitely ripe for redevelopment and agrees with the vision for Ogden; however, she has reservations with the text amendments. She agreed that there are certain circumstances where the text amendments work, such as with the Lonestar property. But Ogden Avenue is unique in that right-of-way varies. Some properties go to the roadway, while other properties have some right-of-way. If parking were allowed in the required setback, it could be as little as 8' from the street with some properties. She has problems with the text amendment because it is so broad. The problem with Ogden Avenue is that the centerline is not consistent.

Mr. Skach responded that the current Code was crafted to try to achieve greenspace. Greenspace can happen but needs qualitative aspects. He said that the Village should be mindful of sending conflicting messages to the community at large in terms of showing images of what Ogden Avenue should and could be, yet placing limitations on it. He said there is a feeling that the needs can be met for landscape as well as parking. Regarding the broad aspects of the Ordinance, staff considered it to be incremental rather than broad. The language addresses the issue that there are clearly sensitivities with respect to Ogden Avenue. Staff sees opportunities to examine other options.

Commissioner Schnell said that along Ogden Avenue many lots fit into the possibility for a variation. In regard to landscaping, the idea of going vertical is a great idea, but the businesses previously said no because they want signs to be visible and businesses want their signs to be seen. She is interested in seeing staff's and the Committee's vision of creative landscaping. The businessmen in the past have not been open to some of the options already presented.

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Mr. Skach said that what is needed is a means of clearly articulating what is required versus a flat percentage.

Commissioner Schnell asked how sidewalks can be installed if parking is allowed in the front yard. She said that needs to be examined, and acquisition of the right-of-way needs to be examined as well. She indicating she is looking forward to how these ideas are achieved.

Mr. Skach said that the variation would have to address the issue of sidewalks and minimum landscaping. He said that staff is not endorsing perpetuating the conditions that now exist.

Commissioner Sandack said he is struggling with this. He likes the idea of flexibility, but his concern is that this may be too broad. He said this will cut across every business district, and he would like the Village Attorney to examine the wording to make sure that they are not setting a precedent for 100% setback variations as every business might want similar setbacks. He is very much in favor of the idea of improvements to Ogden Avenue and perhaps 63rd and Main as well. But he wants to be sure that what they are doing is the best way to do it. He does not want to handcuff the Village by not having the flexibility it needs to meet the needs. This needs to be codified with legitimate criteria so people understand the rules of the game.

The Mayor said that there was a survey conducted of 20 communities, 18 of which were said to allow variations such as parking in side yard setbacks. He asked how that was done. Mr. Skach responded that in all cases, minimum landscape requirements existed. The Mayor asked that the Village Attorney review the procedures these communities have established.

Commissioner Sandack asked if that is as a permitted use or special use, which is a different idea than talking about variations. If they are talking about permitted uses that is a different mechanism than providing 100% variation opportunities. He is concerned that they may give more away than they want and lose control.

Mr. Skach responded that the concern is to provide clear statements to the public. Staff did not favor looking at parking as a permitted obstruction, such as stairs, etc., that can encroach into required yards. The Plan Commission concurred with staff on that issue. They would endeavor to provide a list of what will be considered, and they want to provide a balance between the community at large and the business community. They have to provide a reasonable means to make a request and assure a reasonable means to hear the petitioner's request. Opportunities have been lost to other municipalities without having the chance for discussion.

Commissioner Tully said that because it is not a permitted or special use, he can support this idea. He could not support a permitted or special use basis. They must be willing to consider variations that make sense in specific situations, and have the flexibility to address certain situations. He said a variance may be permitted because it makes sense. He doesn't want to exchange one set of handcuffs for another type. The idea is to have flexibility and "another tool in the tool box." He also noticed that in one diagram there was no room for sidewalks, and those are issues that have to be recognized as part of the variance process.

STANDING COMMITTEE REPORTS

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Commissioner Tully said that the Stormwater Utility Exploratory Committee meets tomorrow evening at Public Works, at 6:00 p.m. The Local Transportation Subcommittee meets Monday, August 18 at 6:00 p.m. in the Committee Room in Village Hall.

MANAGER'S REPORT

Deputy Manager Van Vooren said that Manager Ginex asked that the public be reminded of the TCE contaminated areas meeting to be held tomorrow evening at North High School at 7:00 p.m. The County is hosting the meeting.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting three items to the Council: 1) A resolution authorizing submittal of grant application to the Bureau of Justice Assistance for FY 2003 Local Law Enforcement Block Grants; 2) an ordinance amending the Downers Grove Comprehensive Zoning Ordinance; and 3) An ordinance amending provisions for variations.

COUNCIL MEMBERS

The Mayor said that this weekend the Village will host the U.S. Pro Criterium and Inline Skating Race on Saturday and Sunday.

VISITORS

There being no further discussion, the Workshop meeting was adjourned at 8:32 p.m.

April K. Holden
Village Clerk

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