

**MINUTES OF WORKSHOP MEETING**

**DOWNERS GROVE, ILLINOIS**

**JUNE 24, 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, Sue McConnell, Martin Tully, Mark Zabloudil, Ron Sandack, Stan Urban; Village Manager Riccardo Ginex; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Press:** Kevin Stahr, Downers Grove Reporter

**Residents & Others in Attendance:** Jim Russ, 4915 Main; Scott Krill, Foxland Properties, 185 Fifth, Geneva; Peter Hultman, 5300 Walnut; Christine Fregeau, 1918 Elmore; Bruce Beckman, 4629 Middaugh; Mike Riordan, EDC, 4400 Seeley Ave.; Mike Ryan, EDC, 1927 Bending Oaks Ct.; John Luka, Jr., EDC; 5618 Brookbank; Gordon Goodman, 5834 Middaugh; Jack McGuire, 1425 Gilbert; John Azaleaner, Founders Hill, 5200 Main St.

**Staff:** David Van Vooren, Deputy Village Manager; Trisha Steele, Assistant Director Financial Services; Amanda Browne, Planner; Doug Kozlowski, Public Information Officer; Carol Conforti, Liaison, Liquor Commission; Mike Millette, Assistant Director, Public Works; Jack Bajor, Director, Public Works; Joe Skach, Director, Planning and Community Development

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. **Heartland Industries Text Amendment.** Manager Ginex said this request for a text amendment is from Heartland Industries and would allow businesses in the B-3 zoning districts to display merchandise outdoors on a permanent basis. Heartland sells gazebos, playsets, etc. He indicated that the Council discussed this at a previous workshop. Presently

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the Ordinance is limited to normal business hours of operation, and this amendment would allow permanent display of merchandise outdoors.

**Commissioner McConnell** said the Council received a recommendation from the EDC not to approve this. She was not clear if the recommendation was based on the specifics in this case, or was it a general recommendation that there be no permanent display of merchandise outdoors.

**Mike Riordan**, 4400 Seeley, said the EDC has no concern with this display of merchandise, but they are concerned with a text amendment that would allow a broader change for other businesses along Ogden Avenue or other locations. He said the EDC felt this needs more thought as to the impact on the entire Village.

Commissioner McConnell asked how they distinguish this from car dealerships with outdoor displays. Mr. Riordan said that a permanent display could mean anything. The EDC wants more definition on the term “permanent outdoor display of merchandise” so it defines what will be on display.

Commissioner McConnell clarified then that the EDC feels it needs more definition in the B-3 in general, not just Ogden Avenue. Mr. Riordan said that this is in regard to the broad range of the request, and is not against the petitioner or the Ogden Avenue area.

Commissioner McConnell said that the EDC and the Plan Commission have had joint meetings, and she suggested that this be brought to them. She said that they have a petitioner who needs to have an answer one way or another. Since this has far-reaching impact, she recommended that they have a joint meeting to discuss this.

The Mayor said that before they cover that, he would like to see a color-coded future land use map delineating the business districts.

**Commissioner Tully** said he has two concerns. First, this could have broad-reaching effects, and it has nothing to do with Heartland and he does not want to discourage businesses from coming into the Village. This has more to do with this particular parcel and our business corridors and what the aesthetic and successful vision is for the business corridors. The Commissioner said that this text amendment does not fit into the overall plan and vision that we've been working on, particularly with respect to, but not limited to, the Ogden Avenue commercial corridor. He thinks the text amendment would have far reaching and broad consequences. He noted that there may be areas of town where permanent displays would be appropriate; however, given the inherent limited depth of Ogden Avenue lots, there are very few parcels that could accommodate the displays. He thinks they have to look at the loopholes currently exploited by businesses using outdoor displays as well as the violators.

Secondly, Commissioner Tully is concerned with doing this by means of a text amendment. He cannot envision a situation where, if a text amendment was allowed, that the Village would not have to grant a special use. He is not comfortable with this at this time.

**Commissioner Sandack** said that it is unfortunate that this has not been resolved. The Ordinance says that there is a 90-day window, and he believes this should have been dealt with

sooner. He believes they have done a bit of a disservice to the business community by not acting sooner. Commissioner Sandack said he looked at the photos of the petition. He said the propriety of a special use is not before them. There is a text amendment before them. He said there are violators along Ogden Avenue and elsewhere regarding outdoor displays and those have to be addressed. He believes the Village must be comprehensive and fair, and all businesses need to know the rules of the game.

**Commissioner Schnell** said she agrees that a text amendment is a broad-reaching move and has huge impacts for Ogden Avenue. She said they might want to consider a more narrowly defined amendment in the toolbox; however, this is too broad and would not be appropriate for Ogden Avenue given the size of the lots along Ogden Avenue. She said that if they are going to do this they need to do it all areas. She said she would be interested to know of businesses that may have been grandfathered in.

The Mayor said he agreed that this is a very broad-reaching text amendment which he would have liked to have seen come from a Commission or a staff member rather than the petitioner. He added that he would like to see the staff begin working on the Sign Ordinance.

Commissioner Tully said he agreed that the Sign Ordinance should be reviewed. There is an aesthetic vision for Ogden Avenue and other commercial areas. He is not opposed to permanent outdoor displays but believes that the parameters must be established.

Commissioner McConnell asked what the next step is, and the Mayor said the Council will vote on this next week and he will vote no.

Commissioner McConnell asked how they will address the broader issue of establishing some way to have permanent outdoor displays at some time in the future. The Mayor said he would suggest that it be looked at but on a low priority. He said that the future land use map and the Sign Ordinance are higher priorities in his opinion. He said he is in no hurry to put in outdoor displays.

Commissioner McConnell said this is part of the land use discussion and she wants to finish the process all the way through.

Commissioner Tully said that the current Ordinance does not allow permanent outdoor displays in B-3, and if the text amendment does not pass, then the displays will not be allowed.

Commissioner Schnell said there are permanent outdoor displays now that need to be addressed as to whether they were grandfathered in and not in violation of the present Ordinance or are loopholes.

Commissioner Tully added that with those in violation must be addressed.

**2. ZBA Case MC-5-03, Request to Rezone from R-1 to R-4 Single Family Residence.**

The Manager asked Amanda Browne, Planner, to address this item.

**Amanda Browne**, Planner, said that a request to rezone property from R-1 to R-4 single-family residence for property located at 63<sup>rd</sup> and Puffer was reviewed by the Zoning Board of Appeals.

The ZBA has recommended approval of the rezoning. She indicated that the Future Land Use Plan does designate the properties as residential at 6-11 dwelling units per acre, which would be an R-5 or R-5A zoning designation. The petitioner in this case is seeking a more conservative approach, and the Board felt the request was consistent with the surrounding area.

Commissioner Schnell said that the lots are not 7500 square feet and she asked if they are being grandfathered in. Ms. Browne said they were created prior to their annexation into the Village, and the default zoning classification is R-1. They are lawful nonconforming and the 75% rule comes into play. They do meet the 75% rule.

Commissioner Schnell then asked about the stormwater issues on one lot and what plans the developer has to address this.

**Scott Krill** of Foxland Properties said that they are not at the point to discuss the stormwater, but they will address whatever they can do and will meet whatever requirements the Village has.

- 3. Zoning Commission Recommendation Case 2003-03: Request for Text Amendment Regarding Parking Ratio Requirements for Restaurant Related Uses.** Ms. Browne said that the Zoning Commission recommended eliminating areas devoted solely to permanent storage purposes for restaurant related uses from the parking ratio requirement calculation. She said that the parking ratio requirements are based on the gross square footage of the building. The proposal is to exempt storage areas from the parking ratio requirements as the Commission recognized that those areas are not places where employees are involved on a regular basis, and no patrons frequent those areas.

**Commissioner Zabloudil** asked whether they have estimated the number of spaces that this would free up. Ms. Browne said that is a difficult question to answer, since it is hard to predict who might benefit. If there is 1000 square feet of storage space, it would yield about ten car spaces.

Commissioner Zabloudil noted that this request was generated internally versus a petitioner requesting this.

Commissioner McConnell said she was concerned that a number of restaurants have parking issues already. She said this may be worth a try, but she is concerned with this. She also asked whether this was the best way for this type of business to determine parking and suggested looking at the number of seats instead to determine the parking needs.

**Commissioner Urban** asked for the definition of a restaurant. Ms. Browne said that if there is food consumed on the premises it is a restaurant. Take-out is not considered a restaurant. Commissioner Urban asked whether Dairy Queen would be considered a restaurant. Ms. Browne said that the parking ratio would be at the restaurant ratio if there is a seating component.

Commissioner Tully said that is counterintuitive to say that the parking is based on gross square footage but then carve out areas. He said that they are providing parking for patrons and employees and he believes it should be based on seating capacity with a definition of "seating capacity." Ms. Browne said that with respect to the number of employees, the Village has

historically tried to stay away from basing parking upon the number of employees due to enforcement issues.

Commissioner Tully asked how they enforce now. Ms. Browne said that the Fire Prevention Bureau goes out on an annual basis but the petitioner has to keep the Village informed. Regarding the seating capacity, the current provisions provide flexibility if the restaurant changes hands. The gross square footage will not change with an ownership change, while the seating capacity may change.

Commissioner Tully said he thought the seating area or seating capacity would be more directly related to the parking requirement.

The Mayor said he agrees with both Commissioners Tully and McConnell in terms of the seating capacity.

**Joe Skach**, Director, Planning and Community Development, said that several directions were considered in debating this issue, and this focuses on parking rates being based on trip generation. There was a vocal minority recommending parking based on seating, but in discussion with staff, the decision was to make the incremental step of going toward seating based upon trip generation aspects of the restaurant. There was concurrence to move forward by removing freezers and storage areas that are clearly not related to trip generation.

Commissioner Zabloudil said he would like to know how the maximum capacity is calculated, as that may be useful in determining parking needs.

4. **Vacation of Right-of-Way Policy.** The Manager said a moratorium was established in February 2003. Council asked staff to review and update the current policy and to look at the issues of compensation for vacation of public property. The recommended policy before the Council sets forth requirements needed. He said that a petitioner would be requested to submit an appraisal for the current market value, and submit a petition to the Traffic Engineer to determine the potential for future need of the parcel.

Commissioner Zabloudil said they could appraise the vacated property and then appraise the property to which the vacation is added. He said that would give a better picture of the relative worth of the public property.

Commissioner Sandack said he thinks the Village needs to have a flexible policy distinguishing commercial from residential. He said that they should keep in mind that in some instances the Village has maintenance responsibilities and those costs.

Commissioner Schnell said that she agrees that the parcel should be evaluated for its usefulness, such as for a school route, utilities etc. She has problems with the concept of compensation, and not so much with developers. The types of vacations she has seen are between neighbors providing them with recommended setbacks. Due to tax increases, neighbors may be reluctant to participate in a vacation if it means they are increasing the size of their property, and there may be even more reluctance if they must pay for the land. She has a problem with this scenario. The Village will see benefits on the tax rolls, and if there is no public need for the land, she questions

compensation for the property. If it were a developer who would receive a great benefit from obtaining the public land, then she thinks compensation could be considered.

Commissioner McConnell said there is value in having flexibility. She is concerned about changing the language in the Ordinance too much more than has already been done. She then asked about the ¾ vote requirement. Attorney Petrarca responded it is a majority vote; the language is mandated by state statute. In this circumstance it would be five positive votes. It applies to the entire Council, not just those in attendance.

Commissioner Tully said he is very much in support of this. This provides a mechanism whereby the petitioner will be required to submit an appraisal so the Council can decide whether they want compensation for the land. The Ordinance, as drafted, gives the Council the discretion to not charge at all if it so chooses. This brings the issue before the Council to determine whether compensation is expected.

**Dr. Gordon Goodman**, 5834 Middaugh, said that undeveloped rights-of-way can play a role in vehicular transportation as well as pedestrian transportation. He thinks they should address the issue of building a pedestrian alternative transportation network in the Village. He noted that this is an important change in procedure, not policy issues. He believes the Ordinance gives enough flexibility to the Council to determine whether or not to proceed with property vacation. He asked about the opportunity for preliminary screening by the Council which existed in the previous procedure. He said this is a useful checkpoint and can be based upon staff investigation of the initial request, and would eliminate unnecessary expenditures by the petitioner. He also stated that previously there was an explicit request for the Village Manager to provide a recommendation to the Plan Commission about the desirability and conditions to be imposed on a vacation. In the proposed Ordinance there is a staff report prepared, but no recommendation. He feels there is a benefit to having the Village Manager's recommendation before the Plan Commission.

Attorney Petrarca responded that staff reviewed the procedures actually followed. It was determined they would rely on the expertise of the Zoning and Planning staff. In terms of having it come to Council first, that was not happening previously, and they felt it was better to go to the recommending body first.

Dr. Goodman said that in the enumeration of items for the staff report, there is no recommendation as to whether staff feels the request should be approved by the Plan Commission or not. He thinks it is important for the Plan Commission to hear the staff's position.

Commissioner Tully asked whether there is a staff recommendation to the Plan Commission, and Attorney Petrarca said that staff does make a recommendation under Section 1c(iii) and (iv).

5. **Budget Amendment.** The Manager asked Trisha Steele, Assistant Director, Financial Services, to address this item.

**Trisha Steele**, Assistant Director, Financial Services, said the Council has a proposed amendment to the 2002/03 budget, which ended April 30, 2003. This procedure aligns the budget with actual expenditures. She noted this is not for additional expenses, but is simply to align the actual expenses with the budget. She further clarified that some of these items are non-cash

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items, such as depreciation which affects the cash balance. This budget amendment provides a cleaner audit picture. Because expenses were contained, adjustments are less than the actual depreciation amounts in some funds. She indicated that this budget amendment also contains unexpected expenses.

The Mayor asked for an update of outstanding accounts receivable and Ms. Steele said that would be provided.

Mayor Krajewski also requested an update of the Village Manager's contingency fund, and the cost savings of the 5+5 program.

Commissioner Zabloudil noted that this budget amendment is a recommendation from the outside auditors.

**Dr. Gordon Goodman**, 5834 Middaugh, said that having the budget documents in the Library was useful for comparison. Previously comparisons had an actual and budgeted amount. He asked if the numbers originally budgeted will still be available, and will there still be background information provided stating the actual and budgeted amounts. Ms. Steele responded that it will have the original budget, the most recent amended budget, and the actual budget.

6. **Founders Hill Sidewalk Café.** The Manager said Founders Hill has requested another sidewalk café license, which they have operated for a number of years. This year it will be slightly scaled down, and the fence will be angled to provide better vision for vehicular traffic. They propose to serve liquor outside and they hold an outdoor liquor license.

Commissioner Tully asked if the table that's been eliminated is where the cut angle corner will be. Ms. Conforti said that was correct and should improve the sight line considerably.

The Mayor asked Ms. Conforti about outdoor seating at Bamboleo/Isabella, as he was under the impression that there would be no access onto Curtiss. Ms. Conforti said the access is allowable, and the Ordinance has been amended accordingly. The restaurant should be monitoring the access. The Mayor asked that they send a letter to them about this.

## STANDING COMMITTEE REPORTS

Public Safety Committee

Commissioner McConnell said they would be meeting next week.

Public Services Committee

Commissioner Tully said there will be meetings on Wednesday, June 25 at 6:00 p.m. for the Local Transportation Committee in the Committee Room, and on Thursday, June 26 at 6:00 p.m. in the Public Works Facility for the stormwater utility meeting.

## MANAGER'S REPORT

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Manager Ginex said that mosquito spraying will begin Monday, June 30 at dusk, to be completed by 3:00 a.m. If there is inclement weather, it will be moved to July 1. He said if residents do not want Clarke spraying in front of their home, they should call Clarke at 1-800-942-2555. He then invited everyone to this weekend's Heritage Festival.

### **ATTORNEY'S REPORT**

Attorney Petrarca said she was presenting seven items to the Council: 1) An ordinance amending outdoor display provisions in certain zoning districts; 2) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, Codified as Chapter 28 of the Downers Grove Municipal Code, as amended to rezone property located at the northwest corner of Puffer Road and 63<sup>rd</sup> Street (R-1 to R-4); 3) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, Codified as Chapter 28 of the Downers Grove Municipal Code, as amended, to amend parking requirements for restaurants; 4) A resolution establishing a procedure to be followed in the vacation of streets, alleys and public rights-of-ways in the Village of Downers Grove; 5) An ordinance providing for an amendment to Ordinance No. 4483 and the Village of Downers Grove budget for fiscal year 2002/03; 6) A resolution authorizing execution of a sidewalk café license agreement between the Village of Downers Grove and Founders Hill Brewing Company; and 6) An ordinance vacating a certain portion of a public alley south of Hobson Road (59<sup>th</sup> Street) bounded by Puffer Road and Belmont Road in the Village of Downers Grove.

### **VISITORS**

**Dr. Gordon Goodman**, 5834 Middaugh, asked about the relocation of the mailboxes on Curtiss Street as they are now causing a traffic hazard since they are located between the parallel and diagonal parking spaces. He said this was brought to the attention of the Police Department.

Mayor Krajewski said the police will look at this, as they need to be moved to a better location.

Dr. Goodman then asked about the trees in the back of the Johnson Printing property. He said they were safeguarded for several weeks. Yesterday there was one tree left standing and the others had been crushed. He asked what went wrong.

Manager Ginex said that the tree company could not get their spade into the ground to get the trees out. There were able to save one tree.

Dr. Goodman said that if they were able to save the lights until the site was redeveloped, it would have been nice to save the trees as well. They could have been removed when the lights were removed. The trees are an amenity to the community and he does not see that recognition on the part of Village authorities.

The Mayor added that the telephone wires at that location also posed a problem for the trucks getting into the location.

Dr. Goodman said that since the Village thought it was important to look at the lighting, they might have thought of retaining the vegetation there as well until the conclusion of the temporary period.

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**Doug Kozlowski**, Public Information Officer, said that the Tourism and Events Department asked that he announce that tomorrow is the last day for the Heritage Festival presale tickets, until 5:00 p.m.

### **COUNCIL MEMBERS**

Commissioner Zabloudil said some Council members met with officials of Good Samaritan Hospital to discuss future plans for their proposed expansions. He said that the Mayor continues to bridge the gaps between various groups in the community, such as the Heritage Alliance and the Hospital representatives.

Commissioner Zabloudil noted that water restrictions are in place in the Village and reminded the residents to follow those restrictions.

Commissioner Schnell said that cicadas are hatching in the yards and asked the Forester how to protect the yards and foliage from them. She added that she drove down Lee yesterday and the restoration work there looks horrible. She asked the Manager to help with this issue.

Commissioner McConnell said she was glad to hear about the mosquito spraying next week. She said there was a meeting last week with the task force for the employee health plan. She expects that they will be on track for implementing it as of the first of the year. She said she looked forward to seeing residents at Heritage Festival at the Council booth.

Commissioner Tully invited and encouraged people to come to Heritage Festival, reminding everyone that the Council booth will be at Main and Curtiss.

The Mayor said that in 1986 the cicadas came out four years early. He said that they will be out for six weeks and gone by mid-July.

The Mayor congratulated the Village for receiving the Governor's Home Town Award for 2003. He said there was a lot of hard work from volunteers within the community including the Kiwanis Club and the Chamber of Commerce. In addition, he said the Rock Island Police Department received the Crime Prevention Department of the Year Award.

Mayor Krajewski mentioned the K-9 unit performance at Downers South last week. He said Channel 6 will rebroadcast the final performance. There were about 150 units that participated in the event. He noted that Officer Kurt Heinrich put this together.

### **ADJOURNMENT**

Commissioner Tully moved to go into Executive Session pursuant to Section 2(c)(1) of the Illinois Open Meetings Act to discuss personnel and pursuant to Section 2(c)(11) of the Illinois Open Meetings Act to potential litigation. Commissioner Urban seconded the Motion.

**VOTE:** AYES: Commissioners Tully, Urban, Sandack, Zabloudil, McConnell, Schnell, Mayor Krajewski

The Mayor declared the motion carried.

Mayor Krajewski adjourned the Workshop meeting into Executive Session at 8:08 p.m.

April K. Holden  
Village Clerk

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