

**VILLAGE OF DOWNERS GROVE
COMMUNITY EVENTS COMMISSION
ANTE ROOM
DOWNERS GROVE VILLAGE HALL
September 13, 2007**

PRESENT: Chairman Martin Tully, Mr. Dave Humphreys, Ms. Patti Marino,
Ms. Ellen Pendola, Ms. Tessa McGuire, Ms. Becky Rheintgen,
Mr. Richard Szydlo
Staff: Ms. Mary Scalzetti, Ms. Susan Larson

ABSENT: Ms. Linda Kunze, ex-officio

GUESTS: Ms. Kelsey Greysik, Community Events Commission Student Representative

I. APPROVAL OF AUGUST 9, 2007 MEETING MINUTES

There being no changes to the minutes, the Board approved the August 9, 2007 minutes with one member abstaining from the vote.

II. PUBLIC COMMENT

Chairman Tully welcomed guest, Ms. Kelsey Greysik as the newly elected student representative for the Community Events Commission.

III. DIRECTOR'S REPORT

A. 2007 Heritage Festival Annual Report Draft

Ms. Scalzetti passed out a draft copy of the 2007 Heritage Festival Annual Report. She explained that the 175th Anniversary monies are not reflected in the report; she only showed the actual budgeted monies. A suggestion was made to insert an asterisk to denote the 175th Anniversary monies that was approved as apart of the Heritage Festival's budget. A request was made to include the figures from the Thursday Night Concert into the report for future reference. A motion was made by Board Member Dave Humphreys to approve the draft of the 2007 Heritage Festival Annual Report, which was seconded by Board Member Tessa McGuire. The Board unanimously agreed to approve the draft of the 2007 Heritage Festival Annual Report.

B. 2008 Village Sponsored Events List

Ms. Scalzetti presented the Board with a list of the 2008 Village Sponsored Events. A motion was made by Board Member Tessa McGuire to approve the 2008 Village Sponsored Events, which was seconded by Board Member Patti Marino. The Board unanimously agreed to approve the 2008 Village Sponsored Events.

IV. OLD BUSINESS

A. July 4th Parade Application

Ms. Scalzetti presented the board with a draft of the 2008 July 4th Parade application. A discussion around changing some of the parade rules of participation followed. A request was made to add: "Other than paid performers," in front of Rule 4 under Rules for all entries. A motion was made by Board Member Dave Humphreys to approve the new 2008 July 4th Parade application, which was seconded by Board Member Tessa McGuire. The Board unanimously agreed to approve the 2008 July 4th Parade application.

B. Heritage Festival Rides

A discussion took place around selection/set-up of rides. It has expressed that some rides which are crowd favorites come back to Downers Grove. The blueprint of the festival plays a major role in the selection of rides. Ms. Scalzetti suggested taking a closer look at the blueprint and ride dimensions with the amusement ride company for 2008.

C. Heritage Festival Food Vendors

The Board discussed bringing a variety of food vendors to the 2008 Festival. Board Members Patti Marino and Ellen Pendola volunteered to help solicit participation from various Downers Grove restaurants as well as restaurants from other towns.

D. Heritage Festival Transportation

After reviewing the comment sheets from the public, the Belmont and Fairview buses were greatly missed. A discussion was held and the Board felt that the request for the buses be looked into further at another Board meeting.

V. NEW BUSINESS

A. 2008 Heritage Festival Ordinance

Ms. Scalzetti presented the Board with a copy of the 2008 Heritage Festival Ordinance. A motion was made by Board Member Tessa McGuire to approve the 2008 Heritage Festival Ordinance, which was seconded by Board Member Patti Marino. The Board unanimously agreed to approve the 2008 Heritage Festival Ordinance.

B. 2008 Heritage Festival Budget

Ms. Scalzetti presented the Board with a copy of the 2008 Heritage Festival Budget. A discussion regarding the replacement of the Folk/Car Show stage took place. Ms. Scalzetti explained that there is funding in the budget to replace the stage without a roof covering and that a Request for Proposal has been drawn up. A motion was made by Board Member Tessa McGuire to recommend the 2008 Heritage Festival budget for inclusion to the Fiscal Year 2008 Village budget, which was seconded by Board Member Patti Marino. The Board unanimously agreed to approve the recommendation of including the 2008 Heritage Festival budget with the Fiscal Year 2008 Village budget.

VI. ADJOURNMENT

The meeting adjourned at 7:15 p.m.

The next meeting is scheduled for 6 p.m. on October 18, 2007 in the Committee Room.

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
October 24, 2007**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:40 p.m. Trustees present: DiCola, Greene, Humphreys, Daniels. Trustees absent: Read, Vlcek. Also present: Library Director Bowen, Assistant Director Carlson. Visitors: none.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of September 26, 2007. It was moved by Greene and seconded by Humphreys **THAT THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 26, 2007 BE APPROVED.** Ayes: Greene, Humphreys, Daniels. Abstentions: DiCola. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Humphreys and seconded by Greene **TO APPROVE PAYMENT OF OPERATING INVOICES FOR OCTOBER 10, 2007 TOTALING \$5,584.57 AND OCTOBER 24, 2007 TOTALING \$70,296.50, FOR A GRAND TOTAL OF \$75,881.07 AND ACKNOWLEDGE PAYROLLS FOR SEPTEMBER TOTALING \$154,291.25.** Ayes: DiCola, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

- Approval of a revised Fee Schedule for Lost and Damaged Library Materials

SWAN is in the process of implementing "E-commerce" which will allow patrons to log into their personal account and pay library fines electronically. SWAN plans to have E-commerce available on November 15. This is a system-wide feature and requires that SWAN libraries standardize on a system-wide processing fee. Until now SWAN libraries have charged processing fees of varying amounts from no fee to \$10 or more, with \$5.00 being the most common amount. Downers Grove Library has charged \$3 for a number of years, and is the only library in the area that does not charge \$5.00. A SWAN committee considered this issue and recommended that the SWAN system-wide E-commerce fee be \$5.00, and SWAN administrators voted to approve this system-wide fee. So \$5 will be the fee that appears in a patron's SWAN record when the E-commerce feature is turned on. It actually costs the library more than \$5 to process a new or replacement item so the \$5 fee is fair. Included in the Board packet was a proposed new fee schedule revising the processing fee to \$5.

It was moved by DiCola and seconded by Greene **THAT THE DOWNERS GROVE PUBLIC LIBRARY ADOPT THE NEW FEE SCHEDULE FOR LOST AND DAMAGED LIBRARY MATERIALS INCREASING THE PROCESSING FEE TO \$5.** Ayes: DiCola, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

- Discussion of a proposal for designing an expanded Garden Walk

Hitchcock Design, the company that designed and oversaw the construction and installation of the Garden Walk and the entire library landscape in 1998, provided a proposal for the expansion of the library's very popular donor paver Garden Walk to the southeast around the front of the library on Curtiss and to the northwest around the "Children of Peace" sculpture on Forest. The Board discussed the quote and felt it was too high, so the library will seek additional proposals.

REPORT FROM THE ADMINISTRATION

Over the past year library staff and patrons have experienced a noticeable slowing of the library's computer networks during the busiest times. The library has tried various measures to control the amount of band-width used. For example, the portion of the total bandwidth available to patrons on the public wireless network has been limited. However, use of computers continues to increase and the library's T-1 line is maxing out more frequently. The library has the very good price of \$247 per month for its one T-1 line through Illinois Century Network (ICN), and additional lines have been available from ICN for \$380. The library recently learned that ICN plans to lower the cost for additional T-1 lines to the same low price per line as the original line, \$247. As soon as the library receives verification of the new price structure, it will be adding a line. The library's current router will handle two T-1 lines.

The Board packet contained revenue and expenditure reports showing that the library is generally ahead of projections for the year. Property tax receipts are actually about 1% less than in past years for September, but it appears that the revenues are catching up in October. Total expenditures for the library are 67.6% of the budget, and the target for September is not more than 75% so the library is in good shape with expenditures too. Salaries are also right in line with other expenditures.

The Walter Gordinier aerial sculptures were re-installed the previous week in the Curtiss Street atrium by Terry Dowd, Inc. The installation went well, and Board members were encouraged to take a look after the meeting.

A PayPal donor link for electronic donations has been added to the Downers Grove Public Library Foundation website so patrons can now easily donate to the Foundation using their credit cards. Patrons do not have to register with PayPal to donate. Similar links and forms will be created for Foundation Gala tickets and for the donor paver program.

Bowen requested that the Board move into an executive session to discuss a personnel issue regarding a recent termination of an employee. It was moved by Humphreys and seconded by DiCola **THAT THE BOARD MOVE INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL ISSUE.** Ayes: DiCola, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

EXECUTIVE SESSION

Daniels called the executive session to order at 8:31 p.m. Trustees present: DiCola, Greene, Humphreys, Daniels. Absent: none.

In the executive session Bowen reported on issues related to the recent termination of an employee. No Board action was discussed or taken during the executive session.

It was moved by Greene and seconded by DiCola **TO ADJOURN THE EXECUTIVE SESSION.**
Ayes: DiCola, Greene, Humphreys, Daniels. Abstain: none. Nays: none. Motion carried.

Daniels called the regular meeting back to order at 8:36 p.m.

TRUSTEES REQUEST FOR INFORMATION AND ANNOUNCEMENTS

Trustees DiCola and Greene reported problems with their library holds/reserves. DiCola had holds that were not showing, and Greene had received more than one copy of an item for which she had placed only one hold. Bowen will follow-up with Circulation staff.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:41 p.m.

Approved November 14, 2007

PARKING & TRAFFIC COMMISSION

Minutes of Public Hearing
October 10, 2007

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove

Chairman Johnson called the October 10, 2007 meeting of the Parking and Traffic Commission to order at 7:02 p.m. Roll call followed and a quorum was established.

ROLL CALL:

Present: Commissioners Chairman Johnson, Carlquist, Kren, Stapleton, Thurston, Wendt

Absent: Commissioner Yeksigian

Staff Present: Asst. Public Works Dir. Mike Millette; Police Officer Tim Sembach; Staff Engineer Lou Dominguez, and Recording Secretary Megan Dugard

Visitors: Tom and Deb Novotny, 4809 Stanley; Pat Mrocza, 623 Franklin; Nancy and Carl Cinkus, 540 Wilson; Dave Hinz, 550 Austin; Michael and Eva Leach, 609 Prairie; Rick Crilly, 535 Wilson; Donna Drada, 606 Wilson; Tammy and Wayne Mochel, 610 Wilson; Barb Adams, 630 Wilson; Pat and Charles Murphy, 623 Prairie; Willis Johnson, 603-635 Rogers; William C. Wrobel, 7800 Queens Ct.; Joel Spencer, 4616 Prairie, Tricia Tokash, 4729 DeBolt Ave.; Greg Taviani, 632 Gierz; Bob Kiro, 826 Maple; Maureen Flavin, 4720 Linden Pl.; David and Pamela Trinka, 623 Austin; Marie Wallinger, 4819 Stanley

Chairman Johnson informed the commissioners and the public the meeting was being recorded on Village owned equipment to aid in the preparation of the meeting minutes.

APPROVAL OF THE SEPTEMBER 12, 2007 MINUTES

COMMISSIONER CARLQUIST MADE A MOTION TO APPROVE THE SEPTEMBER 12, 2007 MINUTES, SECONDED BY COMMISSIONER CARLQUIST. MOTION CARRIED BY VOICE VOTE OF 6-0.

File 25-07 Rogers Street at Douglas Avenue - Parking Modifications

Chairman Johnson discussed that this matter was brought forward via a neighborhood petition requesting staff to review the section of Rogers Street which had been posted No Parking (from 6:00 A.M. TO 8:00 A.M. except Saturdays, Sundays and Holidays) between Signs due to the nearby proximity of the intersection. The petition is seeking to change that section of Rogers to be consistent with the rest of Rogers Street on the south side. **Mr. Millette**, discussing the conversation he had with Traffic Manager, clarified that under Recommendation No. 2 that the stop sign be removed from the Village's ordinance and inventory since it was a private stop sign, however the sign will remain.

Regarding the removal of the stop sign, **Commissioner Wendt** inquired whether the commission could stipulate that even if the allowance is made, that the owner of the sign maintain the sign as a basis for approval; **Mr. Millette** believed it was a reasonable request. However, **Chairman Johnson** believed the legal department would have to review the issue. **Mr. Millette** also conveyed that due to the configuration, if any street improvement or land use change was done, the owner would have to appear before the commission.

Chairman Johnson opened up the meeting to public comment.

Mr. Willis Johnson, 603 Rogers Street, discussed the concern of trucks unloading on Rogers Street at 555 Rogers and how it blocks his driveway. He did speak with the owner about contacting the Village to vacate or designate the first two parking spaces going east from their driveway in order for the trucks to pull in and unload.

Mr. Joel Spencer, 4516 Drendel Road, works at Perma Seal, supported the petition due to the congested parking in the area.

For the record, **Chairman Johnson** stated it was difficult for the Village to provide employee parking for businesses on local streets and the Village was not responsible to provide such spaces for private businesses.

Discussion followed that **Mr. Willis Johnson's** suggestion to designate a couple of parking spaces for a loading zone would have to be a separate agenda item. **Chairman Johnson** believed it was a valid issue and could be made a motion to have staff speak to the owners and consider the matter.

COMMISSIONER CARLQUIST MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL THAT THE FOLLOWING BE IMPLEMENTED:

- 1. MODIFY THE CURRENT PARKING RESTRICTION FROM "NO PARKING BETWEEN SIGNS" ON THE SOUTH SIDE OF ROGERS STREET NEAR DOUGLAS ROAD, TO "NO PARKING 6:00 A.M. TO 8:00 A.M., EXCEPT SATURDAYS, SUNDAYS & HOLIDAYS";**
- 2. REMOVE THE EXISTING NORTHBOUND STOP SIGN FROM THE VILLAGE ROLLS BUT CONTACT THE OWNER TO SELL THE SIGN TO THEM SO THAT THE SIGN REMAINS IN ITS LOCATION; AND**
- 3. RECOMMEND THAT STAFF INVESTIGATE SIGNAGE FOR A "NO PARKING-LOADING ZONE" FURTHER WEST ON ROGERS STREET.**

COMMISSIONER WENDT SECONDED THE MOTION. ROLL CALL:

AYE: MR. CARLQUIST, MR. WENDT, MR. KREN, MR. STAPLETON, MR. THURSTON, CHAIRMAN JOHNSON

NAY: NONE

MOTION CARRIED. VOTE: 6:0

File #10-06 Linden Place - One-Way System (Update)

The chair clarified this matter was to re-review the restrictions that were put in place last fall on Linden Place between Chicago and Austin Street. Staff did review the matter and discuss the matter in staff's report. **Chairman Johnson** acknowledged that staff held several neighborhood meetings and the commission also discussed the matter a few times before a final decision was made.

Mr. Millette referenced some of his handouts regarding the matter, i.e., the original petitioner's report and one e-mail that was received.

Chairman Johnson opened up the matter to public comment.

Mr. Tom Novotny, 4809 Stanley stated he attended the September 12th meeting and stated that a number of the issues raised last month on the Deerpath/56th Street were similar to Linden Place. He would like to have Linden Place return to a two-way street. He discussed that his neighbors have a difference of opinions on Linden Place. He was impressed with **Mr. Fera's** follow-through on the matter but believed staff and the Village over-reacted to a request to review Linden Place between Chicago Avenue and Prairie and ended up reviewing the entire length of Linden Place. He discussed the narrow geometry of Linden Place, the precautions he took on Linden Place, and discussed that no reported vehicle accidents occurred on the street between February 2003 and February 2006. He discussed the traffic counts and the fact that the statistics may be over-counted. Also, he noted that vehicles in general drove slower when Linden Place was two way due to the narrowness of the street and the precaution of oncoming traffic. He believed with the one-way direction, vehicles were actually traveling faster.

Mr. Greg Taviani, 632 Gierz, thanked the commission for the change and he discussed the positive changes occurring down the street, however, he was not sure of the traffic south of Prairie. He stated that the Village did a great job.

Mr. Robert King, 826 Maple, stated his driveway directly enters on to Linden Place and his driveway is approximately 100 feet from Prairie. He discussed the inconvenience due to the change to one way. However, for safety purposes, the change did reduce the traffic.

Mr. Rick Crilly, 535 Wilson, agreed the signs were inconvenient but it was safer. He discussed the dangers of having two cars pass side by side but has not heard of anyone getting hit. He supported leaving the current signage as it is.

Mr. Dave Trinka, 623 Austin, resides at the end of Austin and Linden and asked for clarification of how much the traffic count was reduced. While he agreed with the safety issues, he pointed out that the 850 vehicles were traveling on Prairie to Douglas to the nearby school. He believed vehicles accidents were never a problem before or after changing Linden Place. However, he would like to get to his driveway without breaking the law; details followed. He stated Linden Place was the only street (Linden, south of Franklin and all of Austin) that had a one-way in to get to the residents' homes, while the others had two ways in to their homes. He asked for consideration.

Ms. Pat Mroczka, 623 Franklin, stated her driveway pulls into Linden and she experiences the same issues as Mr. Trinka. She did not see a difference in traffic in her area. Her issue is the difficulty she will have when it snows and turning into her driveway. She believed the condition of the street was the issue at Linden Place and Franklin and the fact that the stop sign there gets knocked down due to the ice and slope of the street. She supported returning the street to its original condition.

Ms. Pam Trinka, 623 Austin, raised the fact that many of the residents who spoke worked during the day. She does not work and, therefore, sees a constant repetition of vehicles, village and otherwise, traveling the wrong way. She believed if the residents residing there were the only residents abiding the law, it was foolish. She believed better enforcement was necessary. Also, she reiterated the winter accident waiting to happen at Franklin and Linden Place. She saw no difference in the traffic and she resided in her home for 30 years.

Chairman Johnson recalled that the issue north of Franklin on Linden was due to cut-through traffic to St. Mary's School during school hours. **Mr. Millette** referenced the traffic counts from May and July of 2006 and those counts from last month. He noted that the traffic counts between Gierz and Chicago decreased from 545 to 250; between Prairie and Gierz they dropped from 855 to 610; between Wilson and Prairie, they increased from 425 to 450; and between Franklin and Wilson they dropped from 320 to 220. Between Austin and Franklin the counts increased from 195 to 240. He also recalled that at the second meeting, cut-through traffic to and from St. Mary's was the issue.

Ms. Eva Leach, 609 Prairie, stated she was never notified of the change nor any meetings. She stated that since the change, the traffic has increased on Prairie significantly. She discussed the cars speeding down Linden to Austin disregarding stop signs. She has seen residents who reside on Linden Place travel from Linden Place to Chicago in the wrong direction. She also suggested that if the residents between Chicago and Prairie on the west side of the street trimmed their bushes it would help. She discussed some of the dangers her son has experienced with traffic coming at him when it was not supposed to. No enforcement was taking place. The traffic situation was worse.

Ms. Tricia Tokash, 4729 DeBolt, stated her driveway is on Linden Place. The traffic was reduced since it was changed to one-way, between Chicago and Prairie. She agreed it was inconvenient but it was worth the safety benefit.

Chairman Johnson again, recalled the matter was due to cut-through traffic to the school but also acknowledged that Linden Place was a substandard street and had a number of issues that the commission was trying to address. He believed the change was in place only for a short period of time and its complete impact was still unknown. As to the St. Mary's traffic issue, **Chairman Johnson** agreed many of the same traffic issues occurred at other schools.

Ms. Marie Wallinger, 4819 Stanley, suggested that Linden Place at Prairie be made one-way north. She suggested making the street one-way only, and not break it up for the convenience of one family.

Mr. Charlie Murphy, 623 Prairie, stated his driveway is on Linden Place. He stated the one-way sign has not alleviated the issue at all. Reducing speeders south of Prairie on Linden Place has not been effective. Mr. Murphy noted the traffic count was up between Wilson and Prairie, which was taken on a Monday and a Tuesday when traffic was down and not during an entire week. He explained the traffic increase seen on Prairie after St. Mary's lets out on Sunday.

Ms. Maureen Flavin, 4720 Linden Place, supported the one-way sign and had no preference for which direction it went. She discussed the dangers of her street when it was two-way, i.e., near misses, someone hitting their fence and supported the one-way change. She agreed there was an inconvenience and stated much of the pedestrian traffic was not represented in the room. She discussed that her children are not allowed to play in their front yard because she can hear the vehicles racing down from Chicago to Prairie.

Ms. Deb Novotny, 4809 Stanley Avenue, believed the residents were present for the safety of everyone involved, but from the comments received, some of the drivers were not obeying the law, including law enforcement officers.

Mr. Michael Leach, 609 Prairie Avenue, travels toward Douglas and has experienced the traffic issues from St. Mary's. He used Linden Place to avoid that traffic but stated it has become an inconvenience. He has noticed that some residents on Linden Place do not follow the signs. He believed enforcement was necessary.

Mr. David Trinka, 623 Austin, stated that from his observation and the residents' comments, the support was for a one-way north of Prairie and those opposed to it resided south of Prairie, which were the majority of those residents speaking.

Mr. Bill Wrobel, 7800 Queens Court, stated he was an activist for traffic counts and just about knocked on everyone's doors. He stated he attended a Village Council meeting approximately two months ago where Mr. Novotny discussed he did not know anything about the signs. He stated the Commission listened but many of the residents were not at that meeting, claiming ignorance. He stated ignorance was not an excuse. He was present when staff made a number of recommendations. He agreed with staff's recommendation. He discussed Linden Place was more for the residents of that street and that other drivers should find different routes than using Linden Place. He noted the Village could choose to close the street as he has seen in the City of Chicago.

Chairman Johnson clarified that he did not believe staff would close the street but acknowledged that staff did offer a number of options.

Mr. Millette referenced the 85% percentile speeds in the handouts noting the speed limit figures were basically a "wash". Figure details followed. The July 2006 counts were taken Wednesday through Friday. The 2007 counts were recounted and were taken on a Thursday and Friday. Again, he reminded the initial petition was to review between Prairie and Chicago but after Commission discussion, it was suggested to review the entire length of Linden Place. The second notification was sent to residents whose driveways accessed on Linden Place. Because there were further concerns, staff made notification to residents out of the original notification zone. **Chairman Johnson** also agreed staff took a significant amount of time to look into this matter. He agreed Linden Place was a safer roadway and suggested to continue keeping it the same with additional enforcement. He believed more signage was necessary and that staff review the snow maintenance issues raised at the corners of Linden Place and Franklin Street.

Mr. Kren suggested installing stop and yield signs on certain streets. However, **Chairman Johnson** did not know if they were warranted but could be reviewed. **Commissioner Carlquist** recalled that initially he favored severing the driveways and alleys because the matter was presented to the Commission as cut-through traffic for the church. However the one-way was then suggested because it was not a severe impact. He also stated that based on the residents comments tonight, there were probably equal amounts of those in favor of changing and those who wanted the street to remain the same. He also agreed the matter should be given another chance.

COMMISSIONER CARLQUIST MADE A MOTION THAT 1) NO CHANGES BE MADE AT THE PRESENT TIME; 2) THAT POLICE ENFORCEMENT TAKE PLACE; AND 3) THAT STAFF REVIEW THE MATTER DURING THE WINTER MONTHS AS IT RELATES TO VILLAGE MAINTENANCE AND RETURN THE MATTER AFTER ONE YEAR.

COMMISSIONER STAPLETON SECONDED THE MOTION.

Clarification followed that the ordinance would only affect from Austin Street north. **Mr. Millette** suggested adding better clarification to the south side of the street.

Mr. David Trinka, 623 Austin, asked that proper notification from the Village take place a year from now since a number of residents did not receive notification.

Mr. Novotny thanked the commission and staff for discussing the matter but asked for clarification of **Chairman Johnson's** comment about Linden Place "seems safer" if there were no accidents that have occurred.

Mr. Rick Crilly, 535 Wilson, asked if the traffic counts could take place on the weekends and compare it to those counts taken during the week.

ROLL CALL:

**AYE: MR. CARLQUIST, MR. STAPLETON, MR. KREN, MR. THURSTON, MR. WENDT,
CHAIRMAN JOHNSON**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

A general dialogue followed on how the initial notification was sent to residents on Linden Place but eventually the notification area grew larger. **Mr. Millette** confirmed he copied the mailing labels and that the 623 Austin Street address was on the list. He would follow up with the U.S. Post Office.

File #26-07 Traffic Signal Monitoring Software - Demonstration

Mr. Mitch Bright with Traffic Control Corporation thanked the Village for the opportunity to speak about his company which focuses on intelligent transportation systems. A history and product line of the company followed. He discussed the Village's recent purchase of the Aries Traffic Signal System which monitors the Village's traffic signal system through detectors. The detectors take live vehicle counts, vehicle speeds, and vehicle occupancy movements. Discussion followed on photo enforcement systems, zooming features of the Aries system and easier maintenance of the system. **Mr. Millette** discussed some of the roadways (Fairview Avenue) where staff would like to implement the system.

File #27-07 Traffic Data Collection System - Demonstration

Mr. Dominguez reviewed the Village's current traffic data equipment, noting staff uses the Nu-metrics system which can collect speed, volume, and temperature. The equipment was distributed for viewing purposes. Also discussed was the Jamar Technologies system, which is a hand-held unit that is manually punched in by an operator and downloaded to the Jamar software for user-friendly reports. Questions followed on the use of speed trailers around town.

OLD BUSINESS

Chairman Johnson reviewed staff's future agenda items with **Mr. Millette** providing a brief update to the Parking Deck and Lot R issues. Per **Chairman Johnson's** question, the concern for the Grove Street from Main Street to Carpenter Street matter was related to the current parking restrictions. Regarding the collector street traffic calming project, **Commissioner Wendt** asked staff about the status of the project.

COMMUNICATIONS

E-mail received Renee Hix Mays dated October 4, 2007; e-mail from Brandie Guzzino dated September 11, 2007; e-mail received from Nancy Bassett dated October 4, 2007; and e-mail received from Kelli Kalata dated October 4, 2007

ADJOURN

MR. KREN MOVED TO ADJOURN THE MEETING. MR. CARLQUIST SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 9:15 P.M.

Respectfully submitted,

Celeste Weilandt,
Recording Secretary

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, OCTOBER 22, 2007, 7:00 P.M.

Chairman Jirik called the October 22, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs (arrives at 7:01), Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Webster

ABSENT: Mr. Waechtler

STAFF PRESENT: Jeff O'Brien, Senior Planner and Stan Popovich, Planner

VISITORS: James F. Russ, Attorney, 4915 Main Street, Downers Grove; Mr. and Mrs. H.F. Golden, 113 Traube Avenue, Downers Grove; Charlene Hall, 4529 Roslyn Road, Downers Grove; Jill Venskus, 109 Traube Avenue, Downers Grove; Mark Thoman, 1109 61st Street, Downers Grove; Marshall Schmitt, 4923 Seeley Avenue, Downers Grove; Dan Roberts, 4516 Roslyn Road, Downers Grove

Chairman Jirik led the audience in the reciting of the Pledge of Allegiance.

Minutes of the October 1, 2007 meeting were approved on motion by Mrs. Hamernik, seconded by Mr. Quirk. Motion carried. Vote 8:0

Chairman Jirik informed the Plan Commission that the petitioner for the first item on the agenda requested to go second. He asked if any Plan Commission members objected, hearing no objections, Chairman Jirik noted the order of items would be reversed tonight.

Chairman Jirik proceeded to explain the protocol for the meeting and swore in those individuals who would be speaking on either file this evening.

FILE NO. PC-13-07 A petition seeking a lot split with an exception for a flag lot for property located on the West side of Roslyn Road, approximately 160 feet South of Traube Avenue, commonly known as 4516 Roslyn Road, Downers Grove, IL (PIN 09-04-311-029; Daniel J. Roberts, Petitioner; Daniel & Candice Roberts, Owners.

Mr. Popovich presented the staff report. He noted the property is located on the west side of Roslyn Road and is zoned R-4 Single Family Residential. The lot is currently 100 feet in width by 406 feet in depth for an approximate square footage of 40,662 square feet. The petitioner was proposing to split the lot with a flag lot exception to create a front lot with the dimensions of 80 feet by 200 feet and a flag lot of 100 feet by 206 feet, exclusive of the pole.

Mr. Popovich stated the petitioner is currently constructing a single-family house on the lot. The house would be located on Lot 1 if the lot split were approved. The petitioner would be required to make some modifications to the existing house if the lot split were approved, namely relocating the existing garage doors, relocating the driveway, and reconstructing the porch overhang on the north

façade. The petitioner is proposing to own both lots for the time being, and these improvements would be required at the time the petitioner decides to sell Lot 2.

Mr. Popovich noted the petition complies with the Future Land Use Map and Zoning Ordinance, subject to the above referenced conditions. The Subdivision Ordinance was modified in 2002 to classify flag lots as an exception. Council discussions in 2002 included prohibiting flag lots, but ultimately the decision was made to allow flag lots as long as a trend of development in the area favored their creation, and there were unique circumstances associated with their creation. Although the proposed flag lot meets the dimensional requirements of the Zoning Ordinance, staff does not believe the trend of development along Roslyn Road is for flag lots. Since 1989, only five flag lots on Roslyn Road have been approved. One flag lot each was created in 1992, 1997, 1998, 1999, and 2002. Mr. Popovich noted staff does not believe five flag lots in 18 years constitute a trend.

The proposed lot split is located in the Westmont Surface Water Protection District. As such, they have jurisdiction over stormwater and have reviewed the proposed plans. They will require the petitioner to install an underground detention basin within the flag lot to meet the drainage needs. An easement will not be required over this basin. The petitioner will also be subject to the proposed grading and drainage plan for the proposed revisions and flag lot driveway that were submitted for this application.

Mr. Popovich noted the standards for granting an exception in the staff report. He stated staff does not believe flag lots are the trend of development along Roslyn Road. There are no unique circumstances associated with this petition, and flag lots are not consistent with the character of the neighborhood. Mr. Popovich recommended denial of the petition; however, if the Plan Commission forwarded a positive recommendation to the Village Council, staff recommended the approval be subject to the conditions listed in the staff report.

Mr. Matejczyk stated his belief that Roslyn Road consists of multiple flag lots, and flag lots are the consistent with the neighborhood character. He noted 'trend' was not clearly defined in the Ordinance, and he believed flag lots were a trend in this area and asked staff what would constitute a trend. Staff noted they did not believe five flag lots in 18 years was a trend, considering no flag lots were approved within the past 5 years.

Mr. Matejczyk inquired about the public safety concerns. Staff noted it was more difficult to service the rear house because of the potential conflicts with the front house. Typically, fire apparatus stage on the road but in the case of a flag lot, they may have to stage some vehicles on the pole of the flag lot. Mr. Matejczyk inquired what the difference was between a single house placed near the rear of the property with significant landscaping versus a house in front of a house. Staff replied it was easier to service the single house rather than the two houses.

Mr. Beggs asked if the process for creating a flag lot was similar to the process for creating lots of record. Mr. O'Brien noted that it was the same process.

Mr. Cozzo inquired about the number of lots on Roslyn Road that were over 100 feet in width versus how many flag lots already existed. He noted that the 100-foot wide lots are unique in this area.

Chairman Jirik invited the petitioner to speak.

Mr. Roberts, petitioner, stated his family had lived in the area for the previous 10 years and in the current house at 4516 Roslyn Road for the past year. He is building his own house behind the smaller existing house and does not plan to sell the flag lot, if approved, at this time. Mr. Roberts noted the staff requirements for the revisions to his house and did not have issue with the requirements.

Mr. Roberts stated the area is full of large lots that are 400 feet deep, and the trend is to have these deep lots. He noted the unique situation is the 100-foot wide lots along Roslyn Road. He believes if the Village Council did not want flag lots, that they should have written them out of the Ordinance during the 2002 revisions. Mr. Roberts noted his lot meets all the flag lot requirements and should be approved.

Mr. Webster inquired if the required changes would be expensive. Mr. Roberts noted the house was designed to allow it to meet the zoning requirements if the flag lot was approved. He stated the garage doors could easily be relocated, and the porch overhang is not a big issue. He noted the driveway would be expensive to revise, but it is only asphalt, so it would not be overly burdensome.

Mr. Beggs inquired if having two lots would provide increased value to the property. Mr. Roberts agreed the value of the land would be more if there were two lots rather than one. Mr. Beggs noted the unique circumstance could be defined as the parcel.

Chairman Jirik opened up the meeting to public comment.

Mr. Hugh Golden, 113 Traube Avenue, stated his property is adjacent to Mr. Roberts' property, and he is opposed to the flag lot. He noted it is a quiet neighborhood and believes the flag lot will hurt their neighborhood. Mr. Golden noted the petitioner has no desire to build right away so the flag lot should not be created until that time because ordinances could change in the future.

Ms. Jill Venskus, 109 Traube Avenue, lives adjacent to Mr. Roberts' property and does not believe eight flag lots constitute a trend along Roslyn Road. She believes flag lots affect the neighbors negatively and has the potential to negatively affect her property value. She stated if the flag lot were approved, she would lose her open space and privacy due to the removal of trees. She likes Downers Grove and does not want to see her neighborhood change. She expressed concerns about the drainage once the second house is constructed.

There being no additional comments, Chairman Jirik closed the public comment portion of this petition.

Mr. Roberts closed by stating he understands his neighbors' concerns. He likes trees and wants to keep as many as possible. He believes the underground detention basin will help with the drainage and would be willing to work with his neighbors on the drainage issue. He closed by stating the ordinance was set up for lots like his to be developed into flag lots.

Mr. Matejczyk noted the lots this size were unique because they used to have septic fields associated with them. He stated he drove past all the flag lots in the Village in 2002, and it was very hard to discern if the flag lot is even there. He spoke with many neighbors and flag lot owners

and noted they did not have any objections to the flag lots. He did not believe it was required that each house be a specific distance from the roadway to create character, and if the petitioner wanted to build his house near the rear property line he was entitled to do so.

Mrs. Rabatah noted she was concerned about the unique circumstances and the trend of development. She did not feel those were very well defined. Mr. Matejczyk felt the uniqueness was the size of the lot. The flag lot requirements are more restrictive, thus creating unique lots that meet the requirements. Mr. Webster had questions about uniqueness as well, noting an irregular lot could be unique. He was not sure about this one.

Chairman Jirik discussed a narrow view noting eight flag lots within 26 possible 100-foot wide lots would be approximately 30% of development. If all the lots in the area were 75 feet wide with just a few 100-foot wide lots, the 100-foot wide lots would be unique. He felt a neighborhood could not be defined by a narrow view but by a comprehensive view. Chairman Jirik wondered if the architecture would be easier to design on wider lots than narrower lots. He felt uniqueness was a tough choice.

Mr. Matejczyk felt splitting a 100-foot wide lot down the middle would be much less attractive. He noted in his neighborhood, wider lots are more attractive.

Mr. Webster felt he could see both sides of the argument and agreed with the petitioner that the trend is there along Roslyn Road. He believes if the Council did not want flag lots, that the 2002 revisions should have eliminated them all together. He stated staff's argument regarding the trend of development was weak.

Chairman Jirik stated there was no clear trend, and Council did not shut the door on flag lot development. He was concerned about the character of the area and the trend. Mr. Matejczyk asked how a trend can start if no flag lots are approved. Mrs. Hamernik stated she did not agree with Mr. Matejczyk's earlier comment regarding the rhythm and character of houses by having them regularly spaced. She felt rhythm makes uniqueness. She noted flag lots are in character with this area, but she would have difficulty with flag lots on other streets. Mr. Webster noted his difficulty in determining 'locality', but Roslyn Road is different from other parts of the Village.

Mr. Beggs noted the Zoning Ordinance identifies yard setbacks and lot dimensions but does not limit the location of your house once you meet those requirements. It does not legislate density. He believes the lot is more useable if it is split.

WITH RESPECT TO FILE NO. PC-13-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF'S CONDITIONS NOTED IN STAFF'S REPORT DATED OCTOBER 22, 2007:

- 1. THE LOT SPLIT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY PLAT OF SUBDIVISION PREPARED BY GENESIS SURVEY, PC DATED AUGUST 16, 2007; THE SITE PLAN AND TOPOGRAPHIC SURVEY PREPARED BY GENESIS SURVEY, PC DATED AUGUST 29, 2006 AND REVISED ON OCTOBER 19, 2006; AND THE FUTURE DRIVEWAY PLAN AND DETAILS PREPARED BY GENESIS SURVEY, PC DATED AUGUST 29, 2006 AND REVISED**

ON OCTOBER 19, 2006 EXCEPT AS SUCH PLANS MAY BE CHANGED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES AND THE FOLLOWING CONDITIONS.

- 2. PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE ONE (1) PAPER COPY AND ONE (1) MYLAR COPY OF A PLAT OF SUBDIVISION GRANTING FIVE (5) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS ALONG ALL SIDE PROPERTY LINES AND TEN (10) FOOT UTILITY AND DRAINAGE EASEMENTS ALONG ALL REAR PROPERTY LINES.**
- 3. PRIOR TO VILLAGE COUNCIL CONSIDERATION, A SITE PLAN INDICATING THE LOCATION OF ALL FIRE HYDRANTS WITHIN 100 FEET OF THE PROPERTY SHALL BE PROVIDED TO THE VILLAGE. IF THERE ARE NO FIRE HYDRANTS WITHIN SIXTY (60) FEET OF THE FRONT LOT LINE OF THE POLE OF THE FLAG LOT, THE PETITIONER SHALL INSTALL A FIRE HYDRANT AT THEIR SOLE EXPENSE PRIOR TO THE SALE OF THE FLAG LOT.**
- 4. PRIOR TO THE PLAT OF SUBDIVISION BEING RECORDED, A LETTER OF CREDIT FOR STORMWATER IMPROVEMENTS SHALL BE PROVIDED IN ACCORDANCE WITH CHAPTER 20 OF THE VILLAGE'S MUNICIPAL CODE OR STORMWATER IMPROVEMENTS SHALL BE COMPLETED AS APPROVED BY WSWPD (WESTMONT SURFACE WATER PROTECTION DISTRICT). THE AMOUNT OF CREDIT SHALL BE DETERMINED BY WSWPD.**
- 5. PRIOR TO THE PLAT OF SUBDIVISION BEING RECORDED, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$4,736.71 AS SCHOOL AND PARK DONATIONS (\$2,283.33 TO DOWNERS GROVE PARK DISTRICT, \$1,668.59 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$784.80 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**
- 6. THE PETITIONER SHALL RECORD THE PLAT OF SUBDIVISION WITH THE DUPAGE COUNTY RECORDER WITHIN ONE YEAR OF VILLAGE COUNCIL APPROVAL. THREE COPIES OF THE RECORDED PLAT SHALL BE PROVIDED TO THE VILLAGE.**
- 7. THE PETITIONER SHALL RECORD A DEED RESTRICTION WITH THE PLAT OF SUBDIVISION THAT IDENTIFIES THE INSTALLATION OF A FIRE HYDRANT (IF NECESSARY), THE RECONFIGURATION OF THE EXISTING PORCH OVERHANG, THE RELOCATION OF THE EXISTING GARAGE DOORS AND THE RECONFIGURATION OF THE EXISTING DRIVEWAY THAT SHALL BE COMPLETED PRIOR TO THE SALE OF LOT 2. A COPY OF THESE DEED RESTRICTIONS SHALL BE PROVIDED TO THE VILLAGE AFTER THEY HAVE BEEN RECORDED.**

SECONDED BY MRS. RABATAH.

ROLL CALL:

AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MR. COZZO, MRS. HAMERNIK, MR. QUIRK, , MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED. VOTE 8:0

FILE NO. PC-31-07 (Continued from 09-10-07 and 10-01-07) A petition seeking an Amendment to Chapter 28 of the Municipal Code-Zoning Ordinance, Article 13(c) Residential Accessory Structures; James F. Russ, Jr., Attorney/Petitioner

Chairman Jirik noted this petition was continued, and the Plan Commission would be considering the proposed language the petitioner had revised based upon the Plan Commission's October 1, 2007 meeting. He informed the Commission they should find the language acceptable or not acceptable and did not feel the Commission should undertake any additional wordsmithing or drafting of the language.

Jeff O'Brien, Senior Planner, stated the amendment would impact every residential property and every residential structure in the Village. He noted the Zoning Ordinance is in place to protect neighbors when they make investments in their properties. It is not enough for people to say it is my property, and I can do whatever I want with it. There are protections for the surrounding neighbors and the community. Staff believes the proposed revisions would fail in protecting the neighbors.

Mr. O'Brien noted the petition is not just for a single gazebo but also for all accessory structures throughout the entire Village. Accessory structures include gazebos, detached garages, sheds, swimming pools, above and below grade, and playhouses.

Mr. O'Brien stated the Village had no procedures in place to track property transfers. The amendment required private entities (title companies and banks) to enforce the Zoning Ordinance.

Mr. O'Brien reiterated this petition does not qualify as a taking. The Village allows accessory structures to be placed on lots with a principal structure. If this were considered a taking, the Village's required setbacks and height restrictions could be considered a taking. Mr. O'Brien reiterated staff's position that the current language should remain and recommended the Plan Commission recommend denial of the proposed amendment.

Mr. Matejczyk noted he had two issues with the staff report. The first was that it would be burdensome to staff, and the second that it would slow sales. Mr. O'Brien noted it would be burdensome to staff because the Village would now require the accessory structure to be demolished prior to the sale of the lot. It would require staff to do extensive research on the properties and issue demolition permits. By requiring the Village to sign off on the structure demolition prior to the sale of the lot, it would slow sales. Additionally, the title companies would now be enforcing the Zoning Ordinance because staff would not be knowledgeable about when lots or houses are being sold. Mr. O'Brien remarked the change had the potential to slow sales, as the demolition of the structure would be required to the sale.

Mr. Matejczyk asked how the vacant lot could be used. Mr. O'Brien noted it could be used as open yard, and a fence could be installed.

Mrs. Hamernik felt it was important to consider the staff burden as staff time is very important and she does not want to burden staff trying to chase down property owners.

Per a question, Mr. O'Brien noted staff was against the language even though it defined contiguity and removed point-to-point and corner-to-corner contiguity. Mr. O'Brien further clarified accessory structures and noted the structures typically had footings or a slab and were permanently affixed to the ground.

Chairman Jirik invited the petitioner to speak.

Mr. James Russ, Attorney, 4915 Main Street, Downers Grove, representing the Schmitts, noted the revised language removed the point-to-point and corner-to-corner contiguities. It further defined the location of the accessory structure in a rear yard and provided language and requirements for recording the accessory structure. He noted the negative impact the Zoning Ordinance revisions were imparting on the community remarking that prior to the revisions an accessory structure could be located as requested. Now, a plat of consolidation is required.

He did not understand why the sale process would slow because the petitioner would be responsible for the accessory structure. He noted the restrictions for recording are similar to the Historic Preservation Ordinance, and this case is asking for similar recording. He noted the processes for this are already in place with other ordinances.

Mr. Russ noted staff would not have any research duties when it came to this proposal because title companies would find the requirements when looking at providing a clean title. He noted the title companies would not insure over the encroachment. If they would insure over this encroachment, they would be responsible to pay for damages.

Mr. Russ noted the previous petition has similar requirements for document recordation and this amendment would require similar restriction recordation. Mr. Russ did not believe property sales would slow because the property owner would know and understand this requirement similar to the Historic Preservation Ordinance requirements. He believes it is a taking issue as the petitioner bought the property and could build an accessory structure but when the Zoning Ordinance was changed 13 months ago, that right was taken away.

Chairman Jirik reminded the Commission the petition arose out of a request for a gazebo, but it is applicable to all residentially zoned properties in the Village. Mr. Beggs asked if it would be possible to buy both lots and have the Village waive the restriction for demolition of the accessory structure. Mr. Russ noted the title company insures over the restrictions, and the title company would release the restriction, not the Village. If the property were sold, the Village could require the buyer or seller to take down the structure. He noted the recordation gives the Village proper notice about the accessory structure, and the title company would have to clear the title and the accessory structure before they would insure a clear title.

Chairman Jirik opened up the meeting to public comment. There being no comments, Chairman Jirik closed the public comment portion of this petition and invited the petitioner to make a closing statement.

Mr. Marshall Schmitt, 4923 Seeley Avenue, understood the petition is a Village-wide issue and addressed the Plan Commission's concerns. He has lived in the Village off and on since 1975 and has been a full-time resident for the past 16 years. He values the Village, does not want to lower the quality of life in the Village, and believes this petition will improve the community.

Mr. Beggs stated he did not see anything wrong with the proposed language and believed if the next owner of the accessory structure wanted to keep the accessory structure it could be worked out. He had problems with the staff issues and noted other ordinances take care of those issues. He noted he was pleased with the definition of contiguity and felt the petitioner's language was fine.

Mr. Matejczyk cannot imagine many circumstances where this would become an issue. He believes there would not be any problems with the selling and purchasing of the property. Mr. Matejczyk noted the title company would be the responsible party to ensure everything was taken care of.

Mr. Webster noted he was not present at the initial meeting for this petition but had read the minutes and found this petition to be parallel to the previous petition. He noted the Zoning Ordinance revisions do not allow the creation of 50-foot wide lots anymore and require consolidations of lots. Mr. Webster noted two recent petitions before the Commission. He stated the petitioner just wants to put an accessory structure on a vacant lot. Mr. Webster did not understand the intent of the Council or the issues staff raised. He was having trouble deciding for one view or the other. Consolidation of parcels has its merits, but he did not see a clear direction from the Council on this issue. He believes there is a hardship on the property owner but does not want to see unintended consequences come out of this proposed revision.

Chairman Jirik concurred with the concerns Mr. Webster expressed. He felt some sort of relief is warranted, but he is not comfortable with the language as proposed. He was not sure if the proposed revision would be beneficial if it limited itself to only certain structures and not others. Chairman Jirik was concerned with the adjacent lot concept. What would happen if someone owned four contiguous lots, could they build a detached garage three lots down? He felt the language needed to define the length of contiguity and felt there was still a debate on whether the accessory structure had to be torn down. Mrs. Hamernik noted people would request to leave it standing. Chairman Jirik concluded that the devil is in the details and believes simple and clear ordinances are better. He believes the issue merits discussion but does not like the proposed text.

WITH RESPECT TO FILE NO. PC-31-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE AMENDMENTS TO SECTIONS 28.1300(B) AND 28.1300(C) OF THE ZONING ORDINANCE ASSOCIATED WITH PC 31-07 AS PRESENTED AT THE PLAN COMMISSION MEETING ON OCTOBER 22, 2007.

SECONDED BY MR. QUIRK.

ROLL CALL:

AYE: MR. BEGGS, MR. QUIRK, MR. MATEJCZYK, MRS. RABATAH

NAY: MR. COZZO, MRS. HAMERNIK, MR. WEBSTER, CHAIRMAN JIRIK

VOTE 4:4. MOTION FAILED FOR LACK OF MAJORITY.

WITH RESPECT TO FILE NO. PC-31-07, MR. WEBSTER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A NEGATIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE AMENDMENTS TO SECTIONS 28.1300(B) AND 28.1300(C) OF THE ZONING ORDINANCE ASSOCIATED WITH PC 31-07 AS PRESENTED AT THE PLAN COMMISSION MEETING ON OCTOBER 22, 2007.

SECONDED BY MR. COZZO.

A discussion ensued whether Village Council would review a negative recommendation. Chairman Jirik noted the Commission needed to forward some recommendation to Council. Mrs. Rabatah questioned if the Commission comments would be forwarded to Council for review. Chairman Jirik and Mr. O'Brien confirmed Council receives the Plan Commission minutes. Mr. O'Brien informed the Commission of the Council's options regarding the petition.

ROLL CALL:

AYE: MR. WEBSTER, MR. COZZO, MR. BEGGS, MRS. HAMERNIK, MR. MATEJCZYK, MRS. RABATAH, CHAIRMAN JIRIK

NAY: MR. QUIRK

MOTION PASSED. VOTE 7:1

Mr. Quirk voted Nay because he did not have issues with the proposed language. A discussion ensued regarding the issue being the width of lots in existing neighborhoods. The Commission believes this is an issue and hopes it will be investigated further.

Mr. O'Brien noted the next meeting is scheduled for November 5, 2007 and the Marketplace at Lee project will be only agenda item. He informed the Commission the Village will hold a neighborhood meeting on Monday, October 29 to discuss the proposed project with the community. The meeting will be held in Council chambers.

Chairman Jirik noted the Commission members should have received a copy of the Ethics Ordinance. He suggested each member read the Ordinance and if there any questions to contact the Village's legal staff.

MRS. HAMERNIK MADE A MOTION TO ADJOURN THE MEETING. MR. WEBSTER SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 9:40 P.M.

Transcribed by:
Stan Popovich, AICP

VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting
August 30, 2007

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove, Illinois

Call to Order

Called the meeting to order at 7:01 p.m. A roll call followed and a quorum was established.

Members Present: Mr. Bollenberg, Mr. Crilly, Mr. Gorman, and Mr. White

Members Absent: Chairman Eckmann, Ms. Matthies, and Mr. Scacco

Staff Present : Mike Millette, P.E. Asst. Director of Public Works, Jonathan Hall, P.E., Development Engineer/Stormwater Administrator, Tom Dabareiner, Director of Community Development, and Lori Godlewski, Recording Secretary.

Others Present:

Brad Hartjes, 1050 W Rte. 126, Plainfield (CM Lavoie & Assoc)

Denise Karezewski, 4939 Wallbank, Downers Grove

Dan and Barb Jarren, 4935 Wallbank, Downers Grove

Matt and Saba Bando, 4932 Wallbank, Downers Grove

Don and Margery Bergstrom, 4941 Wallbank, Downers Grove

Andy Clark, 1226-62nd Street, Downers Grove

Glenn Baruch, 4943 Wallbank, Downers Grove

Michael Drobnik, 4505 Stonewall, Downers Grove

Approval of August 9, 2007 Minutes

It was noted that the Chairman was not present. Mr. Crilly nominated Mr. Gorman to act as Chairman. Mr. White seconded the motion - motion carried by voice vote 4-0.

Minutes of the August 9, 2007 meeting were approved, as corrected, on motion by Mr. Crilly, seconded by Mr. White. Corrections were noted on page 1 under Approval of August 9, 2007 minutes the street name Canyon should be Kenyon, and on page 2 the word nation should be county. **Motion carried by voice vote of 4-0.**

Public Comments – General Matters

None

New Business – PUBLIC HEARING – 4940 Wallbank Avenue

2 a. Petitioner presentation

Variance petition regarding 4940 Wallbank Ave.

Mr. Gorman summarized that this variance is requested for waiving the required flood protection elevation of 703.65, at 4940 Wallbank Ave. that was observed as the high water level in October of 2006. Petitioner would like to use a lower based flood elevation established by a computer model at a level of 701.5 on a reconstructed house with an attached garage.

Mr. Gorman asked if the petitioner would like to speak on his behalf. Matt Bando spoke up and was sworn in. (Stated his name and address - Matt Bando of 4940 Wallbank Ave). He stated that he: “bought this property for his son to accommodate his wheelchair. The property was nice and flat. It was a good starting point for him. Hope they will live there a long time. We can not predict the outcome of the future for him and his wheelchair may be getting bigger. We found out that the elevation of the foundation was going to be too high and a bigger slope on the driveway and this is what will be causing the problem now and in the future. Since the driveway is not that long, making the driveway as flat possible and for the 3 exits. The basis of the whole house is based on the entrance points and exits points of the house.”

Mr. Gorman asked if there were any questions. Mr. Gorman stated that there was a previously established base flood elevation of 701.5 determined by a computer hydrologic model. Based on the observed flood elevation on October 2, 2006, the high water elevation was 703.65 from the storm. Some increase in the flood height was likely caused by debris blockage on the storm sewer inlet grates in the street. Mr. Gorman asked for staff’s input on whether this could happen again and what precautions could be taken. Mr. Hall stated that the storm sewer inlet grates in the adjacent streets have a limited capacity to pass storm water. The number of inlets and grate flow capacity appears to be insufficient to fully utilize the storm sewer pipe capacity. During various times of the year, particularly the fall, leaves and other debris wash down the hill and clog the drains. If the storm sewer drain inlets can be redesigned in a way to minimize or eliminate the debris clogging, the risk for flooding can be reduced. We know that we can change the inlet grate type to reduce the risk of clogging.

1 a. Staff Report

Mr. Gorman apologized that he skipped the staff’s report and let the petitioner speak first.

Mr. Millette stated that his role here tonight is to facilitate conversation and knowing the procedure for variance and try to be as impartial as he can be as a member of staff. Mr. Millette stated that Mr. Hall would be summarizing the variance petition.

Mr. Hall stated that we were here to consider a variance request from Matt and Saba Bando, owners of the property at 4940 Wallbank Avenue. “The petitioners have requested relief from section 26.51.6 of the Stormwater and Flood Plain Ordinance (Chapter 26 of our municipal code). The Ordinance requires that the lowest adjacent grade to the structure is 1 foot above the base flood elevation based on the 100 year storm. The base flood elevation was established at elevation 701.5 in September 2006 by a computer hydrologic model. This is a standard method for determination of high water levels. The Village and County storm water regulations are the same in this regard. They require the lowest adjacent grade (or dirt / pavement right outside of the house foundation) be 1 foot above the base flood elevation. So in other words if the high water is 701.5 the land right outside the house has to be 702.5. The design, review, and revision of the site plan continued for several months based on the computer model base flood elevation of 701.5. In October of 2006, we experienced a very significant storm event that may have exceeded the 100 year storm in that part of the Village. A high water level of 703.65 was observed by area residents and surveyed by Village staff. The number is significant because it is based on reality. We do know that the elevation was influenced by inlet clogging, but we do not know to what degree. There is not an established process for determining whether or not that was a true 100 year elevation or if that elevation exceeded the 100-year storm. The Ordinance requires us to regulate up to the 100 year event but does not require us to protect houses when water rises higher than 100-year levels.”

“When Village staff surveyed the observed high water level from October of 2006, the petitioner had not yet satisfied permit requirements in effect at that time. Staff then had to determine how to utilize the observed flood level information. In cooperation with the Village’s engineering consultant, staff decided to require that the flood protection elevation (or lowest adjacent grade) be raised to 703.65 around the perimeter of the structure. We did not require the flood protection elevation (i.e. lowest adjacent grade) to be raised to one foot above the observed high water level. Basically we wanted to make sure that the house does not flood in a 100-year storm event. The Village then notified the petitioner that the lowest grade adjacent to the house must be revised from 702.5 to 703.65. Upon receipt of the new flood protection elevation, the petitioner revised the site plan to achieve compliance with this direction. In July of 2007, the Village issued a stormwater permit based the revised site plan. The petitioner then met with the builder on site and determined that the approved revised grading plan included undesirable slopes on the driveway and walkways around the house. As a reminder, the Committee should refer to Ordinance Section 26.120.10 and should carefully weigh the merits of this petition accordingly. Note that these requirements are spelled out on the petition form included in the packet.”

1 b. Committee Questions of Staff

Mr. Gorman asked if there was anything to add at this point.

Mr. Bando stated that the house was not in a LPDA (Localized Poor Drainage Area) but rather it is near the LPDA

3a. Public comments specific to the Variance petition

Mr. Gorman then asked if anyone would like to speak in favor of the variance petition. Hearing none, he then asked to hear from those who are speaking against the petition. Please speak loudly for the recorder and state your name and address.

Mr. Gary Bridgett (sp ?), lives at 4939 Wallbank “What is the effect?” Mr. Gorman then proceeded to swear in all who planned to speak Mr. Bridgett continued: “The change and the grade of the water flow at that corner, I do not know, what is the effect, through the computer models and stuff because this is a flooding corner? This is my concern. Is this going to pour more water to the corner, because the only thing that I observed prior to the fences around the trees before the digging they took out certain bushes and the first time in the 12 years I lived there the sidewalk flooded before the streets flooded? There is already a change in the flow of the water. How is this going to affect the water flow coming down?”

Mr. Gorman stated the design does include off-site water passing through this lot coming from the north to the south, and county ordinance would require 100 year design swale to be constructed through this property and has this been done, Jon? Mr. Hall stated that we have received calculations and the calculations are for the west side of the property.

Mr. Bridgett asked: “What about the east side of the property?”

Mr. Hall asked if he was talking about the street (Wallbank Ave). Mr. Bridgett confirmed. Mr. Hall continued to state that the street is an existing overflow route and would remain as is. The design of the right-of-way conveyance is outside the scope of this project. Mr. Bridgett states that that is where the problem is.

Mr. Gorman stated that we have a grading map here, shows the proposed lay out of the land, appears that the east side will not change and will continue to slope to Wallbank Ave. Mr. Bridgett stated that “this would not alleviate the problem – will the raise of grade correct the problem?”

Mr. Millette stated to the chairman that the point of the question might be related to a larger question as opposed to this particular petition. The proposed house referenced in this petition is not in the LPDA, it is not changing any of the parameters of the LPDA, and it is therefore not changing the height of the LPDA. Mr. Gorman asked if his question was about the overland drainage or blocking flow or is it about the area of standing water. Mr. Bridgett asked if it would be a combination if it over flows with the first changes in the land where, “I do not know if the trees or grass in that area will change flow the flow onto Warren. It now runs onto Wall bank more than it did before. Keep grading as is or what they would like is that still going to happen or if you raise it,

will it change it? That is the big problem that we have as neighbors at that corner – it is from the Wallbank side.”

Mr. Gorman asked to be corrected if he has a different opinion - no work is to be done within the LPDA at the 701.5 elevation all of this grading will be above that. “There is no displacement of standing water so the issue is, are they going to be diverting or blocking flow to affect another property?” He stated that he did not see this impairing other property. Mr. Hall confirmed that during the process of permitting, the Village required design of a swale on the north side of the house that would convey water from the north side of the house (center of the house) to the west and then southward toward Warren. Water going to the northeast corner of the house will go east then south to Wall bank and then Warren. The front yard is outside of the LPDA limits based on the 701.5 elevation.

3b. Committee response to public comments as applicable.

Mr. Gorman asked if there were any questions from the committee members.

Mr. Baruch of 4934 Wallbank, “I live next door to the property. I have been there 15 years; water has always passed through the back yard and passed through the 4940 property to the storm drain. Within the last year –any storm we have, my backyard fills with water and with the weight of the water, my backyard is sinking. So now there is a low point. The water is now traveling towards Wallbank. It’s not going to Warren. Just a matter of time, the water will travel to Warren; it will come through my house.”

Brad Hartjes, 1050 W Rte 126, Plainfield, CM Lavoie and Assoc., engineer for the petitioner. “We are creating a small swale in between their house and the garage so that the water will go to Warren. In between his house the their house there is a high point right in the middle that sheds it to their back yard onto Warren and the front flows to Wallbank. Elevation-wise raising it will not change the way the water goes. It is all outside of the LPDA. We are improving the flow through the backyard.”

Mr. Gorman stated– “The swale you talk about – you do have the opportunity to make things better by grading it down and picking up some of that drainage and carrying it around the property and lowering the grades all the way to the property line. That was their intent.” Mr. Hartjes said “Yes and improving the water to flow and improving the backyard. The height of the house has no impact on the water getting through there. It all has to do with the wheelchair accessibility.”

Mr. Gorman noted that the grading plan shows no fill in the west swale area, but it is hard to show grading for swale. “Just for the record the swale is to go to the north property line and pick up drainage.” Mr. Millette – “for clarification, the 702 contour line in question – the kidney shape to the north of there, the 702 should be connected all the way to the north property line.” Mike showed Brad Hartjes on the proposed grading plan, and Brad acknowledged that minor grading revision could be accomplished.

Mr. Gary Bridgett asked what is the elevation at the swale – shown lower than the grade of the property line to Warren.

Don Bergstrom 4941 Wallbank stated that it will all end up in the intersection. He asked how many lived in town in 1955 – his basement was flooded to the ceiling – Warren to the railroad was flooded. Village allowed the property to the south of Warren to be developed and the grade to be raised 4-5 feet above the street. “Get the water away – our property is the lowest. Is there any program that is going to improve this situation? Any money in the master plan? Two rains 99 years, ruined by letting the property being developed. It is 9 steps above the street. Village has to improve this situation. The 72 inch pipe was put under the tracks. We were told that you are not sure where they are. Is that true?” Mr. White said it was true. The stormwater issues we have must go way back. It will take 340 million dollars to make it right according to the Watershed Infrastructure Improvement Plan. The swale will make things better. Mr. Bergstrom feels it is the Villages problem to get the water problem fixed.

Mr. Gorman asked staff whether the higher flood elevation was caused by debris blockage. “What will you do to stop the blockage – what measure to improve this area – re: drainage to prevent blockage and talked about inlets in the area and that maybe more inlet capacity is needed.” Mr. Millette stated that this area will be talked about later as an informational item on the agenda that will be discussed later. If this helps deliberation, the Watershed Infrastructure Improvement Plan is here (Mike pointed to 3-volume report on table). The Plan includes a preliminary plan to improve drainage at this intersection, including adding another 36” pipe connecting to the existing 72” pipe and go from round flat inlet grates to curb box inlets. “We believe there is also an issue with all 3 inlets being routed to the same pipe – A proposed separate connection to the new 36” pipe would further improve drainage in this area.”

Mr. Gorman stated that there is a danger and problem areas deserve to be focused on. Pipe and water capacity should let the water get in faster.

Denise Karezewski, 4939 Wallbank, - “Trust is the issue here. Can you guarantee it will not flood in the area? You told us in the past that the building across the street would not create a flooding problem. I want you to say on tape that this is not going to make our property flood. I want you to say this will not cause any further problems.”

Mr. Bollenberg: “Do we know how long does the water stay on the street. Do we have this information?” Mr. Hall said he does not have the exact number. “I was out there last Thursday, a day when we received 3 inches of rain in 24 hours. Although this storm was not as severe as the October 2006 storm, I did observe the water depths in the area around 9:30 or 10:00 p.m. At a separate poor drainage area further to the west on Warren between Lee and Northcott, standing water approximately 12 inches deep remained on the street and a car was stranded. Earlier in the storm, other Public Works staff reported water depths exceeding 3 feet in this location I then decided to check the Wallbank and Warren area, to determine if the situation was equally or more serious. When I arrived

there, no standing water remained. The observed debris line indicated that the water may have reached approximately 15 inches in depth earlier in the storm.”

Matt Bando, 4932 Wallbank inquired “Can we get open curb drains as soon as possible – how long would that take? Could we please get these ASAP? There are no other drains. What would it take?”

Mr. Gorman: “You could add to a flooding problem by filling an area and by displacing water somewhere else. I do not see any filling within the LPDA. Accommodations are being made for the water to flow around the house. The Stormwater Master Plan [Watershed Infrastructure Improvement Plan] does address these issues. I believe that this project will not cause anyone flooding by itself.” Mr. White agreed.

Margery Bergstrom, 4941 Wallbank: “Hines building was level w/the curb. The middle building fill was pushed west. The people that built that building took that as the regular grade.”

Mr. Millette: “If it pleases the chair, for clarification, note that the pre-existing lowest adjacent grade shown on the topographic survey is 702.5. It then appears that the requested relief is generally maintaining the status quo as it pertains to fill.”

Mrs. Bando 4940 Wallbank, “We are talking about 2 separate things. Problems on the street will still exist. We are compromising our son’s safety and his accessibility and not solving the problem.”

Ms. Karezewski – 4939 Wallbank, “It is 2 separate issues. The flooding is still there because of the drainage issues. This is the concern about the house. Maybe the house should not be high, maybe it should be lower. My concern is that it is not going to increase flooding and the problems.”

Mike Parelli, builder for house. He states that oddly enough, the petitioners are here to lower the driveway, which is actually consistent with the expressed desire of surrounding residents in attendance it is on a slope. “We are here asking for it to be lower grade. It should not affect anybody.”

Mr. Gorman asked if there were any other comments.

Mr. White had a question for the Bando’s – “Do you understand what you are asking re: the corner. I myself live on a corner. I feel that with the master plan, things will get better. Putting yourself in a catch 22. That is my concern. Is there a hold harmless that needs to be signed?” Ms. Bando stated that they did not know they were building in a LPDA. “Problems are in the street, we are going higher than what we want. We are also stuck, we would have never built. It was our bad luck.”

Mr. Millette spoke with legal and there is no need for a hold harmless.

Mr. Gorman – “The flood plain elevation by modeling is what they were going on when they first submitted their application. The permit application was considered to be a complete submittal on October 2nd. Engineering has established that the volume of rain fall coming into this area, working inlets rise to 701.5, inlet capacity and possibility of debris blockage we need to come to a comfort level as to elevation of 701.5 is proper and be allowed for the permit and approval of the variance. Should flood plain elevations be determined based on everything working or on a contingency? DuPage County does their flood plain mapping based on everything working. They do not map according to failure. They do their mapping on storage being available. I think there is grounds to look at 701.5 as the flood plain elevation established on this property. Any other comments, at this time we will close to public hearing – no hands. We will now close to the public hearing.”

Mr. Bollenberg, stated that he doesn't want to hear that Downers Grove is a bad place to live because there is water in the basements of another house. I do not want to approve anything that I know without a doubt 2-3 years from now that a house on the market will flood. I do not see any additional hardships to the intersection or to the neighbors.

Mr. Gorman – “One other thing that we need to consider as a committee when we hear petitions is that properties are not limited to a single owner must also be protected.. But over time future owners are protected, this house will be having a basement, and with standing water, as you have seen so often this can be a concern with a power outage a back up sump pump would be very prudent. All of you should have backup sump pumps.”

“Any other comments from the committee members – is there someone who would like to make a motion?” Mr. Bollenberg inquired as to Staff's recommended condition contained in the report. Mr. Hall stated that the Committee's recommendation should be very specific as to the recommended flood protection elevation. The petition included reference to specific desirable elevations around the perimeter of the house. The condition referenced in the staff report was that the lowest adjacent grade would be a minimum elevation of 702.5. The architectural plans has two locations proposed at 3” below that and minor adjustments will be needed to the petitioner's plan to meet that condition.

4. Committee deliberation and recommendation

Mr. Bollenberg motioned that the Committee forward a recommendation to the Village Council that the variance be granted with the modification that the lowest adjacent grade surrounding the house shall be a minimum of 702.5. The motion was seconded by Mr. Crilly.

Discussion –commissioner and engineer - revision is necessary to architectural plan. Where adjacent grades are currently shown at 702.25 (including the garage floor) must be raised to 702.5. This is a minor revision but will be required to confirm with the Committee's recommendation.

–Chairman Gorman then called for a vote on the motion by Mr. Bollenberg.

Roll call vote:

Mr. Bollenberg – Aye

Mr. Crilly – Aye

Mr. Gorman – Aye

Mr. White - Aye

Motion carried.

Old Business

A. DuPage County Water Quality Best Management Practice (BMP) Manual

Mr. Hall stated that the DuPage Stormwater Management Committee will be considering this change to the DuPage Stormwater ordinance and associated technical guidance appendix on Sept 4th. There will be at least 1 and possibly 2 subsequent County Board meetings for a final decision on adoption. Implementation of the County’s proposed revisions will significantly change our internal plan review process to place much greater focus on Stormwater quality issues and not just quantity and flow issues.

Mr. Gorman asked for confirmation that the Committee’s letter was sent to the County. Mr. Hall confirmed that the letter was sent prior to the conclusion of the public comment period on August 13th. The letter was sent from the Committee. Chairman Eckmann and Mr. Gorman drafted the letter with staff assistance. We are still waiting on a response. Any questions?

B. Watershed Improvement Plan Update

Mr. Millette stated that we have it in hand, the much talked about Watershed Improvement Plan. We have it in 3 volumes. Another 4 volumes are data reams of computer printout which we do have on CD Rom. The council is currently reviewing it in two ways. Looking at the financial outlook and then after re: funding level, after that the task of taking the priorities on factors and practical factors. Like a concern that was raised this evening re: the 36”pipe to a 72” pipe with inlets. Detention can be provided in already- flooding backyard areas by carving them into regular shaped outlines and getting an easement. They will not go away; there will still be water in the backyard at times. It will be just more controlled.

Mr. Gorman asked if the Village had previously obtained such easements or purchased properties? Mr. Millette stated that the Village has done this in the past, if someone would be willing to sell and if it would work for a detention basin. Continued partnerships with the Park District and with the County and Forest Preserve District will be vital.

There are 4 planned public information sessions: the first was held on Tuesday and 2 more will be held on September 7th at 7:00am and at 12:00pm, the final on September 15

at 9:00am. These are round table discussions. The first one went fairly well. The fact is that there are two tiers to the solution. The budgets contain 10% in compliance for permitting and 15% for engineering. Numbers are achievable. There is 145 million that are general priority projects: this kind of pipe here a detention area there. No pipes below 18" were modeled for the plan. The goal is to build the first level which is the back bone of the system and then 2nd level is to add like 12, "15 and 18" pipes to provide a sewer to within 200' of every lot in town. Mr. Millette held up a map and described what the colors and circles stood for. There are 4 chapter areas. Each watershed has its own key locator map. Appendix A contains cost estimates in it and has assumptions in it with high, medium, and low priority. Appendix B contains technical data such as time-of-concentration sheets and LPDA sheets.

The Village Council is talking about a dedicated capital fund and how to feed dollars into it. A copy of the plan is at the Library and on the web site. Staff is excited to have this as a tool, to have a plan and will be able to answer questions. Through the budget process and starting on September 11th continuing on September 18th the funding levels (for the first year for certain) and for years 2 through 5 will be discussed. The Vector has arrived and will help with maintenance problems and get solutions. In some watershed areas projects maybe finished in a year, while some will be continuing.

Mr. Gorman asked if the dates are on the website. Mr. Millette said yes. Mr. Gorman then asked if the committee could have a full set of the volumes here for the meetings. Mr. Gorman asked that all familiarize themselves with this and he asked for a copy on CD. Mr. Millette stated that this is still a draft. Mr. Gorman stated that they would like to have the LPDA map readily available for the public, and realtors but does not want to publish it as a flood insurance map.

Mr. White asked that each LPDA has a number on it, is there an address also attached. Mr. Millette replied that we have not taken an address on it yet. The map is a visual tool. We should be able to look up by address and the address would pop up. The time to notify people is when they come for a permit to let them know if they are in a flood plain or special management area.

Mr. Crilly gave positive kudos to Public Works that he called and in 20 minutes the crew went on Wilson Street. Mr. White said the same thing happened to him. He called and the crews were right there.

C. 2007 Meeting Schedule

Mr. Hall stated that he does not anticipate having a meeting for the month of September. The committee met twice in August. October 25th would be the next scheduled meeting. (the 4th Thursday). He asked the committee to check their schedule and plan to be available for that date if needed. Mr. Millette said we would be able to talk about capital projects for next year. This would be right at the time the public input has happened. Public input for the budget will October 20, here in this building.

Mr. Bollenberg stated he is so encouraged about the Stormwater Master Plan and the Watershed Improvement Plan.

Mr. Gorman stated that we need to keep it active and a living document. It is important to talk about the capital projects, code recommendations, and operational recommendations

Mr. Millette stated that one of the slides in the presentation we used was the causes of our issues, inadequate Stormwater storage, inadequate Stormwater conveyance, and insufficient maintenance of both. All three of these must be addressed. He is glad we now have the Vactor.

Adjourn

Mr. Crilly made a motion to adjourn, Mr. White seconded the motion, the meeting ended at 8:35 p.m. Motion carried by voice vote of 4-0.

Respectfully submitted,
(as transcribed by tape)

/s/ Lori Godlewski
Lori Godlewski, Recording Secretary

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 24, 2007 MEETING**

Call to Order

Chairman White called the meeting to order at 7:30 PM.

Roll Call

Present: Mr. Domijan, Ms. Earl, Mr. LaMantia, Mr. Stanton, Ch. White

Absent: Mr. Benes, Ms. Majauskas

A quorum was established.

Staff: Jeff O'Brien Senior Planner, Damir Latinovic, Planner, Stan Popovich, Planner

Minutes of September 26, 2007

Mr. Domijan said on page 9 of the minutes should show him on record as an "Aye" for that Motion. Ms. Earl's name is missing from the "Nay" vote.

Mr. Domijan made a motion to approve the minutes of the September 26, 2007 Zoning Board of Appeals meeting as corrected. Mr. LaMantia seconded the Motion.

AYES: Mr. Domijan, Mr. LaMantia, Ms. Earl, Mr. Stanton, Ch. White

NAYS: None

The Motion carried 5:0.

Meeting Procedures

Chairman White reviewed the procedures for the petitions, saying the Board has the authority to either grant or deny variation petitions, and the Board's decision is final. Chairman White asked Staff to verify that the required public notices were filed in a timely manner, and Mr. O'Brien confirmed that they were. Chairman White then explained the process to be followed during the meeting for each petition and then called upon anyone intending to speak to rise and be sworn in, including the petitioners and the public in attendance.

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ZBA-14-07 A petition seeking sign variations: 1) installation of a sign on a façade without frontage and 2) extend a wall sign more than 12 inches above the top of the wall for property located at the Southeast corner of Ogden & Woodward Avenues, commonly known as 1931 Ogden Avenue, Downers Grove, IL (PIN 09-06-303-001); Michelle Dzul, Warren Johnson Architects, Petitioner; Fred Iozzo, Owner.

Mr. Mario Valentini of Warren Johnson Architects said he represented the petitioner, Dunkin' Donuts at 1931 Ogden Avenue. This is a continuation from the last Zoning Board of Appeals meeting, and Mr. Valentini said there were four major points of discussion at that meeting. He indicated in the interim the petitioner believes they were able to make the adjustments as requested, which would be to allow a sign on the east side of the building. He indicated the petitioner's opinion is that when visiting this site, this sign will ease some potential concerns for vehicle safety in locating the business. There is a significant grade change as you approach this building from the east, going west. The proposed sign is higher than most signs and allows visibility to customers as they approach the building and have to make a left hand turn into the building.

Mr. Valentini added, as they are adjacent to a larger strip center, they understand that some already existing businesses may still have signs that do not conform. For traffic heading west, there is blockage of visibility from signage adjacent to their property.

Chairman White asked the petitioner to specify the difference between what they are requesting now, and what they requested at the September meeting.

Mr. Valentini responded previously the overall signage exceeded the overall signage based on the square footage allowed. There was a question as to whether some of the signs were architectural elements or signage. The Board perceived them as signage, and once the petitioner removed the questionable signs, they were able to comply with the boundaries established by the Ordinance. He explained one of the signs facing north was not basic to identification by vehicular traffic; thus, they felt comfortable with signage allotted to the east and west sides of the building.

Staff Presentation:

Mr. Stan Popovich, Planner with the Village of Downers Grove, reviewed the previous petition, explaining how the petitioner has addressed the requests of the Board, resulting in this final request for the sign on the east façade. Staff feels there is no hardship associated with this request and believes that the monument sign proposed in front of the building will capture the traffic from the east and provide adequate signage. Staff does not believe there are any unique circumstances with the property as they are located on a corner and have two frontages instead of just one. The petition as now proposed is not consistent with the Village's ultimate goal to improve and/or reduce signage on Ogden Avenue, there are no practical hardships or difficulties and allowing the variance would be conferring a special privilege upon the petitioner. Therefore, Staff still recommends denial of the request, and should the Board choose to allow the variance requested, Staff asks that the conditions noted in Staff's report be included in the Motion.

Ms. Earl asked if the elevation sign will be over and above the square footage if included, and Mr. Popovich said it would not. They are allowed 159 square feet of signage. Adding the monument sign and the signage on the north, west and east facades, they would have a total of

148 square feet of signage, which does not exceed the maximum. The question is having signs on the east side of the building. He said they would be allowed to increase the remaining signs to the maximum allowable sign surface area if the sign on the east façade is denied.

There being no further questions from the Board, Chairman White called for anyone who wished to speak either in favor of or in opposition to the petition. There being none, he asked if there were any further comments from the petitioners or Staff.

Mr. Mark Hockenson, Dunkin' Brands, said that the phrase "primary corner" is a misconception. He said Ogden Avenue is a very busy thoroughfare, and they are located on a busy side street. Their concern is the control of traffic on Ogden Avenue into their site. The east side sign is critical to capture traffic coming westbound. That sign is important as this is not really a primary intersection or corner.

There being no further comments or questions, Chairman White closed the opportunity for further public comment.

Board Deliberation:

Mr. Domijan said the petitioner has met the Board by making requested changes to the overall sign surface area and the number of signs on each façade to stay within compliance of the Ordinance on these issues. They are trying to capture the elevation of the property and utilize the height by adding the eastern side signage. He thinks the petitioner's presentation is in keeping with the spirit of the Ordinance.

Mr. LaMantia said he agreed they came a long way in addressing the Board's concerns. He questions whether or not westbound traffic will see the monument sign, and he believes they will be able to see it just fine.

Chairman White said one of the goals of the Ordinance was to reduce the height of the signs overall and bring it down to street level. If they have taller buildings, it is a way around having a billboard sign. He agrees the cars coming from the east must have sufficient time to make the turn, but on the other hand it goes against the Sign Ordinance, which is trying to drive the signs down to street level.

Mr. Domijan said most of their business probably occurs in the morning, and given that time of day on that roadway, the monument sign may be blocked. He said giving them signage on either side of the building, and still remaining within the confines of the Ordinance in terms of square footage, is appropriate.

Ms. Earl said there is significant signage on the eastern corner of the north elevation, which she thinks will be visible with simply the logo on the top of the north elevation, together with the monument sign. There are also ingress/egress logo signs available.

Chairman White said in the Staff report there is a sign that will not comply in the strip mall to the east, which may be too tall. Mr. Popovich said if the sign is too tall, it is therefore non-conforming. All non-conforming signs must be brought into compliance by the end of the amortization period established in the Ordinance, which is May 4, 2012. Chairman White said

he believes the petitioner is attempting to show that the tall sign in the neighboring strip mall blocks visibility to their signage.

Ms. Earl asked whether there is a certain height on the wall that is a maximum for sign placement. Mr. Popovich said there is no regulation as to where they put the sign other than it cannot extend more than twelve inches above the wall.

Chairman White said he can see the argument as to why businesses want more signage than is allowed; however, that is a Village Council decision. He does not, however, see any reason this particular property should be given an exception.

Mr. Domijan said there have been other sign cases in recent meetings which, in order to add signage to a structure; they have removed other signage to accommodate the Ordinance. He said it is unclear to him how the signage in the Luxury Motors case differs from this case. Chairman White said he understands the difference between Luxury Motors concerns the point at which traffic can see the signage, which is effected by the front façade of the building. Luxury Motors building is close to the setback. The Dunkin’ Donuts building does not have an unusually short setback. He reiterated he can see both sides of the argument, however.

There being no further comments, Chairman White called for a Motion.

Ms. Earl made a motion to deny the requested sign variation associated with case number ZBA 14-07. Mr. LaMantia seconded the Motion.

AYES: Ms. Earl, Mr. LaMantia, Mr. Stanton, Chairman White

NAYS: Mr. Domijan

The Motion carried 4:1.

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ZBA-16-07 A petition seeking a variation for an accessory structure to exceed the maximum allowable size for a detached garage on property located on the East side of Dunham Road, at the intersection of Dunham Road & Ridgewood Circle, commonly known as 5913 Dunham Road, Downers Grove, IL (PIN 09-18-406-003); Norman J. Polcyn, Petitioner/Owner.

Petitioner’s Presentation:

Mr. Norman J. Polcyn of 5913 Dunham Road said he was seeking a variation for an accessory structure in order to place a detached garage on his property to provide a storage facility for his vehicles. The Ordinance will allow a 26 foot by 38 foot structure, and he would like to increase the depth to 47 feet to enable him to park his car/RV inside the garage. Without the additional depth, he would have to park the vehicle outside, which is in opposition to the Code. There are two \$900,000 homes abutting his property, and he is sure they would rather see a longer structure on his site rather than the RV in the open. He indicated the rear yards are large and open, and the added variance would allow him to keep them out of the neighbors’ view. He said he spoke with his neighbors, and there were no negative responses from the neighbors to build the structure and

obtain the variance. The residents did not know that a variance was even necessary, and they have no objections to his building the garage.

Staff Presentation:

Mr. Popovich reviewed the petitioner's request for additional square footage to build the structure to house his RV. He noted the petitioner currently has a detached garage and shed on the property which total 475 square feet. Residential zoning districts are allowed to have an aggregate of 1,000 square feet of accessory structures. The petitioner is proposing to construct a 1,222 square foot detached garage. The existing garage would be demolished with the shed to remain. The proposed garage and existing shed would total 1,297 square feet.

Mr. Popovich said Staff believes there are no unique circumstances associated with this petition and believes there are other options available, one of which would be to build an attached garage to the house to the size they are seeking, or they could build a 925 square foot detached garage. Staff believes that property can yield a reasonable return with an attached garage, and there are no unique circumstances such as physical surroundings requiring the detached structure. Staff feels allowing the request would be allowing special privilege to the petitioners to exceed the maximum square footage and recommends denial of the petition. If the Board chooses to approve the petition, Staff requests that the Board include the conditions listed in its Staff Report.

Mr. LaMantia asked if they are removing both the garage and old shed, and Mr. Popovich said he understood they would tear down the existing garage and leave the shed.

Mr. Domijan said he did not see how building an attached structure would work since it would be difficult to back a long trailer into the structure. Mr. Popovich said there are other options available the petitioner could utilize.

Chairman White asked about the possibility of making a breezeway connection, which would be attached, and Mr. Popovich said that could be an alternative. The breezeway would have to be connected through both the foundation and a roof structure to ensure the garage was considered attached.

Mr. O'Brian said the 1,000 square foot restriction was put in through zoning amendments in 2006.

There being no further questions, Chairman White called upon anyone who wished to speak either in favor of or in opposition to the request.

Ms. Marilyn Stangeland, 1327 59th Street, said that the back of her lots backs into Mr. Polcyn's lot. They have a concern with the height of the structure at 19 feet which seems high, and they are concerned about what would happen to the 36 feet behind, which is where their hedge is located. They keep the hedge high because they do not want to look at his trailer. They do not want to cause hard feelings in the neighborhood. They have been there 36 years, and it is hard to make changes. It will not be the end of the world if they build the garage, but they are concerned.

Mr. Doug Stangeland, 1327 59th Street, said he would have absolutely no objection if this garage

were attached to their home.

Mr. Polcyn said the garage measurements are based on the size of his Suburban tied to the trailer. The 36 feet behind the garage will remain as grass. He pushed it back because south of the existing garage is a linden tree which is 50 feet tall, and he did not want to disrupt that. Also, at the end of the patio is another tree over 8 feet' tall. He did not want to remove those two trees, and that is what moved him toward the proposed placement. He understands the Village's concerns, but he was looking for a more straight-in approach for the RV. He will remove one tree when the new asphalt is placed, but does not want to remove any additional trees. The existing shed is from the previous owner and is on skids. He does not intend to keep it. In response to Mr. Domijan, Mr. Polcyn said the RV is 29 feet, and he pointed out he has large vehicles, including a mid-70s Buick that is very large. All four vehicles are very large, and in this way all the vehicles would fit within the structure. If he makes the structure 38 feet long as per Code, he will only be able to put two vehicles in the structure, and he would rather include the larger vehicles under roof. Mr. Polcyn said he spoke with an Arborist at Morton Arboretum who told him the root structure that he wants to protect is directly underneath the tree, and he wants to keep that protected.

There being no further questions, Chairman White closed the opportunity for further public comment.

Board's Deliberation:

Ms. Earl said she thinks it is not uncommon to have one or two cars in the driveway, and she thinks he may have to stay within the Code restrictions.

Chairman White said he wondered if there was precedence for this Board granting variations with the intention of saving trees, because the petitioner could move the garage directly west and build a breezeway, and it would be perfectly legal, but he would have to cut down the trees. That is, in his mind, the only real hardship he can see.

Mr. Domijan said they should look at the overall height of the structure at 18 feet 6 inches. If they maintain that height attached to a one-story house, it would not be an attractive combination. The separation of the structures would probably be more appealing. He stated it is a very deep structure and noted there has been a trend recently to build homes with three-car-plus garages giving homeowners a means of storage, which is basically the motivation of this petitioner.

Chairman White said if the Board finds that this lot does have some unique circumstances they can grant the variation; however, if there are no unique circumstances, they should not grant the variation.

Mr. LaMantia said they are accommodating this garage for a trailer and he does not see any hardship. His other concern is what will prevent having other trailers or other vehicles in the same spot where the current trailer sits.

Chairman White said with respect to variations they should not consider what could occur but should consider the uniqueness of the land.

Staff's Presentation:

Mr. Popovich reviewed the request for an increase in signage, saying the bank would be entirely located in the Ultra Foods store on 75th and Lemont Road. The location is allowed 300 total square feet of sign surface area, and Ultra Foods has a 264 square foot sign and a 36 square foot sign on the monument sign. There is no additional square footage allowed on that parcel. Fifth Third Bank is requesting a variance to install a 54 square foot sign. Because each tenant with frontage is allowed a sign, if the bank had frontage in the shopping center they would be allowed a sign. Since they are located totally within Ultra Foods, they have to comply with the 300 total square feet of signage. Staff sees no unique circumstances associated with this petition, and believes there would be reasonable return if Ultra Foods reduced their signage and allowed Fifth Third Bank to install their sign. Staff noted the existing bank/grocery store signage may be under the old Code and will have to comply within the time allowed. Mr. O'Brien clarified that the Jewel on Ogden does comply with the present Ordinance, as does the Dominick's on Ogden. Mr. Popovich said there is no physical hardship to render the variation applicable. The property owner created the hardship when it applied for the 300 square feet of signage originally. The variance would allow a special privilege to Fifth Third Bank but also to Ultra Foods which would still be able to maintain its 300 square feet. Staff recommends denial of the application; however, if the Board recommends approval Staff requests that it be subject to the conditions in the Staff report.

Mr. LaMantia asked if Fifth Third Bank had its own entrance would they be allowed the signage. Mr. Popovich said they would be allowed signage based on their frontage. They would have to rent a separate space in the shopping center.

Ms. Earl said Ultra Foods has not been there very long, and she thought it was only about a year ago. They have always had a bank there, and she said that it was not as though Ultra Foods did not know about the signage regulations.

Mr. LaMantia asked if Ultra Foods eliminated the monument sign, whether Fifth Third would be able to use that space for its signage and Mr. Popovich said they would.

There being no further questions, Chairman White called for anyone wishing to speak either in favor of or in opposition to the petition.

Mr. Larry Moore of Ultra Foods said they had been advised that they maximized their sign but they did it because of the 1,000-foot setback. The sign on Lemont under Cub was much bigger. It is difficult for them to shrink the sign on the building as the sign is fairly small from 75th Street. He indicated Ultra Foods also applied for a variance, which was denied. They support the requested variance for the bank.

Mr. Shapiro said he understood the struggle Boards have in meeting the need of the petitioner and meeting the requirements of the Ordinance. He said they are trying to provide the Board with the unique circumstances in this scenario due to the low visibility caused by the extreme setback. He said the Board could say because of the layout of the shopping center, this calls for an exception in the signage requirements. Other locations have much lower setbacks from 250 to perhaps 400 feet, as opposed to the 1,000 feet in this shopping center. If the Board chooses to allow them the variance until the year 2012, they will accept that condition.

There being no further questions, Chairman White closed the opportunity for further public comment.

Board’s Deliberation:

Mr. LaMantia said he would support the petitioner based on the setback argument, especially since they agree to change the sign in 2012.

Chairman White said both the Jewel and Dominick’s did comply with the current Ordinance, while the other grocery stores will come into compliance in 2012. He said the bank may present a legitimate argument for the exception, but the Board may not be the right people to make that exception. As a policy matter, that is outside the purview of the Zoning Board of Appeals. Reducing the clutter from the street and from the storefront was the objective of amending the Ordinance.

Mr. Stanton agreed with Chairman White’s comment, saying if this is a legitimate exception it is outside of the Board’s authority and a change in the Ordinance should be recommended under other circumstances.

Chairman White said the Sign Ordinance is a recent amendment, made after numerous public meetings and discussions. He is not comfortable second guessing what that Committee or the Village Council did simply based on the 1,000 foot setback in this particular case.

Ms. Earl made a motion to deny the petition for sign variation associated case number ZBA 17-07. Mr. LaMantia seconded.

AYES: Ms. Earl, Mr. LaMantia, Mr. Domijan, Ch. White

NAYS: Mr. Stanton

The Motion carried 4:1.



ZBA-18-07 A petition seeking a side yard setback variation for an addition to the property located on the West side of Benton Avenue, approximately 400 feet North of Summit Street, commonly known as 5252 Benton Avenue, Downers Grove, IL (PIN 09-08-408-040); Thomas Knapp, Architect, Petitioner; Mike & Vicki Janke, Owners.

Petitioner’s Presentation:

Mr. Tom Knapp, architect for the petitioners, described the house at 5252 Benton as a split level, with an attached garage. The owners want to add a bedroom to the home and called upon him to find a way to place the master bedroom/master bath addition. The existing bedrooms are very small. It is structurally difficult to put an addition above front portion of the lower level of the split-level home, and difficult to add to the rear of the house since the house is setback far from the street and closer to the rear property line. He showed a site plan depicting the location on the lot. The petitioners are requesting a variation to place the addition above the garage, which already has a setback nonconformity. There would be a 30 inch overhang over the existing

garage door if they build above the garage. The existing location of the house on the site poses a unique problem. The only way to make the addition work is to go up. The proposed addition works well within the neighborhood and would not adversely affect the surrounding area. Mr. Knapp asked for approval for the variance from the Board. Mr. Knapp said the addition is in line with the upper level of the existing house. If they were to build it to conform, it would not work aesthetically.

Mr. Domijan asked about the projected portion over the garage and whether that was the issue. Mr. Knapp pointed out the overhang on the site plan and concurred.

Chairman White asked if the owner informed the next door neighbor and what their position was on the addition. In response to Chairman White, Mr. Janke, owner of the property, said he spoke with his neighbors about their plan, and there were no objections.

Staff's Presentation:

Mr. Damir Latinovic, Planner, described the property in question, saying the building is a nonconforming structure due to non-complying south side yard setback of five feet three inches, rather than the six foot one inch required. He explained the proposed second-story addition will have an overhang of two feet seven inches over the east facing garage door. The overhang would be supported by two columns, with the south column located five feet three inches from the property line. For this reason the petitioner is requesting the variation, which will extend the existing nonconforming south wall of the structure. Mr. Latinovic said the existing non-conforming structure, by Ordinance, may be enlarged, reconstructed or altered providing the existing nonconformity is not increased, and provided all new construction complies with the current Zoning Ordinance. The proposed addition would meet all other Zoning requirements. He said the proposed plan increases the nonconformity, which is specifically not permitted by Zoning Ordinance. Staff believes there are other alternate methods that can be utilized for the addition. Staff sees no unique circumstance that supports construction of the addition as currently proposed. Granting the request would allow property owners special privileges not granted to other property owners. Therefore, Staff recommends denial of the request; however, should the Board approve the request, Staff recommends the Motion be subject to conditions as stated in Staff's report.

Mr. Domijan asked if the six foot side yard requirement is based on the new Ordinance, and Mr. Latinovic said it is. Mr. Domijan said then that the existing setback was conforming prior to the new Ordinance, and Mr. Latinovic said that was correct.

There being no further questions, Chairman White called for anyone wishing to speak in favor of or in opposition to the request.

Mr. Mike Ruddy of 5256 Benton Avenue said he lives south of the property and supports the petition. He is adjacent to the petitioner's home. He is unaware of anyone in the neighborhood who opposes this petition.

Mr. Mike Janke, owner of the property, commented they feel the addition is very moderate. This would allow them to add the bedroom they need, which would make it a four-bedroom home. He noted the addition of a master bedroom is actually very small compared to modern standards. Mr. Janke said that there are some homes in the surrounding area that tower over his home, and

while they may be in the letter of the law; it is questionable whether they are in the spirit of the law. All four contractors with whom he met expressed surprise that this would require a variance request.

Mr. Knapp said he had two phone conversations with staff before the proposal was made and in both cases he did not feel the modest amount they are requesting should be a problem. He indicated the petitioner and he were surprised at Staff's recommendation of denial.

There being no further discussion, Chairman White closed the opportunity for further public comment.

Board's Deliberation:

Chairman White said there have been many similar petitions over the years, wherein the hardship point of view was stretched to a point in order to comply. It looks in this situation as though the support column and the second story overhang will be within the six feet one inch required. The Board is not bound by its past history, though it has often approved such requests. There can be arguments as to whether or not the house meets current standards.

Mr. Domijan commented the proposal is to extend the wall vertically rather than extending the footprint of the house. He said when this house was built it was placed so that it meets the required setback until the recent amendments to the Ordinance. The Board has to balance the strict adherence to the Ordinance with the specifics of the proposal.

Chairman White said if this petition was brought before the Board two years ago there would have been no problem. The fact that the Village Council chose to approve the changes in Zoning Ordinance to allow wall extensions straight up from the first floor but not out horizontally, shows there is some sensitivity to the issue. The Board has to look at the specific condition, and in this case given the size of the existing first floor, and the fact that the addition will not hurt the rest of the neighborhood will not be a problem at all.

Ms. Earl said this proposal has a nice design detail to it, and if the Board did not approve it, the house would lose its unique detail.

Mr. Domijan made a motion to grant the side yard setback variation associated with case ZBA 18-07 with the following conditions:

1. **The proposed addition shall substantially conform to the architectural plans, prepared by T. R. Knapp Architects dated July 30, 2007 and a Plat of Survey, prepared by Response Land Surveying, Inc. dated May 4, 1995 attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.**
2. **The new air conditioning unit shall be located a minimum of five feet from side and rear property lines and shall not be located in the front yard.**
3. **The petitioner shall obtain a building permit for the construction of the proposed addition.**

Ms. Earl seconded the Motion.

AYES: Mr. Domijan, Ms. Earl, Mr. LaMantia, Mr. Stanton, Ch. White

NAYS: None

The Motion carried 5:0.

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Mr. O'Brien welcomed Mr. Stanton to the Board. He further pointed out the next meeting is on November 14th, and they have two petitions for that meeting at this time. He said the December meeting will be moved up to December 12th due to the Holiday.

There being no further discussion, Chairman White adjourned the meeting at 9:20 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary