

Minutes  
Regular Village Board Workshop  
Glen Ellyn Village Board of Trustees  
May 21, 2007

Time of Meeting: 7:00 P.M.

Present: President Hase; Trustees Armstrong, Comerford, Ladesic, Lee, Norton, Thorsell.  
Staff: Weaver, Barrett, Caracci, Denney, Hulseberg, Minix, Norton, Stegall,  
Attorney Kling.

1. President Hase called the Village Board Workshop meeting to order at 7:03 P.M.
2. Public Comments.

None

3. Assistant Village Manager Curt Barrett presented information on the Chamber of Commerce storefront appearance flier which is proposed for distribution to local businesses. Barrett stated that the appearance flier is a voluntary, positive approach meant to promote basic aesthetic improvements to commercial buildings by local merchants and property owners, and that both the Chamber of Commerce and the Economic Development Corporation endorse this flier. Additionally, Barrett explained that because the Village currently does not address cosmetic issues in the Village Code, a flier such as this would be a first step towards advocating the regular maintenance of commercial property by Village property owners and merchants.

A Trustee noted that having a property maintenance code would ensure that Village property owners would maintain their property and would be more effective than this voluntary flier. Barrett responded that the Village can adopt the International Property Maintenance Code, however right now Village staff does not recommend adopting such a code because it would require additional Village staff to enforce the code and it may upset Village property owners and merchants. The Village Board asked that Village staff proceed with several changes to the Chamber of Commerce storefront appearance flier.

4. Assistant Village Manager Curt Barrett and Victoria Granacki, President of Granacki Historic Consultants, presented information on the acceptance of the 2007 Historic Resources Survey of northern Glen Ellyn. Barrett noted that the first Historic Structures Survey was conducted this past year with a state grant, and that Village staff is recommending the Village conduct an additional survey in northern Glen Ellyn, which can be funded partially through a state grant. The purpose of the state grant is to survey an area of the Village to establish which homes in Glen Ellyn are historic in nature and also to create baseline benchmarks of such items as to how many homes in the Village are of an historic nature and what architectural styles of homes are found in Glen Ellyn. Barrett then went on to state that there are steps the state requires if a local government accepts the survey grant including that the Village Board must accept the results of

survey and the Village must have meetings with the individuals in the survey area to share the results of the survey. Village staff's recommendation is to survey the northwestern corner of Glen Ellyn along with the area previously surveyed by the Art Institute of Chicago Students in 2002, located in the north central area of Glen Ellyn.

A Trustee inquired as to why the Village must resurvey the area previously surveyed by the Art Institute students and Granacki responded that the students did not survey every home in the area and their report was not done on a building by building basis, as is the report done by Granacki Historic Consultants, therefore leaving the two reports incompatible. A Trustee then asked what the overall intent of the survey is and Barrett responded that the intention is to have the ability to let homeowners know that their house meets the criteria to be landmarked.

Following discussion on the survey area and the intent of the survey, the conversation turned to the draft report submitted by Granacki Historic Consultants. Several Trustees commented that they would like changes made to the report by Granacki Historic Consultants, mostly involving the removal of editorial comments and subjective statements. A Trustee further questioned the criteria used by Granacki Historic Consultants and Granacki noted that her company applies the Secretary of the Interior Standards for Historic Preservation by the National Park Service when surveying homes and therefore it would be difficult to change the objective pieces of the survey without completely resurveying the area. The Village Board noted that it would like Village staff to make the requested changes to the survey report and then the Board will move forward with the future survey.

5. Review May 29, 2007 Regular Village Board Meeting Agenda

The Village Board reviewed the agenda for the 8:00 P.M. Regular Business Meeting. There was discussion on the Consent Agenda on 6E, motion to approve license agreements to allow tables and chairs on the public sidewalk in the Central Business District, for both Starbucks Coffee and Heaven-Lee Hot Dogs. A Trustee inquired as to who is responsible for maintaining the garbage cans in the Central Business District with outdoor restaurant use and Planning and Development Director Hulseberg stated that the Village contracts for garbage pick-up three days per week, and on the off days, the restaurants are responsible for maintaining the garbage cans.

8. Planning and Development Director Staci Hulseberg presented information on the request of District 41 for approval of a zoning variation for the construction of an 879-square foot single-story addition to Abraham Lincoln Elementary School within a 100-year floodplain located at 380 Greenfield Avenue. The subject property is located on the north side of Greenfield between Regent and Newton Avenues in the R2 Residential District. The Plan Commission reviewed the request at a public hearing on May 10, 2007 and voted 10-0 to recommend approval of the request. Village staff also recommends approval of this zoning variation request.

Hulseberg noted that District 41 would like to build an ADA lift vestibule into this addition so that handicapped individuals have access to the west end of the building, to which they currently do not have access. Additionally noted was that the Village's Engineer, Mr. McGurr, has reviewed District 41's plan and has stated that the addition meets all code requirements. The Village Board noted that Village Staff should proceed with creating an ordinance to be approved at the next Village Board Meeting, May 29, 2007.

#### Village Board Workshop Agenda Items

6. Planning and Development Director Hulseberg and Village Planner Michele Stegall led the discussion concerning a possible fire pit ordinance, which has been discussed at previous Village Board Workshops. Hulseberg noted that Village resident, Ray Whalen, suggested several changes to the proposed ordinance, with the Village taking into account a number of his suggestions. However, Village staff decided not to include two of Mr. Whalen's suggestions, that of setback requirements and that of increasing the diameter of the base of the pit.

A Trustee inquired as to why this proposed ordinance did not first go to the Plan Commission with a public hearing and Hulseberg responded that according to the Village's Zoning Code, it is not required to first bring a fire pit item to the Plan Commission. Another Trustee inquired as to the number of complaints the Village receives annually regarding this issue and Hulseberg answered that the Village receives a minimal number of complaints per year, and typically these complaints are in regards to a resident burning garbage in a fire pit. Following discussion the Village Board decided that it would not address this issue further unless the Village experiences numerous resident complaints regarding open burning.

The upcoming Village Board Agenda was revisited at this time to discuss item 7, due to a time conflict with Village Attorney Bill Kling.

7. Planning and Development Director Hulseberg presented information on the request of Stuart Fox, with White Fox Builders LLC, for approval of a zoning map amendment, special use permits, zoning variations, a minor subdivision and a subdivision variation to allow the demolition of the existing home at 767 Chidester Avenue and the construction of two new homes on the property. One of the homes would replace the existing home in the front portion of the property and the other home would be constructed in the rear portion of the property which is currently vacant. The subject property is located east of Riford Road on the south side of Chidester Avenue. The front of the property is zoned R2 Residential District and the back portion of the property is currently zoned CR Conservation Recreation District. The Plan Commission reviewed the requests at public hearings on July 13, 2006, August 10, 2006 and April 12, 2007. At the April 12, 2007 meeting, the Plan Commission recommended denial of the requests by a vote of 10-0. Village staff also recommends denial of the requests of the petitioner Stuart Fox.

Hulseberg first explained that the Village and the petitioner have different recollections of the first conversations between the two entities, with the Village of the belief that it did not encourage the petitioner to move forward with the project as he has. Following this discussion, Hulseberg then went on to explain that when the petitioner purchased the two lots, he was aware that the rear lot was not buildable land, with many environmental constraints including that 87 percent of the land is in a 100-year floodplain, 51 percent of the land is a critical wetland buffer and 79 percent of the land is covered with riparian vegetation. Therefore, there is only 150 square feet of land which is not in the wetland buffer or in the floodplain. Further noted was that rezoning the lot to a R2 Residential District would allow another house to be built on the lot, leading to other issues such as a flag lot and a possible negative effect on property values in the area.

Hulseberg explained that the Village surveyed the surrounding area homes to determine the average square feet of homes and from this survey found that the average home is 2,700 square feet. The petitioner however would like to build a 3,500 square foot home on the front lot and a 4,400 square foot home on the rear lot, much larger than the average home in the area. A Trustee then inquired as to the last time that the Village rezoned land in the CR Conservation Recreation District and Village Planner Stegall noted that since the CR Conservation Recreation District was created in the Village in 1989, the Village has only rezoned one area of land. This rezoning of the CR Conservation Recreation District was different however because the developer of the area also donated other land to be zoned as a CR Conservation Recreation District.

The petitioner's attorney, Ronald Cope, then presented information as to why the Village should approve the petitioner's variation requests. Attorney Cope first noted that because the rear lot was originally subdivided into three separate lots, a flag lot is not created because the entire lot will have the ability to access the Lincoln Avenue right-of-way. Cope cited several cases from the United States Supreme Court which he believed were relevant to the case at hand, that of a regulatory taking of land. Cope then went on to note that the only practical use of the rear lot is to build a house on it because the surrounding lots are used in the same manner and additionally that if others would like the lot to remain as open space, then they have the ability to purchase the land from Stuart Fox.

Village Planner Stegall responded that the Village does not agree with Attorney Cope's remarks that the rear lot was originally subdivided into three lots, per research done by Village staff, and also that if the petitioner built a house on the rear lot, the petitioner would also have to build a street leading to the house, which would have to meet Village Code. Village Attorney Bill Kling then went on to state that the process to rezone the rear lot to a CR Conservation Recreation District in 1989 was a comprehensive process, along with the review and decision process completed by the Village's Plan Commission. Therefore, the Village maintains that it would not be a regulatory taking of the land as Attorney Cope states and the facts of the United States Supreme Court cases cited by Cope are distinguishable to the facts and findings of the current case before the Village. The Village Board noted that it would not be amenable

to approving the variation requests of the petitioner Stuart Fox at the upcoming Village Board Meeting.

There were no further questions regarding the upcoming agenda for the Village Board Meeting on May 29, 2007.

#### Village Board Workshop Agenda Items

7. Director of Public Works Joe Caracci and Village Professional Engineer Bob Minix presented information on the undergrounding of utility wires on Western Avenue near the DuPage Medical Clinic. Minix stated that Village staff recommends undergrounding the utility wires on Western Avenue, which would include undergrounding the main line on the east side of the street and undergrounding the service line on the west side of the street. Minix then noted that the total cost of the project would be approximately \$340,000, which, while a substantial cost, is also prudent because all construction work for the Village and the DuPage Medical Group will be condensed into one project allowing for fewer disruptions to those affected on Western Avenue.

A Trustee then inquired as to the location and the number of green utility boxes that would be placed along Western Avenue in place of the utility wires and Minix responded that the green utility boxes would not be placed in front of every house, instead they would be grouped together at different locations. Another Trustee questioned if it was possible for the Village to avoid the above ground utility boxes and instead utilize underground utility boxes. Village Manager Weaver responded that underground utility vaults are often extremely expensive and can have a conflict with the Village's water and sewer main.

After further discussion, Minix noted that there has not been much interaction with the affected homeowners along Western Avenue as the Village has tried to develop the situation further, however in the future, the Village will notify the affected residents and coordinate the utility service connection for the affected homes along Western Avenue. Finally, Village Attorney Kling stated that the maintenance of the utility boxes can be an issue and that the Village should consider requiring the utility company to maintain the utility boxes to Village standards. The Village Board stated that it would be amenable to the undergrounding of utility wires on Western Avenue near the Dupage Medical Clinic.

8. There were no other items and the meeting was adjourned at 9:15 P.M.

Prepared by:

Kristen Denney  
Administrative Intern  
May 23, 2007