



## WHEATON CITY COUNCIL PUBLIC HEARING MINUTES

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MAYOR MICHAEL J. GRESK

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN SUZANNE FITCH | COUNCILMAN JOHN PRENDIVILLE

COUNCILMAN JOHN RUTLEDGE | COUNCILMAN TODD SCALZO | COUNCILMAN PHILIP SUESS

WHEATON CITY HALL, COUNCIL CHAMBERS, 303 W WESLEY STREET, WHEATON, ILLINOIS 60187

Monday, April 8, 2019

### I. Call to Order and Roll Call

The public hearing of the Wheaton City Council was called to order at 7:00 p.m. The public hearing was held in the Council Chambers, Wheaton City Hall, 303 W. Wesley Street, Wheaton, Illinois. Upon roll call, the following were:

Present: Mayor Gresk  
Councilman Barbier  
Councilwoman Fitch  
Councilman Rutledge  
Councilman Scalzo

Absent: Councilman Prendiville  
Councilman Suess

City Staff Present: Michael Dzugan, City Manager  
John Duguay, Assistant City Manager  
James Kozik, Director of Planning & Engineering  
Paul Redman, Director of Engineering  
Susan Bishel, Public Relations Coordinator

### II. Public Hearing – Vacation Request/Bethel Orthodox Presbyterian Church/Lowden Ave Right-of-Way

#### A. Presentation

Assistant City Manager Duguay stated that Bethel Orthodox Church submitted a petition to vacate a right-of-way known as Lowden Avenue surrounded by a home they own to the north on Campbell Avenue and church property west and south of the right-of-way. The right-of-way contains City water main and utility equipment (AT&T and ComEd). Otherwise, this area remains generally unused and appropriately maintained.

As for compensation, Assistant City Manager Duguay stated that Section 58-138 (a)(4) of the Wheaton City Code details how fair and just compensation is determined for vacation of streets and alleys or public ways, stating that “no fair and just compensation shall be required for public ways that necessitate a permanent easement over the entire public way land area.”

While the City would require an easement over only some part of the easement, the utility companies desire to maintain easements over the entire area. Specifically, ComEd, Nicor and AT&T do not desire to relinquish their rights related to these easements, while Comcast has no objection to vacating the property in question. Therefore, an easement over the entirety of the right-of-way is required.

City staff’s recommendation is that because the Church’s property is considerable in size and

surrounds the petitioned Lowden right-of-way, and should redevelopment occur in the future, it would be important for sidewalks to connect the development to Lincoln Elementary School and the adjacent Lincoln Park. Staff recommends the City retain an easement for a sidewalk. Section 58-138(a)(4) of the City Code provides that since an easement is required over the entire ROW area, no compensation is required of Bethel Orthodox Presbyterian Church. City staff also recommends Bethel Orthodox Presbyterian Church reimburse the City for all expenses associated with the newspaper advertisement, court reporter and DuPage County recording fees prior to the recording of the Plat of Vacation.

**B. Public Comment**

Kammer Hufnagle, 1322 Campbell Avenue, stated she has lived at this address for the past 15 years. She stated she is concerned because there are many children under the age of 18 living on the no outlet block of Campbell Avenue, and also with its proximity to Lincoln Elementary School. She expressed concern that if the church made this a through street, there would be many more cars coming down a street where many children are present.

Assistant City Manager Duguay stated the church will not be making this a through street, but the City would like to retain an easement in case there is development in the future.

Frank Coffey, 1332 Campbell Avenue, stated he has lived there for 25 years, and that he was concerned that the driveway would be established as an entrance and exit to the church at the end of the block. He asked if they would not be doing so, why what the church want to annex the property?

Assistant City Manager Duguay stated the property to the east, 1345 Campbell, was vacated, and upon receiving information of the vacation, the church may have determined that they would like to do the same to close out the parcel. He stated in his discussions with a representative for the church, they do not have plans for changes to the site.

Director of Economic Development Kozik stated churches are classified as a special use in all of the City's zoning districts, so if the church had any plans to expand, there would need to be a public hearing seeking a special use permit.

**C. Council Comment**

Councilman Barbier stated he thinks the residents who have expressed concerns have a reasonable request, and he stated it might be best for the City to maintain ownership of the land.

Councilman Rutledge asked if the right-of-way extends to Naperville Road. Assistant City Manager Duguay stated it does not.

Councilwoman Fitch stated with the last vacation in this area, there was a clear reason given for the request. She stated it would be helpful to get a clearer reason from the applicant as to why the City should not continue to own the property.

**III. Public Hearing – ZA #19-04/Special Use Permit/Memorial Park – 208 W. Union Avenue/Wheaton Park District**

The second public hearing of the Wheaton City Council was called to order at 7:11 p.m. The public hearing was held in the Council Chambers, Wheaton City Hall, 303 W. Wesley Street, Wheaton, Illinois. Upon roll call, the following were:

- Present: Mayor Gresk  
Councilman Barbier  
Councilwoman Fitch  
Councilman Rutledge  
Councilman Scalzo
- Absent: Councilman Prendiville  
Councilman Suess
- City Staff Present: Michael Dzugan, City Manager  
John Duguay, Assistant City Manager  
James Kozik, Director of Planning & Engineering  
Paul Redman, Director of Engineering  
Susan Bishel, Public Relations Coordinator

#### **A. Presentation**

City Manager Dzugan stated representatives from the Wheaton Park District are here to present on this item. The zoning process is different because of an intergovernmental agreement with the Park District, and the City Council acts as the hearing body.

Rob Sperl, Wheaton Park District Director of Parks and Planning, 1000 Manchester, stated the Park District has been working on a plan for Memorial Park for several years, and the design process began in 2017. He stated this is the city's oldest park, dating back to 1921, and the bandshell was constructed in the 1950s. Not much has changed since then, so the Park District seeks to make updates to keep with the times. He stated the Park Board approved a concept for the park and retained Williams Architects. Since then, the Park District has held stakeholder focus groups with neighbors, open houses and have asked for community input.

Mr. Sperl reviewed the existing layout, including parking, the Mary Lubko Center, petanque court, restroom/concession building, tennis courts, bandshell, and WWI statue. The new plan calls for permeable paving for parking, which the Park District received some grant funding to complete, plus an expanded multi-purpose courtyard, and elevated viewing area off of the Mary Lubko building, and moving the bandshell further back in the corner of the park, where the tennis courts currently sit. There would also be a plaza area behind the band shell.

Keith Dunshinski, an architect with Kinley Horn, 1001 Warrenville Road, Lisle, reviewed the landscape plan. The plan would remove 14 trees but proposes adding 34 trees. The goal is to maintain the existing character of the park. Changes include a centralized area memorializing different U.S. wars and those who have served our country. The current statue would be the central piece of the memorial area, which would also become an educational space.

Andy Dogan, Principal with Williams Architects, 500 Park Boulevard, Itasca, reviewed the plans for the new bandshell structure. The stage is proposed to be about 15% larger, and the facility will include storage for the Municipal Band, plus other general storage, 2 dressing rooms,

private bathrooms, new restrooms and a family restroom, and a small concession area. The canopy would extend slightly beyond the shell. The materials are similar to the existing materials, including masonry, steel and a metal roof, designed so the character complements the Mary Lubko Center.

Mr. Sperl reviewed the existing events, programs and activities. He stated the Park District is looking to discontinue the Monday night summer entertainment series but plans to keep all other programming. The Park District is proposing adding a summer concert series the second and fourth weekends of June, July and August for the community. Mr. Sperl stated the concerts would be Friday and Saturdays from 5:30 p.m. to 9:30 p.m., with alcohol sales ending at 9:30 p.m. and the park closing at 10 p.m. The plan calls for a simple fixed audio system with better acoustics to concentrate sound in the park.

Mr. Sperl reviewed the original budget of \$5.1 million and current estimate of \$5.7 million for the bandshell and site development. The Park District has received grants of \$465,000 and may elect to reduce the canopy and eliminate the terrace addition from the Mary Lubko Center in order to reduce costs. The next steps are to submit building permits, go out to bid in June 2019, begin construction in August, and complete construction by June 2020.

In reviewing the seven requirements for a special use permit, Mr. Sperl outlined how the plan is maintaining similar components, aims to decrease sound levels into the neighborhood during events, brings people to the downtown, would provide adequate facilities and drainage, and will not be holding any larger events than they do currently. He stated this plan is designed in harmony with the rest of the area.

#### **B. Public Comment**

Chaz Nieponski, 126 W Union Avenue, stated last week was the first time she received a mailing about the proposed changes. She stated events change the whole atmosphere of the neighborhood and expressed concern that the park would change from a peaceful buffer between the neighborhood and downtown. Ms. Nieponski stated removing the mature trees would be environmentally detrimental. She also expressed concern of an increase in crime with more people coming in for events and more events that would serve alcohol, and she asked if the City would be bringing in more police paid for by taxpayers. In addition, she expressed concern that cutting down mature trees would increase the heat index in the park, and she would like to see a study of how it would positively impact nearby property values. Finally, she expressed concern with the construction noise and disruption during the project.

Mr. Sperl addressed these concerns by stating the Park District will look into why Ms. Nieponski didn't receive other notices. He stated that some of the events held in the park do charge a fee, and the Park District tries to make these a reasonable cost. He stated while beer sales help offset the cost of the entertainment they bring in, the Park District does not expect any of its events that serve alcohol would become rowdy. To address concerns about the loss of trees, he stated the plan worked to minimize tree loss wherever possible, and some of the trees identified for removal are at the end of their expected lifespan or are inappropriate for the site. They will be replacing the removed trees with 34 new trees and hundreds of other shrubs. He stated while the park may not be peaceful during events, the rest of the time it will maintain its peaceful nature. Mr. Sperl stated the Park District will talk to the Wheaton Police Chief to continue to ensure safe events, and they will continue to use CERT volunteer teams to assist

with events. As for concerns about nearby land values, he stated being in proximity to a park raises the value of land.

Pam Bassi, 225 W. Franklin, stated her biggest concern is the amount of programming being proposed. She stated they already have 10 events without the runs or other church events and adding 4 events a month in the summer would be making this a commercial concert venue instead of a park. She stated the standards for special use are not being met for the people who live nearby, as the traffic congestion and activity would be detrimental to nearby property values.

Mr. Sperl stated the amount of programming is increasing, but the Park District is setting limitations to let neighbors know when there will be free weekends and make this predictable. He stated he expects that the programming during these times would be varied, and not all of it would be noisy.

John Laramy, 225 W. Union, expressed concern that parking regulations are generally not followed during current events. He stated people park in front of driveways and over yellow lines, and he hasn't seen tickets issued. He stated in his home, the music from events is loud enough that the windows rattle, and more programming would mean that the park would be used sometimes for 3 consecutive nights. He stated the programs have shifted away from the community and more on commerce, with money on beer sales and fundraising for groups. He stated he doesn't support the park being fenced off during these events because this means the park is not open to the community in the days when events are taking place. He expressed concern that this is a residential area that is being made part of the downtown, and he asked the Council to consider the quality of life for residents who live near the park.

Mr. Sperl stated the Park District needs to work with the City about the parking concerns. In terms of noise implications, he stated during events, staff has a sound monitor at the property line to check the decibel level, and they will continue to do that.

Frank Coffey, 1332 Campbell, stated he is excited about the opportunities for new programming. He expressed concern that the park would be changing from being a public gathering space to a commerce-based space. He stated as a 21-year-old, he appreciates free concerts and gathering with friends, and more events that require paid admission would be a detriment to people who want to gather in the park.

Brooke Leaton, 116 W. Union, stated in the 11 years she has lived here, she has seen the park change from being a sleepy park where people have picnics and summer band concerts to a more commercial space. She stated the pay-to-enter events are the ones that involve liquor, and there is a ripple effect with kids hanging around late after the event, vandalism after the beer fest, and an instance in which she had to call the police because of an argument that broke out after an event. She stated this takes away from the small community feeling and would like for the ripple effect of these changes to be considered. She expressed concern with expansion and thinks that crime and vandalism would increase in the area.

Joan Fay, 127 W. Seminary, expressed concern about the noise and garbage on neighbors' lawns after the events. She stated the Sunday church groups are the loudest in their use of bass, and loud events make it so that neighbors can't go out on their patios. She stated the Monday night

entertainment the Park District held were from 5:30-7:30 p.m., whereas the proposed changes would be at a later time and a greater amount. She stated making this a music venue with late-night music prevents children and elderly residents from sleeping.

Susan Vroman, 337 N. Hale Street, asked whether the sale of alcohol could conclude slightly earlier. She stated people will want to stay and enjoy the drink they bought, so they would be staying after 9:30 p.m. She also asked if the Park District would consider having less proposed events in August to give neighbors one free weekend.

### **C. Council Comment**

Councilwoman Fitch stated she thinks the overall design looks great, and the bandshell needs to be replaced. She thinks the City needs to do a better job addressing parking and should look at opening up City Hall Parking.

Assistant City Manager Duguay stated City Hall's parking lot is open every night after 5 p.m., and weekends and holidays. Staff will look at the parking in front of City Hall.

In response to Councilwoman Fitch's question about parking that will be added on Hale as part of the Downtown Streetscape Project, Assistant City Manager Duguay stated there will be 9 spaces added on Hale Street north of Seminary. In response to Councilwoman Fitch's question about better enforcement of parking regulations, Assistant City Manager Duguay stated staff will look at this issue.

Director of Economic Development Kozik confirmed Councilwoman Fitch's request that the City can get more information out to residents about the noise ordinance.

Mr. Sperl answered Councilwoman Fitch's question about if there will be a drop-off/loading zone by stating they would be looking to have a designated drop-off spot at the back of the bandshell that is accessible and would give performers a space to load and unload.

Councilwoman Fitch asked whether the Park District would be providing commercial events, community events or both in the added programming, and wanted to ensure that the Park District addresses noise, the sale of alcohol and times for sales, and the City will address parking. In response to Councilwoman Fitch's question about the capacity for events, Mr. Sperl stated for current capacity for events is 1,000 people, and this would not change. Councilwoman Fitch asked that the City address these concerns in the conditions to help residents know what to expect.

Councilman Barbier stated a possible underpass under Roosevelt Road could help with parking if more people used bikes to get to events in Memorial Park. He stated he thinks the shrubs and trees being added would help with noise. He stated he believes the programming is an issue the Park District can address independently; the issue being brought to the Council is the demolition and construction request. He stated he thinks if more programming is offered, attendance would be spread out over the different events.

Mayor Gresk suggested the City could look at restricting some on-street parking in front of residential homes to being just for neighborhood residents. He stated the park needs some updating, and he thinks this is a good plan that can make some minor adjustments.

Councilman Scalzo stated he is excited about the proposed infrastructure improvements, and this coincides with the Downtown Streetscape Plan. He stated the programming is a separate issue, and the City has always worked collaboratively with the Park District. He stated he believes they will find the right balance to be respectful of the neighborhood.

City Manager Dzugan stated within 30 days of the hearing being closed, the City Council will have to consider an ordinance either approving or denying the project.

**IV. Adjournment**

Councilwoman Fitch moved and Councilman Rutledge seconded a motion to close the public hearing at 8:22 p.m.

**Roll Call Vote:**

Ayes: Councilwoman Fitch  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
Councilman Barbier

Nays: None

Absent: Councilman Prendiville  
Councilman Suess

Motion Carried Unanimously

Respectfully submitted,

Susan Bishel