

Minutes  
Special Board Meeting  
Glen Ellyn Village Board of Trustees  
Monday, April 29, 2013

**Call to Order**

President Pfefferman called the meeting to order at 6:30 p.m.

**Roll Call**

Upon roll call by Deputy Village Clerk Solomon, President Pfefferman, Trustees Cooper, Friedberg, Hartweg and Henninger answered, "Present." Trustee McGinley at 6:35 p.m. Trustee Ladesic at 7:15 p.m.

**Pledge of Allegiance**

President Pfefferman led the Pledge of Allegiance.

**Audience Participation**

A. Proclamation in recognition of outgoing Trustee Henninger's service to Glen Ellyn.

**Consent Agenda**

Village Manager Franz presented the Consent Agenda. President Pfefferman called for questions and/or discussion of the items on the Consent Agenda.

- A. Resolution No. 13-11, A Resolution Authorizing a Feasibility Study and a Housing Impact Study Concerning the Redevelopment of Certain Property Located within the Village. This item was removed from the Consent Agenda to be considered later in the meeting.
- B. Motion to approve a license agreement to allow tables and chairs in the public right-of-way for Blackberry Market at 401-405 N. Main Street.

Trustee Cooper moved and Trustee Hartweg seconded the motion that item B be considered routine business by the Village Board and be approved in a single vote.

Upon roll call, Trustee Cooper, Hartweg, Friedberg, Henninger and McGinley voted "Aye." Motion carried.

**Item 5A from Consent Agenda**

Trustee Henninger is recusing himself from this vote as he owns property in the more-defined area.

Trustee Cooper moved and Trustee McGinley seconded to adopt the Resolution No. 13-11, A Resolution Authorizing a Feasibility Study and a Housing Impact Study Concerning the Redevelopment of Certain Property Located within the Village.

Upon roll call, Trustee Cooper, McGinley, Friedberg and Hartweg, voted "Aye." Motion carried.

### **Ordinance No. 6130-VC – Secondhand Dealer License**

Police Chief Norton presented information on a revised proposed Ordinance that would aid law enforcement in the investigation of certain crimes, particularly when stolen property was likely to be sold for cash. He said this ordinance was originally considered at the January 28, 2013 Village Board Meeting; however, the Board rejected the ordinance and asked for further modifications based on statements made by local business owners. The draft ordinance has been revised to remove coins and currency from items that would need to be entered into an on-line database and removes any fees from the local business owners directly involved in such transactions and puts all costs on the Village. The intent of the ordinance is to allow investigators to identify those responsible for stealing property and recover the property.

Trustee Cooper asked if the Police Department has recovered property from other jurisdictions that have holding periods to which Police Chief Norton gave several examples of towns with this type of ordinance where there were recoveries of items from Glen Ellyn residents. Trustee Cooper asked how this affects the merchants' business to which Village Manager Franz said this was discussed at a session of the DuPage Managers Council and in the communities where this type of ordinance was enacted, the ordinances are not negatively impacting business and are well-received.

Wesley Barrow, owner of Larc Jewelers at 479 N. Main Street, Glen Ellyn, Illinois, said his position on this ordinance is still the same as it will hurt his business from a cash flow standpoint. He said a large percentage of these types of transactions are from current customers. He said he does have a process of recording a customer's Driver's License and putting all the documentation of the transaction including a copy of the check on one piece of paper that the customers sign. He said if he does not have the flexibility to sell what he has purchased in a volatile market, it hurts him in making another purchase. He said the 7-day period is better than the 30-day period; however, he still does not want a waiting period in the ordinance. He said this would also take additional 3 to 5 man-hours per week. He said he has a copy of Aurora's ordinance, and there is no holding period for gold coins or money due to volatility in the market. There were some questions from the Board regarding how long this process would take in a normal week, what percentage of his business this ordinance would cover and what part of the business is trading in and trading up. Mr. Barrow said the whole idea sounds good, but not sure how much of this would be in his store.

Gabe Sanna, owner of Gabe's Coins at 485 N. Main St., Glen Ellyn, Illinois, said he has many elderly customers who do not like to show him a Driver's License even. Mr. Sanna is a one-man operation who deals in coins as well as gold and silver too and would have to do this process himself. He said he is skeptical on how many items would be recovered. He said he does check identification on a younger person and will make phone calls also to verify what is being sold.

Joseph Mahady, 1133 Wheaton Oaks Court, Wheaton, Illinois, said he does a lot of shopping in Glen Ellyn every week and thinks the Village could lose 3 to 5 stores due to this ordinance. He said he does not think this ordinance is appropriate for the Village as the ordinance does fit a village of this size and character.

Trustee McGinley asked what is the absolute minimum holding period the Police Department could do to which Police Chief Norton said they could be fine with a minimum of 4 days. Village Manager Franz said this is a collective community effort as 50+ communities have passed this type of ordinance already. Trustee McGinley asked about how many businesses this would affect to which Police Chief

said about 10 businesses. Police Chief Norton said the focus of this ordinance is on the victim, and the Village's proposed ordinance is more watered down than any other community at this point.

Trustee McGinley moved and Trustee Ladesic seconded a motion to amend Ordinance No. 6130-VC to change the holdover period from 7 days to 4 days.

Upon roll call, Trustees McGinley, Ladesic, Cooper, Friedberg, Hartweg and Henninger voted "Aye." Motion carried.

Trustee Friedberg moved and Trustee McGinley seconded the motion to adopt amended Ordinance No. 6130-VC, An Ordinance Amending Certain Provisions in Title 4 of the Glen Ellyn Municipal Code, as Amended to Regulate the Purchase by a Retail Establishment of Certain Used Goods Which are Frequently Stolen in Robberies and Burglaries.

Upon roll call, Trustees Friedberg, McGinley, Cooper, Hartweg, Henninger and Ladesic voted "Aye." Motion carried.

### **Ordinance No. 6124 – Preliminary Plat Subdivision – 760 Sheehan Avenue - Amber Ridge**

Village Attorney Tappendorf explained and clarified the Board's role in the decision-making process this evening. She said as the 15-lot plan was not submitted to the staff or the Board, this plan cannot be voted on this evening. She said any of the 3 designs may be discussed; however, the Board can only vote on the 22-lot or 23-lot design as there are draft ordinances for these 2 designs.

#### Staff Presentation

Planning and Development Director Hulseberg presented information regarding the request of K. Hovnanian Homes for approval of a Preliminary Plat of Subdivision, Subdivision Variations and Zoning Variations to accommodate the construction of a new 23 single-family home lot subdivision on property commonly known as 760 Sheehan Avenue. The property is located at the northwest corner of Route 53 and Sheehan Avenue in the R2 Residential zoning district. Glen Crest Middle School is located south of the site. She introduced Village Planner Michele Stegall and Village Traffic Consultant Tom Adomshick with James J. Benes and Associates in case there are questions for them. She said the Village staff has spoken with K. Hovnanian Homes to see how they planned to proceed following the April 15, 2013 meeting, and the petitioner has indicated they are willing to proceed with any of the 3 options: 15-lot plan, 22-lot plan or 23- plan. She showed a chart of the Amber Ridge Change in Peak Hour Traffic volumes for the Montclair and Glenbard intersection vicinity.

#### Developer Presentation

Jon Isherwood, Land Acquisition Manager for K. Hovnanian Homes, said they have changed the plat to 22 lots which removed the corner sideyard variance from lot 11 and the average lot size increased from about 10,075 square feet to about 10,518 square feet. He said the 22-lot plan would have 7, 25% Lot Coverage Ratio (LCR) variations, and if the Board does not approve of the 22-lot plan, the developer would like to be remitted back to the Plan Commission in order to develop the 15-lot plan.

#### Resident Comments

Jack Washam, 174 Stonegate Court, Glen Ellyn, Illinois, said his home flooded last week during the

torrential rain even though he has 2 sump pumps. He said the catch basin was clogged between Stonegate Court and Montclair Avenue, and his neighbors to the west and north flooded also. He is concerned about the development and adding houses and does not think that the proposed development could handle that much water. He also said this development will wipe out a lot of trees and the 22 and 23 lots are too many; however, he thinks 15 lots or less would be fine. He said he does not want to deal with a homeowners association about the water and wants the Village to oversee the stormwater.

Norris Eber, 173 Stonegate Court, Glen Ellyn, Illinois, showed a picture of the plat of Rolling Hedge and the proposed Amber Ridge subdivisions and said the sump pumps are not taking care of all the water. He said he does not understand 22 lots as the homes will be too close and requests 15 lots. He said he was surprised that the north line of Amber Ridge lots did not change as there are too many lots on it and too much impervious surface. He said he had the testimony in front of him which said that 60 to 70 percent of the sump pumps coming from the back of the Amber Ridge homes will drain down toward the Rolling Hedge homes.

Sean Buckley, 169 S. Montclair Avenue, Glen Ellyn, Illinois, said this has been a long process and the neighbors have been transparent for what they are asking for as 22 or 23 lots is too many. He said he is concerned about the character of the neighborhood and in the next year, there will be 10 children from Rolling Hedge going to Glen Crest Middle School. He asked what is more important – a road going through or no safety to the children. He said the 15-lot plan is a win/win situation, and all the neighbors support the 15-lot design.

Joseph Abel, Planning and Zoning Consultant, said sometimes a neighborhood from a design standpoint, you need to look at the quality of a neighborhood. He said he is in favor of connectivity between neighborhoods for pedestrians, but not vehicular. He said most homes already front onto Sheehan Avenue. He said a typical family home has 10 to 12 vehicular movements per day and reviewed a list of pros for the 15-lot design. He said 22 lots would be an unsafe subdivision and has not heard one legitimate question about the gate he proposed if there were 22 or 23 lots.

#### Village Board Questions

Trustee Ladesic asked if there were any pre-sales of the lots yet to which Mr. Isherwood said no as this subdivision has not been marketed yet. Trustee Ladesic asked what stormwater models were run to which Mr. Isherwood said the models were all run to adhere to the DuPage County stormwater ordinances. Mr. Isherwood said all the rainwater on site is required to be retained on the site and the current stormwater conditions will improve with this development.

Trustee Hartweg asked if the northern portion of the development is more heavily graded due to Amber Ridge Drive going through to which Mr. Isherwood said from the north property line, the grade reduces to a lower point to ensure all the water stays on site, and there will be a swale developed during the final engineering process. Mr. Isherwood said there will be a midpoint where some water will drain to the street while the rest of the water will drain to the swale. Mr. Isherwood said the stormwater experts have said the wetlands are the result of Sheehan Avenue going through. Trustee Hartweg asked about the pedestrian path to which Mr. Isherwood said it would be a standard path of 3 feet of concrete on a 10-foot outlot. Trustee Hartweg said some consideration should be possibly making the lot the developer gave up into a park.

Village President Pfefferman asked if there would still be a variation for the street width if there were 22 lots to which Mr. Isherwood said there would be.

Trustee Henninger asked to what extent the possible safety issues would decrease if the developer did the 15-lot design with turn-arounds in the driveways to which Police Chief Norton said this could improve the safety; however, 15 additional curb cuts on Sheehan Avenue would cause more traffic and more distractions for drivers. Police Chief Norton said he spoke with School District 89 Superintendent John Purdue who said District 89 is not in favor of additional curb cuts on Sheehan Avenue because of the inherent dangers it could bring to the area. Trustee McGinley asked about the safety standpoint of opening Montclair Avenue versus adding curb cuts on Sheehan Avenue to which Police Chief Norton said from a safety standpoint, he does not believe opening Montclair is a safety issue. Trustee McGinley asked about safety issues with other closed cul-de-sacs which have been opened to which Police Chief Norton showed a picture of some cul-de-sac bulbs in the surrounding neighborhoods and said they have not had issues with this.

Trustee Henninger said the pedestrian path and crosswalk are shown on the 15-lot plan; however, this pathway and crosswalk may not be required and wanted to know what the neighbors perspective if the children need to go around the Amber Ridge subdivision. Mr. Buckley said the 15-lot plan was not given due diligence, and this pathway in the 15-lot plan was discussed in one of the Plan Commission meetings. Mr. Buckley said the neighbors prefer the children to walk around the block than to add more vehicles to Rolling Hedge. Mr. Abel said the Village can still request a public safety easement from the north to the South, and this can be handled in Plan Commission. Planning and Development Hulseberg said the Village can request enhancements; however, the developer does not necessarily have to put more enhancements in.

Trustee McGinley said the reason to open Montclair Avenue is for safety vehicles and such to which Police Chief Norton said he is on board with opening Montclair Avenue because it would eliminate the curb cuts on Sheehan Avenue, and it would be easier for fire trucks and bigger vehicles to turn around. Trustee McGinley said it seems like there will be a considerable amount of trees cleared for 22 or 23 lots to which Planning and Development Director Hulseberg said as a developer goes through this process, there is a required survey of current trees, and the Village knew the majority of trees are low-quality and scrub. Planning and Development Hulseberg said they are working with the developer to preserve as many trees as possible.

Trustee McGinley asked how detached garages are being pushed instead of attached garages which cause the LCR variation requests. Planning and Development Director Hulseberg said the lowered LCR was due to the issue of character which was being promoted, and the staff is going to look at LCR again. Trustee McGinley asked if in the 22-lot design, are there concerns over which lots might be chosen for the increased LCR to which Planning and Development Director Hulseberg said there are not concerns aside from the restrictions on lots of 3, 4, 11 and 14. Trustee Cooper said these lots were greater than 12,000 square feet and wondered if there was discussion on lots greater than 11,500 square feet like lots 8 and 13 to which Planning and Development Director Hulseberg said they did not. Trustee Cooper asked if the developer would be willing to add the 2 lots greater than 11,500 square feet to the restricted lots to which Mr. Isherwood said they would be fine with this if the Board required it.

Trustee Cooper asked about the length of the proposed pathway between lots 7 and 8 to which Mr. Isherwood said there would be 122 feet on homeowner association owned property, and if extended, the path could be 147 feet total. Trustee Cooper asked about the length of the pathway if the developer did the 15-lot plan to which Mr. Isherwood said it would be 294 feet with 25 feet in the right-of-way so 319 feet total. Trustee Cooper asked about a time estimate from the day the developer begins to when the final sale of a home closes to which Mr. Isherwood said, in general, for any of the plans, this would be about 18 to 36 months. Trustee Cooper asked what home plans would be used if the developer did

the 15-lot plan to which Mr. Isherwood said they have 3 plans in mind which range from about 3,400 to 4,100 square feet and would only be 50 feet wide.

Trustee Cooper asked for an estimate of how many children are either walkers or dropped off by car to which Police Chief Norton said he does not know a number; however, there can be a queue line of cars that goes around the parking lot and backs up onto Sheehan Avenue for a short period of time. Police Chief Norton said the children cannot be dropped off on Sheehan Avenue itself.

Trustee Ladesic asked if there would be more than 3 models in the 22-lot plan to which Mr. Isherwood said they would offer at least 4 models, and they are continuing to evaluate which models to use.

Trustee Friedberg asked what the police chief preferred to which Police Chief Norton said when he was first shown the plan, his initial idea was to extend Montclair Avenue and make a cul-de-sac bulb to end before Sheehan Avenue. Trustee Friedberg asked what number of curb cuts on Sheehan Avenue would be reasonable to which Police Chief Norton said 1 is more reasonable than 15.

Village President Pfefferman asked about the traffic grid numbers to which Mr. Adomshick said there will be additional traffic on Sheehan Avenue due to the development, and there will be some redistribution of traffic from Montclair and Glenbard. Mr. Adomshick said some of the traffic that currently goes between Montclair and Glenbard will go down Amber Ridge Drive. Mr. Adomshick said these trips are based on the Trip Generation Manual, and for a typical single-family detached home, there are 9.5 trips per day generated per home.

Mr. Eber referred to the testimony which said the sump pumps will be directly tied to the sewer system, and Rolling Hedge will get 100% of the sump pump drainage from the north line of Amber Ridge homes. Trustee Ladesic said he asked this question at the last Board meeting, and if the collectors fail, the natural overland flow of water will go to the east to the detention basin. Mr. Eber said 22 homes will then cover the pervious surface. He said the LCR for his home is 16.3%, and the homes in Rolling Hedge on the north line of Amber Ridge are under 18% LCR.

Mr. Abel asked what was wrong with his suggestion of 1 curb cut plus a gate. He said his traffic consultant said the average home generates 10-12 trips. Police Chief Norton said he is worried about the precedent of having gates as they do not want them all over the community. Mr. Adomshick said a crash gate does not provide enough sufficient space for other trucks to turn around without backing up as the gate is limited to emergency vehicles.

Julie Marsch, 166 Hedge Court, Glen Ellyn, Illinois, said there are many constraints being put on this, and the Board needs to throw this back for more information, change the parameters and come up with a better solution.

Trustee Hartweg said he would make a motion based on the 22-lot plan. Trustee Hartweg moved and Trustee Ladesic seconded to adopt Ordinance No.6124, An Ordinance Approving a Preliminary Plat Subdivision, Subdivision Variations and Zoning Variations for the Amber Ridge Subdivision Proposed on Property Commonly Known as 760 Sheehan Avenue.

#### Village Board Deliberation

Trustee Cooper said he grew up in Maryland, and his street which was a dead-end was opened to be a flow street, and he did not feel it made a material difference in the quality of his experience. He said

this property will be developed. He said he is sympathetic to anyone who got water in their home during the flood, but feels the current grading would flood so the land will need to be re-graded away from the property line. He said the 15-lot plan is unsafe and the Board should not encourage this plan as the traffic can be heavy by the middle school. He said the goal is to site schools away from residential driveways. He said for the 22-lot plan, there should be 7 lots limited for the LCR variation.

Trustee McGinley said she concurred with much of what Trustee Cooper said and does not like the 15 curb cuts. She said she understands Montclair has been the same for 30 years; however, the inclusion of Amber Ridge fits the character of the neighborhood, and 15 curb cuts do not. She said the opening of Montclair would create a cohesive neighborhood. She said the footprint of the homes is not much different in square footage between the 15-lot design and the 22-lot design. She said the plan before the Board is better than what the Village codes are so she is in favor of the variations. She said she is also concerned about the grading.

Trustee Henninger said he is not concerned with the LCR setting a bad precedent, and the Village has dealt with a development of this size so he is comfortable with the variations. He said any plan would improve movement of water on this property, and the DuPage County stormwater ordinance is one of the strictest and toughest around. He said if there are more homes available on a through street then these homes would be more affordable at lower price points. He said he would be more concerned about the precedent-setting if people outside the neighborhood had expressed concern. He said the trees are one of the most valuable assets in the community and hopes as many are kept as possible.

Village President Pfefferman asked what makes Amber Ridge so different to develop that it needs so many variations. He said there is already vehicular connectivity between Park Boulevard and Route 53 and putting a road through causes more traffic on Sheehan Avenue. He said he also talked to District 89 Superintendent John Purdue who said the school wants the S-curve more, but they are open to any of the 3 plans. He said he wants less traffic and fewer cars. He said there have been many new-construction homes since 2002, and none of these homes asked for LCR variations. He said the 15-lot plan offers a sidewalk in front of the school. He said it seems design is dictating the code, and design is not a hardship. He said Glen Ellyn usually supports the least dense option with the least variations, least impervious surface and most open space. He said this is about doing the right thing for Glen Ellyn, and he did not hear an answer as to why there are so many variation requests.

Trustee Hartweg said the community has a hard time handling change. He said experience shows the Village should do this as the water issues, safety and the character will improve. He said the standards should definitely be looked at as a large development would have a large number of variations. He said he is in favor of the 22-lot plan.

Trustee Friedberg said the additional streetway would create no more and no less safety issues in either subdivision, and he is not concerned so much with the LCR; however, he wondered if the design is pushing the number of variances. He said it is, but may be doing it for the right reason as 15 curb cuts across from the school creates a hazard and does not work. He said why they would allow something built to code if it creates a safety issue. He said there is something wrong with the code. He said they could do 12 to 13 homes on Sheehan Avenue if Montclair Avenue went straight through to Sheehan Avenue. He said the S-curve is the lesser of all evils and was surprised that the lot that was removed from the south line of lots and not from the north line of lots.

Trustee Ladesic said there have been 50 to 70 development proposals since the LCR was changed. He said nearly half the Rolling Hedge subdivision homes have LCRs over 20%, and 8 or more are over

22% LCR. He said his biggest concern is always safety and wants to see the enhancement of safety of any development and safety issues addressed. He said cul-de-sacs are not really in character with the Village as a whole. He said he supports the flow-through and connectivity of Montclair Avenue. He said the greatest economic benefit for the developer would be the 15-lot plan, but this would be too dangerous. He said he thinks the 22-lot plan is the best compromise even though he would have preferred only 22 lots.

Trustee Cooper moved and Trustee McGinley seconded a motion to amend #3A of the petitioner's application to read "A variation from Section 10-4-8(E)1 to allow a lot coverage ratio of 25% or 2,500 square feet, whichever is less, in lieu of the maximum lot coverage ratio of 20% permitted on 7 lots within the subdivision with the exception of lots 3, 4, 11 and 14."

Upon roll call, Trustees Cooper, McGinley, Friedberg, Hartweg, Henninger and Ladesic voted "Aye." Motion carried.

Village President Pfefferman asked for further deliberation and seeing none, called for a vote on the ordinance.

Upon roll call, Trustees Hartweg, Ladesic, Cooper, Friedberg, Henninger and McGinley voted "Aye." Motion carried.

**Reminders:**

- The next Special Village Board Meeting is scheduled for Monday, May 13, 2013 at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

**Other Business?**

President Pfefferman thanked the Trustees for making time to attend this Special Village Board Meeting.

**Adjournment**

At 10:25 p.m. Trustee Henninger moved and Trustee Ladesic seconded the motion to adjourn the meeting.

Upon roll call, Trustees Henninger, Ladesic, Cooper, Friedberg, Hartweg and McGinley voted "Aye." Motion carried. Meeting adjourned.

Respectfully submitted,  
Debbie Solomon  
Deputy Village Clerk

Reviewed by,  
Patti Underhill  
Acting Village Clerk