

**MINUTES OF WORKSHOP MEETING**

**DOWNERS GROVE, ILLINOIS**

**MAY 10, 2005**

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, Ron Sandack, Stan Urban, William Waldack; Village Manager Riccardo Ginex; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Residents:** Gordon Goodman, PDHA, 5834 Middaugh; Bill Wrobel, DG Watch, 7800 Queens Court; W.H. Whowell, DG Watch/PDHA, 5417 Lee; John Schofield, 1125 Jefferson Ave; Laurel Bowen, 829 Clyde; Philip M. and Janet M. Barr, 4605 Puffer Rd.; Robert Kleb, 4600 Belmont Rd.; Hilda M. Schultz, 4657 Puffer Rd.; Bruce and Sharon Siegert, 4654 Puffer; Edith Makra, Morton Arboretum, 4100 Route 53, Lisle; Jerry Kiluk, 4733 Puffer Rd.; David Grossberg, Schiff, Hardin, LLP, Chicago; Steve McSweeney, CVC Development, Glen Ellyn

**Staff:** Public Works: Mike Millette, Assistant Director; Sam Webb, Fleet Services Manager; Stan Balicki, Assistant Director; Dorin Fera, Traffic Manager; Kerstin G. von der Heide, Village Forester; Planning and Community Development: Keith Sbiral, Director; Amanda Riordan, Sr. Planner; Mike Baker, Assistant Village Manager; Rita Trainor, Director, Financial Services

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**

Village Manager Ginex announced that Item #7 will be removed from the Agenda and will be brought back at a later date.

Consent Agenda Items

1. **Bid: Municipal Turf Maintenance.** The Village Manager said staff recommends awarding a contract to Green Grass, Inc., in the amount of \$24,300. The company had positive reference checks.
2. **Bid: Tree & Stump Removal.** The Manager said staff recommends renewal of a contract with Bergquist Tree Experts in the amount of \$113,387. The actual term of the contract is for one year with an option to renew for a second year contingent upon the service and funds. The bid amount is over by \$13,000; however, staff feels they will be able to remain within the dollar amount budgeted.
3. **Bid: Office Supplies.** The Manager said staff recommends awarding a contract to the lowest bidder, Warehouse Direct, and the Village has worked with them since 2001.

**Commissioner Schnell** said that the bid amount is so much less and asked as to the reason for this.

**Rita Trainor**, Finance Director, said that not all of the office supplies are from Warehouse Direct.

4. **LED Traffic Signal Modules.** The Manager said last year the Illinois Clean Energy Community Foundation, through their “LED Traffic Signal Upgrade Grant Program for Illinois Municipalities” program for 2004, issued a request of interest to municipalities. The Village applied to this program and received \$25,000 in funds. This is contingent upon the Village purchasing, paying up front, and completing the material upgrade from incandescent bulbs to LED equipment on all applicable traffic signals in town. Staff is recommending Traffic Control Corporation as supplier of the LED Traffic Signal modules. They will install the same LED devices as located at Main and Franklin.
5. **DuPage County Children Center Intergovernmental Agreement.** The Manager said this is the renewal of the intergovernmental agreement which was previously renewed in 1996 for five years. The Police Department still uses their services. The effective date of this agreement would be from April 15, 2005 for five years. The yearly cost is \$4,000.
6. **Sanitary District Agreement: Recycling Area.** The Manager said since 1990 the Village has had an agreement with the Sanitary District to use a portion of their facility on Curtiss Street to store dirt, cut trees, construction materials and construction debris, and as a staging area, etc. The Village has improved the area with a berm, asphalt surface, etc. The agreement would extend to July 31, 2010.
7. **Design Services for the Ogden Avenue Sidewalks.** The Manager asked Mike Millette, Assistant Director of Public Works, to address this item.

**Mike Millette**, Assistant Director, Public Works, said this contract is to design the sidewalk and curb side improvements along Ogden Avenue throughout the length of the Village. An RFP was sent to 25 firms, with 16 responses. These were ranked on the criteria. He noted that the Council has received a full evaluation on the responses. Work will include closing specified curb cuts, completing sidewalks, acquisition of easements, appraisals, and negotiations of the Bureau of the Land Acquisition of IDOT. Staff recommends the firm of Burns and McDonnell located in the Village. They have done both ends of Ogden Avenue. The time frame extends over two fiscal

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years. They are not the lowest in terms of cost; however, they have the expertise needed. Mr. Millette said that about 70 parcels will require property acquisition in terms of easements. Staff is requesting the authority to execute a contract with Burns and McDonnell.

Mayor Krajewski confirmed that \$170,000 was budgeted. Mr. Millette said that the cost is higher because there were more parcels involved than originally anticipated. In terms of other bids, Mr. Millette said that only two bids were lower.

The Mayor asked whether there was language regarding obtaining right-of-way in the agreement with car dealerships along Ogden Avenue.

**Village Attorney Enza Petrarca** said that the Village requires them to install the sidewalk. The Mayor asked if that would create additional work for the Village. Mr. Millette said it should not if there is sidewalk already there.

The Mayor then referred to the ranking, and noted that three people are ranking these. The ranking seems fairly diverse with a large discrepancy. He said that one person can throw a firm out and asked about ranking in regard to the familiarity with Downers Grove. Mr. Millette said the ranking is based upon familiarity with Downers Grove policies and procedures. It was not sidewalk-specific, but in general. The Mayor said he is a little uncomfortable with how these are being scored. He would like the Commissioners to review the policy. Mr. Millette said they could look to expand the selection committee. Mayor Krajewski said he thinks they did get the right firm, since that firm did Westmont and Lisle, and has worked with IDOT.

**Commissioner Tully** noted that this is a multi-year project, and asked about future year funding. Mr. Millette said the budget is more front-loaded now as opposed to later. They will need to revise the current future projection as the project proceeds. Overall, the multiple-year costs should not be more than what is in the capital improvement plan.

Mayor Krajewski then asked about the funding levels. Mr. Millette said it was \$110,000 for this fiscal year, and \$60,000 for the next fiscal year. Staff should know if a budget amendment will be needed in January or February, or earlier depending upon the IDOT process. The balance will need to be budgeted for next year.

Commissioner Tully said this will impact budgeting decisions in the Capital Improvement Fund for a couple of years; therefore, the sooner staff knows the costs the better so that can be considered when making other capital improvement decisions.

The Mayor asked about the split between capital improvements and the Ogden Avenue TIF. Mr. Millette said that is based upon what parcels are in the TIF. There are more parcels in the TIF, and that could impact the budget for next year. They will look at this for the 06/07 budget year.

**Dr. Gordon Goodman**, 5834 Middaugh, said he was pleased to see the Council move forward with the Ogden Avenue sidewalks. He noted that he was in favor of moving State and County right-of-way sidewalks from the matrix as long as the Village pursued outside funding actively. He then referred to the finances asking what level of support there is for the actual construction of the project. Mr. Millette responded that there are CMAQ grants for \$188,000 for curb cuts, and a sidewalk grant of \$750,000 with a 80/20 local match. He noted that the land acquisition has to be local funds.

Dr. Goodman said this is a major commitment and he fully supports it.

Commissioner Schnell asked whether car dealerships are being charged for engineering costs. Mr. Millette said he would look into this.

Commissioner Schnell then asked about the junk yard and whether there will be a way to recapture engineering and sidewalk costs. Mr. Millette suggested that they could do recapture agreements.

Active Agenda and Informational Items

1. **Sale of Surplus Equipment.** The Manager said Fleet Services of Public Works and the Police Department have old vehicles to be auctioned off. Staff has established minimum bids and would like Council to authorize this. DuPage Mayors and Managers Conference conducts the auction. They charge a \$50 fee for unsold vehicles and an administrative fee of 15% of any sales.

The Mayor noted that Barrington works through eBay, and he suggested staff look into this.

2. **Ordinance Amending Chapter 24 for Improved Parkway Tree Protection.** The Manager asked Kerstin von der Heide, Village Forester, to address this matter.

**Kerstin von der Heide**, Village Forester, stated that this Ordinance amends all of Chapter 24. She said some changes were presented March 8. Only public property is included in the Ordinance. She noted that there are three main problems with the parkway trees in terms of protection and inspection. First, when damage occurs to a tree the only thing she can do now, besides court citations, is bill the developers. Secondly, when fencing is damaged, she can only call and issue a complaint, besides issuing a court citation. Thirdly, when unauthorized tree removal occurs she can only bill the developer for the tree if she has documentation on hand.

Ms. von der Heide said that these issues could be addressed by bonding for the full tree value before construction, requiring fencing and establishing fines which increase with each occurrence, and keep the bond money if trees are removed without authorization. She said this past summer she got builders' attention when they were invoiced for the damage created. Questions which were raised in April concerned implementation and enforcement, which will take more staff time, however, is worth the effort. There is a process through e-permitting wherein they could designate a "fail" to hold up a future permit. In addition, handouts would be mailed to developers informing them of the Village's new standards.

Mayor Krajewski asked if other towns require bonds to be posted. He asked if there is some way that violators can be penalized from all construction until the fine is paid. He noted that it might be easier to establish a policy of closing down construction versus charging all builders a fee. He said it seemed that would cut down on paperwork, and those who are meeting all of the requirements would not have to incur the added bond costs.

Attorney Petrarca said that the problem is with issuing a citation. If the Village stops the building, and a judge finds in favor of the builder, how would the Village remedy the time the building was delayed.

**Commissioner Sandack** said that the Ordinance is proactive, and provides the Village with a self-help remedy. He thinks the point is good about not spreading this to all the builders;

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however, he doesn't think this is onerous. It will cause builders to be more cautious. Should this become too burdensome, it can be reviewed in a year.

Commissioner Schnell said the description of enforcement seems to be simplistic, and her concern is that it could take many man-hours to enforce. When the builders knew Ms. von der Heide was coming out to review the situation, they followed the rules. Builders have to understand that the Village will enforce this. The Village has to set an enforcement schedule. She doesn't see that in the guidelines, and asked how staff will make sure this is enforced without additional staff.

Ms. von der Heide said she has created a column on the inventory which specifies which trees are in construction areas. Staff will then drive through town, and they will make it fit into the staff schedules. In the summer staff travels through the Village already, so this can be incorporated into the routes.

The Mayor asked how many bonds will be required of a builder, and Ms. von der Heide said at least ten. The Mayor asked whether they can have one blanket bond.

Commissioner Sandack said that other towns do that, but it is usually pretty high. It would be easier to administer.

**Edith Makra** of Morton Arboretum said that she believes the changes to Chapter 24 are straight-forward and pragmatic, and in line with other community activities. She said that Downers Grove has been a model in terms of its planting and maintenance of its public trees. She noted that the U.S. Forest Service has asked for a tour, and she intends to bring them to Downers Grove, which is a microcosm of successful partnerships. One of the issues the Forestry Service is interested in includes teardowns, as well as the acquisition of Lyman Woods. She noted that the Village has a lot to be proud of.

**John Schofield**, 1125 Jefferson Avenue, has lived at that address for eleven years. He thanked the Council and staff for allowing him to speak on two points. Regarding the Ordinance, he supports it and said it is a step forward. He referred the Council to the preamble or purpose statement of the Ordinance which provides a great list of benefits, noting that achieving them is another issue. Mr. Schofield said that he hopes the Village will go beyond the legal language of the Ordinance and will foster an atmosphere that actually protects the trees. He believes they should be protected to the maximum effect possible. It requires high moral stewardship to protect trees for the future, noting they shouldn't be sacrificed for profit.

In regard to a specific case, Mr. Schofield distributed a second picture of trees on public land that are in danger, and noted that there are 25 tagged trees. He fears that these will be destroyed to make way for a new street for a development, and they ought not be sacrificed. They are on public property adjacent to 5712 and 5737 Brookbank. He showed the location on an overhead projection. The trees in question are along a walking path. The 25 trees in his opinion are an asset to the neighborhood and the Village. The path is used extensively by joggers, walkers and cyclists. He said that if the Village allows the destruction of the trees, or assists in the destruction it would be a terrible loss for a neighborhood that has already suffered the loss of private trees. He asked about the spirit of the Ordinance, and asked the Council to assist in the protection of these trees.

The Mayor said Code Enforcement does not have any knowledge of tree damage, but if they are out on a site and notice an infraction, he asked whether they have the authority to issue a citation.

Ms. von der Heide said they do. The Mayor then asked whether they have been planting trees, and Ms. von der Heide said they have. There are new ones on Dunham and at 67<sup>th</sup>. A total of 332 trees have been planted, and they will require watering once a week.

Commissioner Schnell asked if the trees referred to by Mr. Schofield, are tagged to be taken down. Ms. von der Heide said that she has reviewed the preliminary plans. The Brookbank right-of-way is 33 feet wide, and the builder will donate the other 33 feet for a total of 66 feet in width. She commented that the west parkway could remain undisturbed with at least half of those trees to remain.

**Keith Sbiral**, Director, Planning and Community Development, added that this comes before the Plan Commission in June or July. He noted that these are preliminary plans.

Commissioner McConnell commented on the “spirit” of the Ordinance, noting that part of the issue is that the Council is trying to protect trees and to find creative ways to do that. The Council needs to tell staff that it is important enough to put their full energy into this.

The Mayor said that the second half of this issue concerns private property. The Village will not legislate concerning private property, but it will educate. He added that the Village has done a good job of protecting trees when installing sidewalks.

Commissioner Schnell agreed with Commissioner McConnell saying the Village needs to be creative in order to save as many trees as possible.

**Dr. Gordon Goodman**, 5834 Middaugh, supports the point of view that the Council must establish a tone and make it clear to the staff the importance of these trees. In regard to the trees along Brookbank’s right-of-way, Dr. Goodman said if there were a median rather than just pavement, similar to what exists on the south portion of Brookbank, he believes many if not all of the trees could be saved. Moreover, if the preliminary plans considered by the Plan Commission for Jefferson also included a median, the trees that had been cut down on private property could have been saved. There are some real issues which he believes represent an attitude problem which he hopes can be addressed. Dr. Goodman said that imagination, education and explanation is an important part of the project.

Dr. Goodman said he sees no difference between this ordinance and the one tabled earlier. There is a clearer picture of it, however, due to staff’s memorandum. If the Village provides for fines, and sufficient fencing around the trees, it will not lead to more parkway trees coming down, as was indicated to the Council on April 5. He is disappointed that the Village has lost an opportunity to talk about trees on private property, which was the original intention for tabling the Ordinance. He noted that Commissioner McConnell stated previously that the issue of private property would be brought up in May, and he said this is the meeting at which that issue should have been brought up. He thinks it is important for the Council to set another Workshop where the private property issue will be returned to the Council. The information the Council needs is in the Environmental Concerns minutes, as well as in the Community Dialogue minutes of March 23. That input is available, and can deal with the question of protection of trees on private property as well. He said he provided the Council with a detail of what had been taken out of the original Ordinance. There is very little work to be done, and the Council should be able to move ahead with this and provide for protection of trees on private property.

The Mayor said that the Council asked to have private trees included in the Dialogue.

Dr. Goodman said the Village and staff were correct in making tree preservation the leading edge of this issue. He strongly advised not mixing it in with the general construction and demolition issues.

**Laurel Bowen**, 829 Clyde Drive, said that a couple of years ago 100 trees were removed on Lee Street for sidewalks and not replaced. That is not a creative use, and she asked when those would be replaced. She further wondered why the Village permits a builder who purchases property to remove the trees before a plan is approved. She noted this happened on Brookbank. Ms. Bowen said that Glen Ellyn assesses trees, and provides people with the value of the trees for private trees.

3. **Budget Amendment.** The Manager asked Rita Trainor, Finance Director, to discuss this matter.

**Rita Trainor**, Finance Director, said the budget amendment ordinance is to raise the budget authority for activities that generate additional revenues, expenditures not considered in the original adopted budget, and expenditures that exceeded original estimates in the budget. The amendment amounts to \$12,261,982.00, 90% of which is related to refunding the 1999 and 2000 general obligation bonds. The remainder pertains to sales tax rebates, Primeco settlement, and the Police Pension being ported.

The Mayor asked whether the Primeco Settlement is for fees.

Attorney Petrarca said that is the amount set aside to pay claims. The claim period has been extended and could be adjusted.

Mayor Krajewski then asked about interest set aside for refunding under Items 11, 12, and 13. Ms. Trainor said that 11 is a refunding issue. She said the 1999 and 2000 taxes had been abated, and since taxes were not levied to pay the debt service, the funds are transferred over.

Items 12 and 13 are a different situation, per Ms. Trainer. In 03/04 the amount budgeted was more than required. They only transferred the amount needed for the debt service.

Mayor Krajewski reviewed that the debt service is a fixed number. In 03/04 they would have known what the debt service would have been, but too much money was budgeted, and only what was needed was transferred.

**Commissioner Waldack** asked what the result would be if the budget amendment did not pass. Ms. Trainor said they would not have money for the bonds already issued. The Mayor said that the budget amendment comes after the fact. Attorney Petrarca said that if it did not pass there would be an unbalanced budget. The Mayor said that these items exceed the budget authority. Attorney Petrarca said that the Council previously approved the expenditures.

Commissioner Tully clarified that it is not uncommon to have a budget amendment after the budget period is closed. The amendments often reflect reality. There are situations which reflect incentives, higher expenses, greater revenue. He added that is very confused by items 12, 13, and 14.

The Mayor asked that the Finance Committee review this. He noted that many budget amendments occur when the Village gets grants.

**Dr. Gordon Goodman**, 5834 Middaugh, remarked that they could make on-going amendments of the budget throughout the year, which doesn't make sense. This procedure would only require the amendment once. He has no problem with this.

The Mayor asked if Ms. Trainor would provide him with the final surplus numbers, and she said that the preliminary Treasurer's report indicated \$4.1 million, which could realistically be \$3.8 million, which is better than anticipated.

4. **Park District – Special Use.** The Manager asked Keith Sbiral, Director, Planning and Community Development to address this.

**Keith Sbiral**, Director, Planning & Community Development, explained that the special use requested concerns the property at Curtiss and Belmont on the southeast corner. The property is currently commercially depicted on the Land Use Map. There will be a rezoning of the site to R-1, and a special use for a passive recreational park.

**Gene Cromwell** of the Park District said that the land was donated to the Park District and is in a floodplain. They want to offer it as a passive park to be used by the neighbors. Park District staff has met with the neighbors, and future work is expected along St. Joe's Creek.

Commissioner Tully said that this has been recognized as a park, and this Special Use will provide better use of it. It is beneficial to have open space available for stormwater.

**Dr. Gordon Goodman**, 5834 Middaugh, said he is in support of this. The Plan Commission unanimously recommended this and it is wonderful for the community. He said the Plan Commission minutes will show that there was much discussion that the park will be more beneficial when the sidewalks are completed along Curtiss Street.

Mayor Krajewski returned to the budget topic, and asked about the bad debt expense. The policy is to send the debt to collection and he asked if the Village really writes off the bad debt.

**Mike Baker**, Assistant Village Manager, said that the Finance Director said the Village does not eliminate the record, but maintains a record. They do not really write off the bad debts.

Commissioner Waldack returned to the park issue and asked if the sidewalk matrix will be adjusted once this officially becomes a park.

Mr. Millette said that staff will ask Parking and Traffic to update the matrix.

5. **Esplanade Multi-Family.** The Manager asked Amanda Riordan, Sr. Planner, to address this matter.

**Amanda Riordan**, Sr. Planner, said that the Village has received a petition for a text amendment to the Zoning Ordinance, as well as planned development amendment approval for a 280 dwelling unit multi-family component for the Esplanade office complex located on the west side of Lacey Road and south of Wood Creek Drive. The proposed text amendment would allow multi-family residential uses in the ORM District but only by way of Planned Development, and would establish minimum requirements for those uses in the ORM district. The preliminary planned development amendment establishes the scope and nature of the development. If the preliminary plan development is approved by the Council, the petitioner would refine his plans and resubmit them for final planned development approval. The Plan Commission recommended

approval of the proposed text amendment and the planned development amendment subject to certain conditions including a condition that police, fire and public works provide an additional review of the plan with respect to public services and access. Each department has responded to the review and no significant burdens to public services have been identified. She noted that the petitioner was present to address the Council.

**David Grossberg** of Schiff, Hardin, LLP of Chicago, said they represent the developers, Hamilton Partners. This has been a long-term project and things have changed in terms of the highest and best uses. They consider it fitting and appropriate to include a residential component to the project. He noted that the developer is committed to a long-term project, and this will enhance the project. He said that the guidelines seem appropriate for the site, and additional greenspace will add to the aesthetics of the site.

Commissioner Tully said that Hamilton Partners turns out a fantastic product. He asked whether these will be rental or owner-occupied units. Mr. Grossberg said it depends upon the market conditions. They are aiming for the high end of the market to attract the type of person who wants a condominium.

Commissioner Tully then asked staff about changes to the Future Land Use Planning Map or references to the Strategic Land Use Planning Workshops held some time ago. He said he is aware that the Strategic Land Use Planning Workshops resulted in a number of recommendations for potential changes or revisions to the Future Land Use Planning Map of the Village. He suggested that these be brought forward for a discussion. They are receiving projects which are relying on the plans that have never been formally adopted. He does not want to see a situation where someone is planning a project on discussions held a few years ago that have never been formally adopted as part of the Future Land Use Planning Map. He said it would also be convenient to have the minutes of meetings between the EDC and the Plan Commission where discussions of the land use occurred, and attach those minutes with these petitions as they come into the Village.

Keith Sbiral said that the Future Land Use Map changes are being divided into three sections. Staff has taken Map A through the process of being updated. Map B is halfway through the process, with half of B and Map C still to be done. He said they will probably always have some catch-up to do.

Commissioner Schnell said that traditionally apartments have not been looked upon favorably in this community. She would prefer to see condominiums, as they have been more accepted by the residents. She referred to the issue with Highland Landmark, and asked that the petitioner take this under advisement. She is concerned about the Northwest Territory developing and having residents in that area, and is also concerned about fire and ambulance response time. There is only one ambulance there. She would also like the Fire Department to look at this more closely to determine whether response time would be appropriate.

**Dr. Gordon Goodman**, 5834 Middaugh, suggested additional research by the Fire, Police and other Village services about residential uses in entire ORM areas. Their analysis was only on this particular project, and he was hoping for a broader analysis. He asked what the implication is for the Village by opening up this area, and the criteria for authorizing special uses. Dr. Goodman said that criteria need to be established to determine the appropriateness, and if a higher level of service is going to be required, they need to know that now. He said he is concerned about a text amendment and the implications to the Village. He said that he agrees with Commissioner Tully that it is important to move forward on the Future Land Use Plan. Dr. Goodman said he would

have been happier with a sub-category of the ORM, indicating it was considered for special use residential, rather than the entire district. He does not think this is right for passage right now. There has to be fine-tuning regarding establishing criteria for granting special uses, and what portion of ORM would be considered appropriate for residential use.

Commissioner Tully asked Attorney Petrarca if adding ORM as a special use would make it fall under the same requirement standards as any special use. Attorney Petrarca said it would.

6. **Golfview Estates.** The Manager asked Ms. Riordan to address this item.

Ms. Riordan said this was last before the Council in September 2004 for a rezoning from R-1 to R-3, and approval of a five-lot subdivision. The Council tabled the items in September 2004. The petitioner has since revised the petition and reduced the number of lots to four lots. The rezoning to R-3 is still being sought as well as approval of the plat of subdivision for four lots. A written protest from property owners of record has been received by the Village in opposition to the proposed rezoning. Staff continues to be of the opinion that the proposed zoning does not constitute spot zoning based on the fact that the subdivision would be zoned R-3 and surrounded by R-1 properties. There are four main criteria to support staff's opinion. First, the size of the property exceeds the minimum requirements for a free-standing district of R-3 pursuant to the Zoning Ordinance; secondly the Future Land Use Map designation of residential at 0-6 dwelling units per acre contemplates all residential zoning districts; thirdly, from a use compatibility standpoint, the use districts in R-1 and R-3 are identical; and fourthly, from a lot size, there was considerable discussion regarding the lot sizes as they are proposed compared to lot sizes on the opposite side of Puffer Road. Ms. Riordan said that the lots are used in configurations that are greater than the lot areas as they are proposed to be divided by the petitioner; however, as they are platted, they are smaller than they are in the R-1 zoning district and in the proposed subdivision. That means that absent the single-family residential structures, the lots would be able to be utilized in configurations that are smaller than proposed, with no prior approval from the Village Council required. That could allow an opportunity for six single-family dwellings on the same site.

Ms. Riordan said that even though the number of lots has been reduced, the Plan Commission recommendations remain under consideration. The Plan Commission recommended that sidewalks not be included and that the petitioner pay a fee in lieu of. Staff continues to recommend that sidewalks be included, and also recommends approval of the request.

**Steve McSweeney**, of CVC Development in Glen Ellyn, said that he changed the proposed plat from five lots to four lots, based on factors including resistance from neighbors and Council members. They would like to move forward with R-3 zoning, as any further delay would result in a variance on each lot in the R-1 zoning. He said he thought they created some good will with the neighbors by widening the streets, and the cul de sac would not effect the Barr residence, and have tried to do as much as has been asked for by the neighbors and the Village.

The Mayor said that a protest has been filed. He is uncomfortable with rezoning to R-3. He would feel better if it remained R-1, as it is surrounded by R-1. They could ask for variances for the R-1 district. Ms. Riordan said that they can publish in time for the June agenda of the Plan Commission. The Mayor said he will be voting no, although his vote will not count given the protest. As for sidewalks, he said he thought it was on the old matrix, and was told that it is now further down.

Commissioner Sandack asked whether the golf course is R-1 and Ms. Riordan said it is. She further answered that the properties are R-1 by default upon annexation, with exception of the lots fronting on Belmont. If no rezoning is requested upon annexation, the property remains R-1. Commissioner Sandack asked about the parcel zoned R-3. Ms. Riordan said it was part of a much larger annexation and subsequent rezoning for an area annexed in a separate phase.

Commissioner Sandack asked the difference in the properties on the east side of Belmont that are zoned R-4 and the R-3 designation. Ms. Riordan displayed a chart comparing the R1, R3 and R4 districts. R-1 has a lot size of 20,000 square feet and 100 feet in width. R-3 is 10,500 square feet with a 75 feet frontage. R-4 is 10,500 square feet with 50 feet of frontage. Commissioner Sandack asked Ms. Riordan if she was confident that this is not spot zoning and she replied that she was. Attorney Petrarca agreed that this is not spot zoning.

Commissioner Sandack then asked how many exceptions would be required if the property remained R-1. Ms. Riordan said that each of the lots would require an exception with regard to the lot area of about a 4,000 square foot deficit.

Commissioner Schnell asked for a clarification that the Barr lot is 74 feet wide, Trowbridge is 90 feet, and that is how they are utilizing the lots. Ms. Amanda said that is correct. She noted that the Barrs pointed out that they do own a smaller piece of adjacent land with a detached garage on it. Commissioner Schnell noted then that on the west side the frontages are 100 feet each.

Commissioner Tully said if this were proposed as four lots meeting the lot width requirements for R-1, but requiring a lot area exception, he would like to see the percentage of the exception for each lot. He asked that it be provided within the next week.

The Mayor asked if it is rezoned R-3 and sits vacant for several months, what can prevent them from putting in more lots. Attorney Petrarca said it would be platted as four lots. If they chose, they would have to come in and amend the plat. The Mayor asked the criteria for that amendment. Mr. Sbiral said that five lots would meet the bulk requirements of R-3. They would still be judged on the exception standards in the ordinance. The Mayor asked for the Public Works requirements for next week.

**Philip Barr**, 4605 Puffer, said he was present in September and was against five homes. He indicated that four houses is acceptable. He noted that some of the lots conform to R-1 zoning, with two lots having over 20,000 square feet. He does think it should not be rezoned from R-1 to R-3 zoning, and then reviewed the criteria for rezoning. Mr. Barr then asked that the Council vote no on the rezoning. He then gave petition sheets to the Clerk.

**Janet Barr**, 4605 Puffer, asked if the property were resold, would the plan approved apply to a new owner. Attorney Petrarca said only if the entire subdivision was sold. In further response regarding the sale of one lot, Attorney Petrarca said that the cul de sac would be built according to the plat as approved. The owner could ask to change it, but it would have to be approved.

Ms. Barr said she lives across the street and is against this as it changes the character of the neighborhood. She feels it will cause her side of the street to be rezoned and the whole neighborhood would change. She also felt this will bring higher density. She said this should not be considered just in the context of her neighborhood, but to consider whether Downers Grove should have R-1 districts. R-1 is a small commodity in the Village. This is a bigger issue than simply this neighborhood. She asked how it is decided where R-1 areas should be. She suggested that it should be part of a strategic plan. The Village has a diversity of people, and

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some like larger lots and some don't. By eliminating a whole class of residential zoning, they will not have the diversity if they continue to rezone for higher density. Their neighborhood has a country feeling to it. The lower density areas balance off the higher density areas. She said that they cannot keep increasing the density. Ms. Barr said that the history of Downers Grove would indicate that areas of open space are needed. There has to be a logical plan for where the R-1 districts are, rather than considering each proposal separately. She said it looks as though the Village is setting a precedent. Ms. Barr asked that the Council not rezone the property.

**Bruce Siegert**, 4654 Puffer Road, said he would like to see this stay as R-1. He doesn't want to have to go through this again.

**Jerry Kiluk**, 4733 Puffer Road, said that there was a sign regarding rezoning on the property in September and there is no sign there now. He asked why it was not posted. Attorney Petrarca said that the Village installs the sign before the Plan Commission hearing. There has been no Plan Commission hearing on this property since September.

**Dr. Gordon Goodman**, 5834 Middaugh, said he introduced the concept of spot zoning and has learned a lot about it from the staff analysis. He agrees that this is not spot zoning. He asked about the criteria for granting changes in zoning. He felt this does not fit the criteria for rezoning. He recommended maintaining the R-1 zoning in this district. Dr. Goodman then asked about the number of votes necessary due to the objection. He noted that the Village Attorney said it would be 5 of 7 votes, yet in the staff report it states that 4 of 6 Commissioners will be required to vote in favor of this.

Attorney Petrarca said that the Statute requires a 2/3 of the majority of the Council. The Mayor said it has been the practice to require 5 of 7. Attorney Petrarca said that the Statute clearly states what the criteria are. Dr. Goodman said that the issue is one that deserves a staff report. Attorney Petrarca said there has been no change in practice. It is clearly stated in the Statute. She said she will provide a copy of the Statute.

### STANDING COMMITTEE REPORTS

There were no reports.

### MANAGER'S REPORT

Manager Ginex said that the Village received six PACE buses today.

The Manager said the Downers Grove Fire Department has received the Hartman Award for EMS excellence by Good Samaritan Hospital for the second year in a row. This is the first organization to receive the award two years in a row in 21 years. This award was given in response to a situation where a nine-month old baby girl had stopped breathing and was saved by the efforts of the Fire Department, VOC, Police Department, and others.

Manager Ginex noted that Sue Brassfield has set up interview meetings with the Village's consultant to review the financial software needs. A total of 54 questionnaires were returned by the staff to get a better picture of the Village environment for the RFP process.

### ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting 13 items to the Council: 1) A resolution

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approving an intergovernmental agreement renewing the Children's Sexual Abuse Center of DuPage County; 2) A resolution authorizing execution of a lease amendment agreement between the Village of Downers Grove and the Downers Grove Sanitary District; 3) An ordinance authorizing the sale by public auction of personal property owned by the Village of Downers Grove; 4) An ordinance to amend Chapter 24 (Trees & Shrubs); 5) An ordinance providing for an amendment to Ordinance #4583 and the Village of Downers Grove budget for fiscal year 2004/05; 6) An ordinance amending the Future Land Use Map for the Village of Downers Grove; 7) An ordinance to rezone property located at the corner of Belmont Road and Curtiss Street from B-1 to R-1, Single Family; 8) An ordinance authorizing a special use at Belmont Road and Curtiss Street to permit a public park in an R-1 residential zoning district; 9) An ordinance establishing special use regulations for an O-R-M district residential development; 10) An ordinance approving preliminary Planned Development amendments to Planned Development #31, for a multi-family residential component to the Esplanade office complex; 11) An ordinance to rezone property located at 4606 Puffer Road from R-1 to R-3, Single Family; 12) A resolution approving the final plat of subdivision for the Golfview Estates Subdivision with exceptions; and 13) A resolution authorizing an agreement with DuPage County re: Autumn Grove Resource Center.

### COUNCIL MEMBERS

Commissioner Schnell said that the Public Services Committee will meet on May 17.

Mayor Krajewski said that on Thursday Cub Foods will be celebrating their grand re-opening of the 75<sup>th</sup> Street store.

#### Proclamations:

The Mayor declared May 6-12, 2005 as National Nurses' Week in the Village.

The Mayor proclaimed May 15-21, 2005 as Public Works Week in the Village. He noted that there will be a Public Works open house on Friday, May 20 from 2:00-8:00 p.m.

Mayor Krajewski then referred to the Statute related to voting on the 2/3 majority issue. He said it refers to Alderman and Trustees, and asked whether the Council members fall under that category. Attorney Petrarca said it references to Chapter 5 which relates to the Village's form of government.

Manager Ginex added that on Monday there will be a ceremony held at Barth Pond at 1:00 p.m. commemorating Officer Barth, who died in the line of duty.

### VISITORS

**Bill Wrobel** of Downers Grove Watch introduced other members of the organization who were present. They sent a letter to the Council regarding a petition requesting a referendum on the April 5 ballot. He read the letter into the record which requested that an ordinance or resolution be established regarding the Village's Home Rule authority. The Downers Grove Watch requested action amending Home Rule in Downers Grove such that any financial obligations of \$1 million or more, involving taxes, revenue bond, or general obligations bonds secured by taxpayer funded real estate taxes or otherwise, be submitted to the voters of Downers Grove by referendum for approval. He said it is very timely that voter approval be secured by referendum at this time due to excessive Village fiscal obligations and projected forthcoming obligations in

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the near future. He also said that a petition asking the voters of Downers Grove to approve or disapprove the continuation of Home Rule as it is presently exercised will be initiated this summer to be placed on the March 2006 election ballot. He asked the Council to consider the request as stated in their letter.

Commissioner Tully said he appreciated the request and said it will be given due consideration, and appreciates the Watch Group's efforts to inform the community on the Home Rule issue. He cannot, however, fundamentally agree with governing by referenda, which he believes asks the Council members to abdicate their responsibility as elected officials. The seven members were elected to represent the community and make decisions on behalf of that community. It would be easy to put everything on a referendum, but he believes it is irresponsible. The discussion on Home Rule is fine and important; however, he could not support directing the Village staff to do this. He did, however, applaud the efforts of the Watch group.

The Mayor asked if any of the Commissioners wanted to direct staff to draft such an ordinance by June 22, 2005. The general consensus was not to do so.

### **ADJOURNMENT**

There being no further discussion, the Workshop meeting was adjourned at 9:28 p.m.

April K. Holden  
Village Clerk

tmh/